



TO: Mayor and Councilmembers

FROM: Charles W. Ebeling, Public Works Director

CONTACT: Teresa Lopes, Senior Project Engineer

SUBJECT: Adoption of a Resolution Declaring That The Acquisition Of Permanent Easement and Temporary Construction Easement Interests By Eminent Domain Is Necessary For The Construction Of The San Jose Creek Multipurpose Path – Northern And Southern Segments Project and Finding the Acquisition Covered by the Mitigated Negative Declaration Previously Adopted for the Project

RECOMMENDATION:

- A. That the City Council conduct a Public Hearing to consider adoption of a proposed Resolution of Necessity, making the following findings:
- i. The public interest and necessity require the proposed project;
 - ii. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
 - iii. Acquisition of the easement interest in Assessor Parcel Nos. 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 is necessary for the construction of the San Jose Creek Multipurpose Path, which will provide a direct and continuous route for bicyclists and pedestrians from north of Calle Real to commercial and residential areas within Goleta Old Town and to the existing Class I Atascadero Creek Bikeway, providing access to Goleta Beach Park, the University of California Santa Barbara (UCSB) and to the City of Santa Barbara;
 - iv. The offer required by section 7267.2 of the California Government Code was made; and
 - v. The public use for these properties (the easement interest) is a more necessary use than the use for which the properties are appropriated; and
- B. Adopt, by a two-thirds majority vote, Resolution No. 2023-____, entitled “A Resolution Of The City Council Of The City Of Goleta, California, Declaring That The Acquisition Of Permanent Easement and Temporary Construction Easement Interests Related To

The San Jose Creek Multipurpose Path – Northern And Southern Segments Project For Assessor Parcel Nos 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011, By Eminent Domain Is Necessary For The Construction Of The San Jose Creek Multipurpose Path – Northern And Southern Segments Project In The City Of Goleta, Santa Barbara County California, and Finding the Acquisition Covered by the Mitigated Negative Declaration Previously Adopted for the Project.”

BACKGROUND:

The San Jose Creek Bike Path - Northern and Southern Segments Project (Project (Capital Improvement Program Project No. 9006), an Active Transportation Program (ATP) project, will construct a multipurpose path adjacent to San Jose Creek connecting areas north of U.S. Route (US) 101 with the Class I Atascadero Creek Bikeway (Oberon Trail) east of State Route (SR) 217. The purpose of the ATP Project is to close the multipurpose path gap in the regional active transportation network. The ATP Project will provide a direct and continuous route for bicyclists and pedestrians from north of Calle Real to commercial and residential areas within Goleta Old Town and to the existing Class I Atascadero Creek Bikeway providing access to Goleta Beach Park, the University of California Santa Barbara (UCSB) and to the City of Santa Barbara.

The City of Goleta (City) was awarded approximately \$18 million in Active Transportation Program (ATP) grant funding at the California Transportation Commission (CTC) meeting on January 30, 2019.

Project Right of Way Impacts:

The San Jose Creek Multipurpose path will impact 13 parcels which are not owned by the City. This includes 8 parcels along the Northern Segment and 5 along the Southern Segment. Of these 13 parcels 2 are owned by Caltrans, 5 are owned by Santa Barbara County (including 2 owned by County Flood Control), 1 parcel is owned by Union Pacific Railroad (UPRR), and 5 are owned by private owners (including 1 owned by Southern California Gas Company). Permanent Easements and/or Temporary Construction Easements (TCEs) are required from each of these properties to construct the San Jose Creek Multipurpose Path. A figure showing the properties requiring easements for construction of the Project are included in Attachment 1.

Dewberry Engineers, Inc. prepared right of way impact mapping based on the project's final profile and alignment. In February and March of 2023, appraisals were conducted by Hamner and Jewell Associates (HJA). Right of Way (ROW) mapping including Plats delineating the easement boundaries and Legal Descriptions of the boundaries were prepared by MNS Engineers for the impacted properties. An appraisal was also conducted for the UPRR property as required by their Construction and Maintenance Agreement process.

Offer letters were prepared by HJA and City Council granted authorization to proceed with ROW acquisition offers based on the appraisals on May 2, 2023. Offer letters were

sent to the affected property owners on May 10, 2023. The property owners have 30 days to respond to the offer letters.

Public Works staff have been in discussions with Caltrans, Santa Barbara County and UPRR regarding the easements required on their properties and these acquisitions will be handled through the various agreements and permits required by each agency.

DISCUSSION:

The City Council is being asked to consider adoption of a Resolution of Necessity to acquire permanent and temporary construction easement interest for construction of the Project which will cross 5 privately owned properties consisting of APNs 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011. This interest by the City is necessary to construct and provide a public multipurpose path to serve non-motorized vehicle users in the City and Santa Barbara County.

