



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: February 11, 2020
Placement: Administrative
Estimated Tme: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services/ Janette D. Pell, Director (805) 560-1011
Contact Info: Skip Grey, Assistant Director (805) 568-3083

SUBJECT: County Grant of Non-exclusive Easement for Underground Water Line
to Santa Barbara Preserve, LLC, Second District

County Counsel Concurrence

As to form: Yes

Other Concurrence:

Risk Management

Auditor-Controller Concurrence

As to form: NA

Recommended Actions:

That the Board of Supervisors:

- a) Find that a granting of a non-exclusive utility waterline easement 20-feet wide and approximately 1,230-feet long (Easement) across a portion of two County-owned parcels located on County Assessor Parcel Numbers 055-010-014 (no site address) and 059-020-060 (1002 Cieneguitas Road) from the COUNTY OF SANTA BARBARA to the SANTA BARBARA PRESERVE, LLC., is in the public interest and will not substantially conflict with or interfere with the County's use of the property; and
- b) Approve and authorize the Chair to execute the attached Easement Deed Agreement; and
- c) After considering the Environmental Impact Report 04EIR-000000-00005 (EIR) for the Preserve at San Marcos Project and the Addendum dated October 18, 2019, find that pursuant to the California Environmental Quality Act (CEQA) Section 15162 no

substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore, pursuant to CEQA Section 15162, the recommended actions are within the scope of the project covered by the EIR and Addendum and no new environmental document is required. The above-described environmental documents can be found here:

<https://cosantabarbara.box.com/s/3mrp1qkmgw7he0pachge8irjw7unu2ex>

<https://cosantabarbara.box.com/s/vxyyfhv5qnfj4pc8en9jlkrbw8qp632g>

Summary Text:

This item is on the agenda in order to consider approval and granting of a Non-Exclusive Underground Utility Waterline Easement Agreement for a waterline that is necessary to serve and protect the public at the Preserve at San Marcos Project as needed.

Background:

On November 21, 2005, the Board of Supervisors approved the Development Plan (01DVP-00000-00071) and Vesting Tract Map (TM14,585, 01TRM-00000-00005) for the Preserve at San Marcos Project. The approval included creation of 16 residential lots, three lots dedicated to the County for a public park, a private open space parcel held in common ownership by the Homeowners Association, two open space/no development parcels, and a 200-acre Designated Remainder lot.

Recently, the Goleta Water District (GWD) indicated that due to changes in their water delivery system since the Project was approved in 2005, serving the Terraces portion of the Project from an existing waterline west of Highway 154 is no longer feasible. Service from this location would cause an unacceptable drop in pressure for existing GWD customers. The Santa Barbara Preserve LLC., (Developer) now needs to construct and install an 8-inch waterline connecting to an existing GWD waterline beginning at Cieneguitas Road rather than from the previously approved location west of Highway 154 by GWD.

The Developer has requested a Non-Exclusive Underground Utility Water Pipeline Easement (Easement) be granted by the County of Santa Barbara, for construction and installation of a waterline to provide domestic and fire services that are necessary to serve the Terraces portion of the residential development known as the Preserve at San Marcos. The majority of the proposed waterline will be under a portion of the San Marcos Foothills Preserve Open Space (APNs 055-010-014 and 059-020-060). The easement affects land previously dedicated by the Developer to the County and therefore the Easement is required between the Developer and County. Granting of the Easement will serve a public interest and will not interfere with the County's use of the San Marcos Foothills Preserve Open Space.

In accordance with Government Code Section 65402(a), the Planning Commission conducted a hearing on October 2, 2019, for the determination that the proposed easement across a portion of two County-owned parcels is consistent with County of Santa Barbara's General Plan. The

Planning Commission has determined that the easement is in conformity with the County of Santa Barbara's General Plan, therefore, Government Code Section 65402(a) has been satisfied

Fiscal and Facilities Impacts:

There will be no direct fiscal or facilities impacts due to the recommended actions.

