



## Legislation Details (With Text)

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**File #:** 24-00629      **Version:** 1

**Type:** Administrative Item      **Status:** Agenda Ready

**File created:** 6/7/2024      **In control:** BOARD OF SUPERVISORS

**On agenda:** 6/18/2024      **Final action:** 6/18/2024

**Title:** Consider recommendations regarding a Grant of Easements and Quitclaim for Lower Mission Creek Improvement and Restoration Project, Reach 4 Acquisition (Assessor Parcel No. 037-203-019) (RP File No. 003988), First District, as follows:

Acting as the Board of Directors, Flood Control and Water Conservation District:

a) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District (District), and Antonio Hernandez and Florecita Hernandez as Trustees of the Hernandez Revocable Trust Created October 16, 2019 (Owners) for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 426 De La Vina Street (County Assessor Parcel Number: 037-203-019), for a total cost not to exceed \$155,500.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042;

b) Authorize the Chair to accept the temporary construction easement and Certificate of Acceptance for the permanent easement, conveying an easement interest in the real property located at 426 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance;

c) Authorize the Chair to accept the quitclaim deed and Certificate of Acceptance conveying an ownership interest in fee within a portion of the real property located at 426 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance;

d) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District, and De La Vina Partners, LLC, a California limited liability company, and Mark Truman Edwards and Kathryn Jane Edwards as Trustees of the Mark and Kathryn Edwards Living Trust, for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 414 De La Vina Street (County Assessor Parcel Number: 037-500-001 (Common Area), for a total cost not to exceed \$432,326.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042;

e) Authorize the Chair to accept the temporary construction easement and Certificate of Acceptance for the permanent easement, conveying an easement interest in the real property located at 414 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance after Board approval and subsequent execution by De La Vina Partners, LLC, a California limited liability company, and Mark Truman Edwards and Kathryn Jane Edwards as Trustees of the Mark and Kathryn Edwards Living Trust;

f) Authorize the Director of Public Works, or his designee, to execute any other supporting documents to complete this transaction; and

g) After considering the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project, the Findings and Statement of Overriding Considerations accepted by the Board of Directors as a Responsible Agency on May 10, 2011, and the discussion included herein, find that pursuant to 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 the recommended actions are within the scope of the project covered by the aforementioned environmental documents and no new environmental document is required.

**Sponsors:** PUBLIC WORKS DEPARTMENT, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSER, GENERAL SERVICES DEPARTMENT

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Letter, 2. Attachment A - Hernandez-Deed-Easement-owner-signed, 3. Attachment B - Hernandez Deed-Quitclaim-owner-signed, 4. Attachment C - Agreements-Docusign Executed, 5. Executed Agreement Attach. A, 6. Executed Certificate of Acceptance, 7. Executed Agreement Attach. C, 8. Minute Order

Date	Ver.	Action By	Action	Result
6/18/2024	1	BOARD OF SUPERVISORS	Acted on as follows:	Pass

Consider recommendations regarding a Grant of Easements and Quitclaim for Lower Mission Creek Improvement and Restoration Project, Reach 4 Acquisition (Assessor Parcel No. 037-203-019) (RP File No. 003988), First District, as follows:

Acting as the Board of Directors, Flood Control and Water Conservation District:

a) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District (District), and Antonio Hernandez and Florecita Hernandez as Trustees of the Hernandez Revocable Trust Created October 16, 2019 (Owners) for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 426 De La Vina Street (County Assessor Parcel Number: 037-203-019), for a total cost not to exceed \$155,500.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042;

b) Authorize the Chair to accept the temporary construction easement and Certificate of Acceptance for the permanent easement, conveying an easement interest in the real property located at 426 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance;

c) Authorize the Chair to accept the quitclaim deed and Certificate of Acceptance conveying an ownership interest in fee within a portion of the real property located at 426 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance;

d) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District, and De La Vina Partners, LLC, a California limited liability company, and Mark Truman Edwards and Kathryn Jane Edwards as Trustees of the Mark and Kathryn Edwards Living Trust, for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 414 De La Vina Street (County Assessor Parcel Number: 037-500-001 (Common Area), for a total cost not to exceed \$432,326.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042;

e) Authorize the Chair to accept the temporary construction easement and Certificate of Acceptance for the permanent easement, conveying an easement interest in the real property located at 414 De La Vina Street, to

the District and authorize the Clerk of the Board to sign the Certificate of Acceptance after Board approval and subsequent execution by De La Vina Partners, LLC, a California limited liability company, and Mark Truman Edwards and Kathryn Jane Edwards as Trustees of the Mark and Kathryn Edwards Living Trust;

f) Authorize the Director of Public Works, or his designee, to execute any other supporting documents to complete this transaction; and

g) After considering the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project, the Findings and Statement of Overriding Considerations accepted by the Board of Directors as a Responsible Agency on May 10, 2011, and the discussion included herein, find that pursuant to 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 the recommended actions are within the scope of the project covered by the aforementioned environmental documents and no new environmental document is required.