Under state law, the City has the power to seize property for public purposes, so long as just compensation is paid to the owner. The negotiation or potential court determination of just compensation can be time consuming and interfere with the construction of public projects. Therefore, state procedures allow property to be taken prior to resolving on certain conditions. One such condition is a determination by the City Council that the property is necessary for the public project and the project is necessary. In order to ensure full commitment of the ATP ROW funding and to meet ATP grant deadlines, the City has prepared a Resolution of Necessity for the privately owned property acquisitions required (Attachment 2).

Council Goals

- To ensure the City complies with all constitutional provisions provided herein.
- To provide public facilities (multipurpose path) within the City unencumbered by any easement interest for free use and enjoyment of the public.
- To invest in the City's infrastructure (streets, sewers, multipurpose paths, parks, etc.) by focusing on creating and promoting community through people and programs.

Hearings and Required Findings:

The recommended action of the City Council at the conclusion of this Public Hearing concerns the acquisition of the easement interest only in a portion of each of the real properties from the property owners.

California eminent domain law provides that a public entity may not commence with eminent domain proceedings until its governing body has adopted a Resolution of Necessity, which may only be adopted after the governing body has given each party with

an interest in the affected property, or their representatives, a reasonable opportunity to appear and be heard on the following matters:

1. The public interest and necessity require the proposed project;
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
3. The real property to be acquired is necessary for the project;
4. The offers of just compensation have been made to the property owner; and
5. In addition, to the extent any of the property interest sought is subject to an existing public use, the City must find that the public use for which the property sought to be acquired and described in the Resolution of Necessity is a more necessary public use to which the property is appropriated.

Staff believes that the proposed Project meets the above required findings as further explained below.

1. The Public Interest and Necessity Require the Proposed Project

The City desires to acquire the easements in order to construct the Project. The Project will close an important gap in the regional active transportation network by connecting neighborhoods north of US 101 to Goleta Old Town, and south to the Obern Trail, Goleta Beach, UCSB and facilities to the east in the City and County of Santa Barbara. The Project removes barriers for bicyclists and pedestrian to travel north and south, such as crossing US 101, the Union Pacific Railroad tracks and San Jose Creek. The project will improve deficiencies in Goleta's active transportation network by proving a safe direct connection to Goleta Old Town and services, shopping, education, employment and recreation to the north and south. The project is included in many City and regional planning documents and is widely supported by the community.

2. The Project is Planned or Located in the Manner that will be Most Compatible with the Greatest Public Good and the Least Private Injury

The completed project will enhance bicycle and pedestrian access from northern Goleta to the southern portion of the City by connecting the existing multiuse path system constructed by the County north of Calle Real to the Obern Trail system. The location of the Project was determined by the City to be the most beneficial and viable from a cost standpoint and an operationally effective option.

In order to ensure that the Project will result in the least private injury, the Project has been designed to follow all state and local standards and minimize right of way impacts. The proposed project incorporates the use of retaining walls to minimize the surface area of adjacent properties impacted by construction.

3. The Real Property Sought to be Acquired is Necessary for the Project

The acquisitions identified in Attachment 2 are necessary to construct the project. The Exhibits in Attachment 2 show the location of the parcels and the portions that are needed to construct the project. Each property is required in order to construct the Project. The attached Resolution identifies the parcel and corresponding type of acquisition, which is either or both a Permanent Easement and Temporary Construction Easement (TCE). There are no other viable project alternatives that would result in fewer impacts to private property.

The construction of the project will affect the APNs listed in Table 1 below.

Table 1: Real Property Acquisitions Needed

Address	APN#	Take Description	Area (SF)	Owner
70 S. Kellogg Ave. #1 Goleta, CA 93117	071-350-009	Permanent Easement	2,326	Ochsner Trust et. Al.
50 S. Kellogg Ave. Goleta, CA 93117	071-090-074	Permanent Easement	31,808	Kellogg Trust et al. (Martin Marietta Ready Mix LLC)
		TCE	8,321	
20 S. Kellogg Ave. Goleta, CA 93117	071-090-083	Permanent Easement	5,027	Schwan Brothers Properties, LLC
10 S. Kellogg Ave. Goleta, CA 93117	071-090-082	Permanent Easement	2,923	Goleta Storage Owner, LLC
		TCE	3,285	
No Site Address	071-200-011	Permanent Easement	5,093	Southern California Gas Company
		TCE	15,837	

4. The Offer of Just Compensation Was Made to the Property Owner

Offers based on certified appraisals for each of the needed easements have been presented to the affected property owners. Offer letters were mailed to each affected property owner on May 10, 2023 in accordance with California Government Code section 7267.2. The offer was based on the appraisal prepared by John J. Gobbell, Jr., MAI, a certified general appraiser. Negotiations for the fair compensation of property owners are ongoing and it is the City’s desire to reach mutually acceptable terms with each owner such that the Project can be kept on schedule. However, there may be issues of valuation and compensation that will require additional time to resolve. The City is fully committed to continuing to work through these issues until they can be resolved to the mutual agreement of the parties involved.

