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Legislation Details

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On agenda: 6/21/2016 **Final action:** 6/21/2016

Title: Consider recommendations regarding Unit II Channel Improvements Property Acquisitions, District Project No. SM8313, Fifth District, as follows:

a) Direct the County Surveyor to review, approve and record Certificate(s) of Compliance on the remainder(s) of those parcels affected by this proposed acquisition identified in Grant Deed recorded April 4, 1985, as instrument number 1985-017098; and

b) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment;

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

c) Approve and authorize the Chair to execute the Real Property Settlement Agreement and Escrow Instructions and Memorandum of this Agreement, between the District, and Heidi Ann Dorris and the Hopkins Laguna Trust (Owners), for the purchase of a portion of County Assessor's Parcel Numbers (APNs) 117-160-039, and 117-020-066, (Fee Parcel) in fee; and a permanent easement on a portion of APNs 117-160-027 and -039, (Permanent Easement), for Phase I, Unit II Up Stream Annual Plan Work and Phase II, Unit II Capacity Improvement Project, Project No. SM8313, (Project);

d) Approve and authorize the Clerk to accept the Grant Deed to the property consisting of approximately 1.81 acres conveyed from the Owners to the District for a portion of APNs 117-160-027, and 117-020-066, by authorizing the Clerk to execute the Certificate of Acceptance;

e) Accept the Permanent Easement Deed for the real property interest conveyed from the Owners to the District for an easement on a portion of land consisting of approximately 1.51 acres known as APNs 117-160-027 and -039, by authorizing the Clerk to execute the Certificate of Acceptance;

f) Accept the Temporary Construction Easement for the interest conveyed from the Owners to the District for a Temporary Construction Easement on an approximately 2.92 acre portion of land consisting of APNs 117-020-066 and 117-160-027, by authorizing the Clerk to execute the Certificate of Acceptance;

g) Approve and authorize the Chair to execute the Waiver of Surface Rights Agreement and the Memorandum of Waiver of Surface Rights Agreement between the California Resources Petroleum Corporation (Mineral Owner) and the District, waiving the Mineral Owner's surface rights to portions of APNs 117-160-027 and -039, and 117-020-066;

h) Approve and authorize the processing of payment for relocation benefits to Manzanita Berry Farms (Owners' Tenant) as compensation for Owners' Tenant's loss of use of those portions of APNs 117-160-027 and -039, and 117-020-066, (which are currently leased by Owner's Tenant from Owners), in connection with both phases of the Project;

i) Approve and authorize the Director of Public Works, or designee, to expend funds in a total amount not to exceed \$510,000.00, plus title and escrow fees pursuant to the Real Property Settlement Agreement and Escrow Instructions with the Owners, the processing of relocation compensation benefits to Owners' Tenant, and costs incurred pursuant to the Waiver of Surface Rights Agreement with the Mineral Owner; and to execute any escrow instructions or other documents required to facilitate the transaction; and

j) Find that pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, no substantial changes are proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance concerning the project's significant effects or mitigation measures has been received, and therefore, these actions are within the scope of the project covered by the Final Mitigated Negative Declaration (MND) No. 14NGD-00000-00012, for the Unit 2 Channel Improvements Project as well as the Mitigation Monitoring Plan adopted by the Board of Directors on April 14, 2015, and no new environmental document is required.

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

Indexes:

Code sections:

Attachments: 1. Board Letter, 2. Attachment 1 Real Property Settlement Agreement and Escrow Instructions and Memorandum Rev jc6 10 16, 3. Attachment 2 Certificate of Acceptance for Grant Deed, 4. Attachment 3 Certificate of Acceptance for Permanent Easement Deed, 5. Attachment 4 Certificate of Acceptance for Temporary Construction Easement, 6. Attachment 5 Waiver of Surface Rights Agreement and Memorandum

Date	Ver.	Action By	Action	Result
6/21/2016	1	BOARD OF SUPERVISORS	Acted on as follows:	Pass