Staffing Impacts:

None

Special Instructions:

Clerk of the Board, please distribute as follows:

1. Return the original executed and dated Easement Deed, including completed, signed and sealed Acknowledgement to General Services, Attn: J. Cleary, for recordation.
2. Forward a copy of the Minute Order to General Services/Real Property Division, Attn: J. Cleary

Attachments:

- 1: Utility Easement Deed Agreement

Attachment 1

ATTACHMENT 1

Utility Easement Deed Agreement

Recorded request by
and to be returned to:
County of Santa Barbara
General Services Department
Real Property Division

Will Call

1105 Santa Barbara St 2nd Flr
Santa Barbara CA 93101

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

No fee pursuant to Government Code § 27383
No Documentary Transfer Tax
Pursuant to Rev & Tax Code § 11922

SPACE ABOVE THIS LINE FOR RECORDER'S USE
A.P.Ns. 055-010-014 (portion of)
A.P.Ns. 059-020-060 (portion of)
Real Property Division #003906

The undersigned grantor declares

DOCUMENTARY TRANSFER TAX \$ _____

- ☐ computed on full value of property conveyed, or
☐ computed on full value less liens and encumbrances remaining at the time of sale.
☒ Unincorporated Area of Santa Barbara County

EASEMENT DEED AGREEMENT
(UTILITY WATERLINE EASEMENT)

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, owner of all that real property in the unincorporated area of the County of Santa Barbara, State of California, commonly referred to as Assessor's Parcel Numbers: 055-010-014 and 059-020-060, (the "Property") referred to as COUNTY herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

SANTA BARBARA PRESERVE, LLC, a California Limited Liability Company, its successors and assigns (hereinafter referred to as "GRANTEE"), a non-exclusive underground utility water pipeline easement for (i) the present and future construction, reconstruction, operation, repair, and maintenance of a subsurface water pipeline and with such surface and subsurface accessory parts and appurtenances thereto (collectively "Facilities") and (ii) pedestrian and vehicular ingress and egress across such portion of real property, as necessary for installing, constructing, reconstructing, operating, repairing, maintaining and replacing Facilities as may from time to time be deemed necessary by GRANTEE. The non-exclusive utility easement area containing approximately 21,689 sq.ft., situated in the County of Santa Barbara, State of California, legally described in Exhibit "A" and shown on Exhibit "B", attached hereto and incorporated herein by reference, shall hereafter be referred to as the "Utility Area".

GRANTEE agrees to indemnify, defend and hold harmless COUNTY and its officers, officials, employees, agents and volunteers from and against 1) any and all claims, actions, losses, damages, judgments and/or liabilities arising out of GRANTEE's use of this easement, including liability arising out of the acts, errors or omissions of any person or entity controlled by GRANTEE 2) and for any costs or expenses (including but not limited to reasonable attorneys' fees) incurred by

COUNTY on account of any claims, actions, losses, damages, judgments and/or liabilities arising out of GRANTEE's use of such easement, except where such indemnification is prohibited by law.

GRANTEE, their contractors, agents and employees shall be responsible for any and all permits and approvals required to construct, install, repair and maintain any utilities in the Utility Area.

IN WITNESS WHEREOF, COUNTY and GRANTEE have executed this Easement Deed Agreement by their respective authorized representatives set forth below.

"COUNTY"
COUNTY OF SANTA BARBARA

Gregg Hart, Chair
Board of Supervisor

DATE: _____

"GRANTEE"
SANTA BARBARA PRESERVE, LLC
A California Limited Liability Company

By: Chadmar Santa Barbara Preserve LLC,
a California Limited Liability Company C
Its Manager

Charles Robert Lande, Jr
Vice President

DATE: _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA)

On _____, before me, _____, Deputy Clerk, personally appeared Gregg Hart, Chair of the Board of Supervisors, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

MONA MIYASATO
CLERK OF THE BOARD OF SUPERVISORS

Signature: _____ (Seal)

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)

)

COUNTY OF _____)

On _____, before me, _____, Notary Public, personally appeared Charles Robert Lande Jr, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

Exhibit A

Waterline Easement

Legal Description
(over APNs 055-010-014 and 059-020-060)

That certain portion of the Designated Remainder of Tract No. 14,585 in the County of Santa Barbara, State of California, as shown on the map filed December 22, 2006 in Book 202, pages 73 through 80, inclusive, of Maps, in the Office of the County Recorder of said County, said Remainder being merged and described in that certain Certificate and Declaration of Voluntary Merger 06-VM-18 recorded December 27, 2006 as Instrument No. 2006-0100786 of Official Records of said County, more particularly described as follows:

A strip of land 20.00 feet wide, the centerline of which is described as follows:

COMMENCING at a point on the southerly boundary of Lot 10 of said Tract No. 14,585, said point lying distant South 88°06'43" East 51.09 feet from the westerly terminus of that certain course on the southerly boundary shown as S 88°06'43" E 200.15' on said map, said point being the beginning of a non-tangent curve, concave easterly and having a radial center which bears South 72°18'05" East, a distance of 1877.00 feet; thence, leaving said southerly boundary and along said curve,

Northerly, through a central angle of 2°41'24", an arc distance of 88.13 feet; thence leaving said curve,

North 72°03'31" West, a distance of 435.80 feet to a point on the east line of said Remainder, being the TRUE POINT OF BEGINNING; thence,

- 1st - North 72°03'31" West, a distance of 294.85 feet; thence,
- 2nd - North 36°28'14" West, a distance of 45.85 feet; thence,
- 3rd - North 61°45'06" West, a distance of 114.40 feet; thence,
- 4th - North 37°27'08" West, a distance of 28.42 feet; thence,
- 5th - North 67°47'53" West, a distance of 600.93 feet to the west line of said Remainder and being the end of said strip.

The sidelines of said strip shall be lengthened or shortened so as to terminate easterly on the east line of said Remainder and westerly on the west line of said Remainder.

Containing 21,689 square feet, more or less.

The legal description hereinabove described is graphically shown on Exhibit B and made a part hereof by reference.

Prepared by: Stantec
Under the direction of:

 12/20/2019

Daniel B. Eisengart, PLS 8961
December 20, 2019
PN: 2064139400

2019.08.21_2064139400_Remainder_Lot_WAT_ESMT.docx





Stantec

111 East Victoria Street, Santa Barbara, CA 93101
Phone: (805) 963-9532 Fax: (805) 966-9801

P.N. 2064139400

DWG: 2064139400-REMAINDER-LOT_WAT_ESMT.dwg



12/20/2019

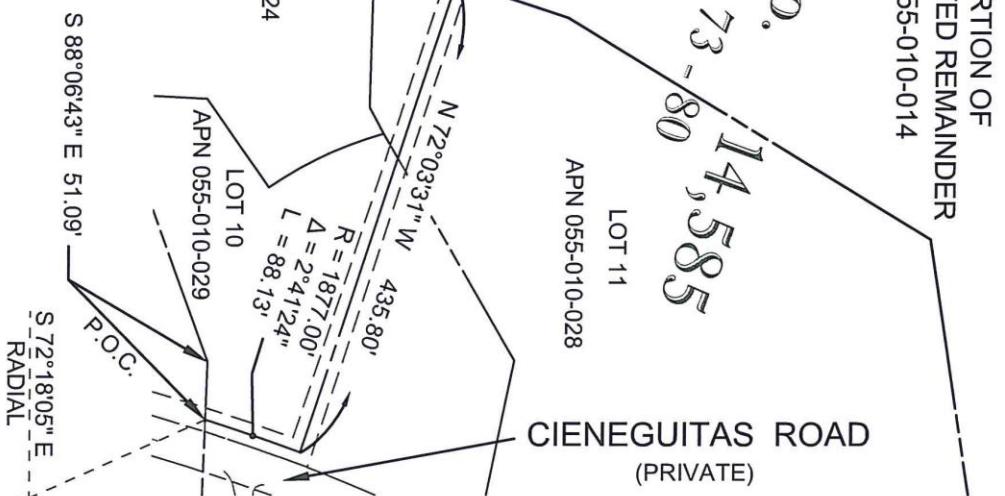


SCALE: 1" = 150'

EXHIBIT B
WATERLINE EASEMENT
REMAINDER PARCEL - TRACT No. 14,585
APN 055-010-028 & 059-020-060
COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA

PLOT DATE: 12/4/2019

- LEGEND**
- P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT
 - APN - ASSESSOR PARCEL NUMBER
 - O.R. - OFFICIAL RECORDS



PORTION OF DESIGNATED REMAINDER
APN 059-020-060

06-VM-18
2006-0100786 O.R.