5. The Public Use for This Property is a More Necessary Use Than the Use for Which the Property is Appropriated

The proposed Project is located in and adjacent to an Environmentally Sensitive Habitat Area (ESHA), consisting of riparian areas along the San Jose Creek. Per General Plan CE 1.6 – ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within ESHAs or their buffers:

- a. No development, except as otherwise allowed by this element, shall be allowed within ESHAs and/or ESHA buffers.
- b. A setback or buffer separating all permitted development from an adjacent ESHA shall be required and shall have a minimum width as set forth in subsequent policies of this element. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area.
- c. Public accessways and trails are considered resource-dependent uses and may be located within or adjacent to ESHAs. These uses shall be sited to avoid or minimize impacts on the resource to the maximum extent feasible. Measures— such as signage, placement of boardwalks, and limited fencing or other barriers—shall be implemented as necessary to protect ESHAs.
- d. The following uses and development may be allowed in ESHAs or ESHA buffers only where there are no feasible, less environmentally damaging alternatives and will be subject to requirements for mitigation measures to avoid or lessen impacts to the maximum extent feasible: 1) public road crossings, 2) utility lines, 3) resource restoration and enhancement projects, 4) nature education, 5) biological research, and 6) Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.

According to General Plan CD 2.1 -2.3: Streamside Protection Area (SPA) is established along San Jose Creek (Figure 4-1 of the General Plan) in the Project area. SPA buffer shall be a 100 ft outward on both sides of the creek, measured from the top of bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The Project falls within the riparian vegetation protected by the SPA. Development cannot take place within the SPA. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access is an allowable use in an SPA.

The Project has a very tight schedule. Because the Project includes state and federal ATP grant funding, the Project must conform with Caltrans guidelines and processes for ATP grant funding, including meeting grant funding deadlines. The deadline for the City to request allocation of ATP grant funding for the construction phase is February 28, 2024. The Project must go before the California Transportation Commission (CTC) to request allocation of the funding. All ROW must be acquired, and the City must complete the ROW Certification sheet which confirms that the City has obtained all right of way acquisitions, easements, agreements, etc. from all the properties impacted and submit to Caltrans a minimum of two months prior to the date of the scheduled CTC meeting. Since there is no CTC meeting scheduled in February 2024, the item will be taken to the January 2024 CTC meeting resulting in a deadline for completion of the ROW Certification no later than November 15, 2023.

In order to meet the ATP grant funding deadline, staff must consider the worst-case situation and recommends adoption of the Resolution of Necessity as a fallback option in

the event that right of way negotiations cannot be completed in time. Staff is committed to continuing to work through negotiations with each property owner to come to a resolution and mutual agreement of all parties involved but due to the tight timeline, staff need to plan for the option of condemnation if negotiations are not successful.

This action will not commit the City to the use of eminent domain but will allow the City to do so if a voluntary solution is not achieved in time to maintain the funding and schedule for the Project. The "interested" parties (property owners) have been given direct notice as required by statute.

Under state law, the City has the power to seize property for public purposes, so long as just compensation is paid to the owner. The negotiation or potential court determination of just compensation can be time consuming and interfere with the construction of public projects. Therefore, state procedures allow property to be taken prior to resolving on certain conditions. One such condition is a determination by the City Council that the property is necessary for the public project and the project is necessary. In order to ensure full commitment of the ATP ROW funding and to meet ATP grant deadlines, the City has prepared a Resolution of Necessity for the privately owned property acquisitions required (Attachment 2).

Compliance with the California Environmental Quality Act:

The City, as the lead agency for the Project, prepared an Initial Study/Mitigated Negative Declaration ("MND"; SCH No. 2022070006) that analyzed the Project's potential environmental impacts under CEQA and concluded that the Project would have less than significant impacts with the implementation of identified mitigation measures. On October 4, 2022, the City adopted the MND and approved the Project. Shortly thereafter, on October 7, 2022, the City filed a Notice of Determination documenting its adoption of the MND and its approval of the Project.

No additional environmental review is necessary for the proposed action under State CEQA Guidelines section 15162, as none of the conditions set forth in State CEQA Guidelines section 15162(a) exist. Notably, the permanent and temporary construction easements that the City seeks to acquire are within the Project alignment analyzed in the MND. Accordingly, the acquisition of the permanent and temporary construction easements does not constitute a substantial change in the project that will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The potential environmental impacts of the Project's alignment, which this acquisition would not alter, have already been analyzed. The City's acquisition of the permanent and temporary construction easements is merely a subsequent approval for an already-approved Project for which an MND has already been adopted under CEQA.

FISCAL IMPACTS:

Based on the appraisal reports and offer letters prepared by HJA , the appraised value of the easement interest at each property totals approximately \$1,155,400. Funds for the acquisition of the easements required for the construction of the Project are included in the approved FY 2022/23 budget. As such, no additional appropriations are required at this time.

Overall Project Costs

Based on updated project cost estimates, there is currently an estimated unfunded amount of \$8.4 million for construction costs. At the time of FY 22/23 Mid-Cycle budget adoption on June 21, 2022, the unfunded amount was estimated at \$4 million. Due to rising construction costs and changes to the project scope this estimated unfunded amount for construction has nearly doubled. Public Works staff is working with Finance staff to explore additional options to close the \$8.4 million gap prior to the construction bid award currently scheduled for late 2024.

Table 2 outlines the estimated costs for the Project.

Table 2: Estimated Project Costs

Project Components	Estimated Costs	Funding Source	Funding Amounts
Conceptual Design	\$1,837,270	TDA (202)	\$27,135
Environmental	\$698,750	DIF (Transportation 220)	\$4,262,147
Final Design	\$3,540,980	RSTP (305) (grant)	\$30,689
Right-of-Way	\$2,220,000	Measure A (205)	\$1,243,992
Construction	\$21,029,760	Measure A (206)	\$438,378
Construction Management and Inspection (CMT)	\$3,469,910	ATP Grant (318)	\$17,960,000
Construction Oversight Staff and Consultant Time	\$315,500	TBD (Other Grant)	\$734,933
		Unfunded	\$8,414,896
Total:	\$33,112,170	Total:	\$33,112,170

Table 3 below summarizes the FY 22/23 project budget amounts and funding sources.

Table 3: Project Funding FY 22/23 & Proposed FY 23/24 & 24/25 Funding

9006 San Jose Creek Multipurpose Path – Northern and Southern Segments FY 22/23						
Fund Type	Account	Prior Year Actuals	FY 22/23 Current Budget	YTD Actuals	Proposed FY 23/24 & 24/25 Budgets	Total Available Budget
TDA	202-90-9006-57070 (Design)	\$0	\$27,135	\$0	\$0	\$27,135
Measure A	205-90-9006-57070 (Design)	\$0	\$243,992	\$0	\$0	\$243,992
Measure A	205-90-9006-57071 (Construction)	\$0	\$250,000	\$0	\$750,000	\$1,000,000
Measure A - Grant	206-90-9006-57071 (Construction)	\$0	\$0	\$0	\$438,378	\$438,378
Transportation DIF	220-90-9006-57050 (Land Acquisition)	\$0	\$1,350,000	\$0	\$0	\$1,350,000
Transportation DIF	220-90-9006-57070 (Design)	\$1,072,740	\$1,839,408	\$504,571	\$0	\$1,334,837
RSTP State Grant	305-90-9006-57070 (Design)	\$20,538	\$10,150			\$10,150
ATP Grant	318-90-9006-57050 (Land Acquisition)	\$0	\$669,000	\$0	\$0	\$669,000
ATP Grant	318-90-9006-57070 (Design)	\$0	\$2,000,000	\$0	\$0	\$2,000,000
ATP Grant	318-90-9006-57071 (Construction)	\$0	\$650,000	\$0	\$14,641,000	\$15,291,000
TBD - Other	995-90-57071	\$0	\$0	\$0	\$734,933	\$734,933
Unfunded	999-90-57071	\$0	\$0	\$0	\$8,414,896	\$8,414,896
Total		\$1,093,278	\$7,039,685	\$504,571	\$24,979,207	\$31,514,321

ALTERNATIVES:

The City may elect not to adopt the Resolution of Necessity and direct staff to continue to negotiate with the property owners. However, if the Council does not adopt the Resolution of Necessity and the City is unable to finalize negotiations by November 15,

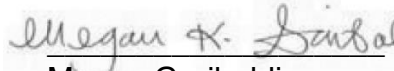
2023, the project would not meet the ATP grant deadlines and ATP grant funding will be forfeited.

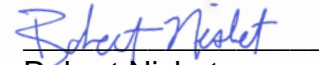
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Megan Garibaldi
City Attorney


Robert Nisbet
City Manager

ATTACHMENTS:

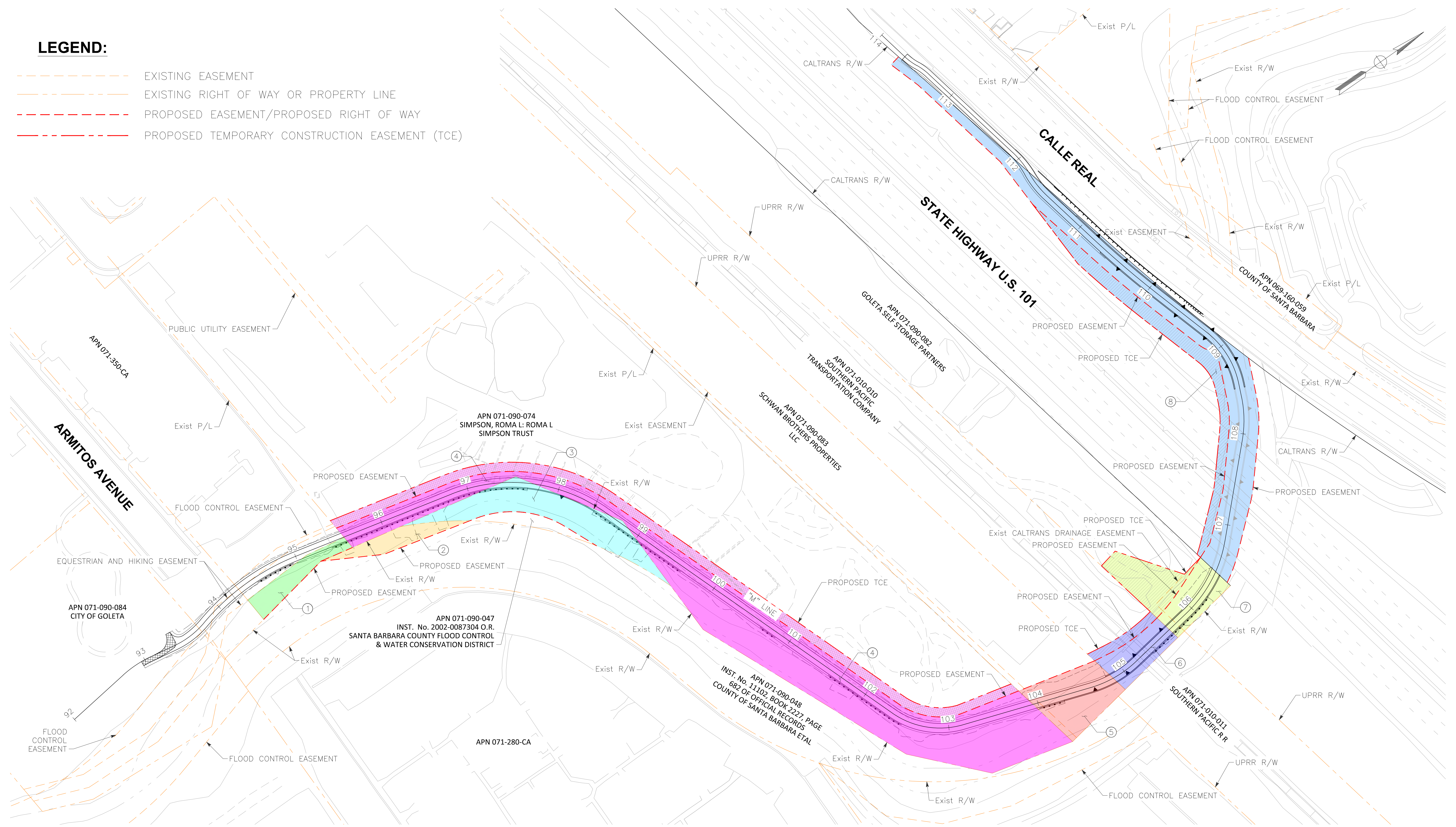
1. Right of Way Impact Exhibit Northern and Southern Segments
2. Resolution No. 2023-____, A Resolution Of The City Council Of The City Of Goleta, California, Declaring That The Acquisition Of Permanent Easement and Temporary Construction Easement Interests Related To The San Jose Creek Multipurpose Path – Northern And Southern Segments Project For Assessor Parcel Nos 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011, By Eminent Domain Is Necessary For The Construction Of The San Jose Creek Multipurpose Path – Northern And Southern Segments Project In The City Of Goleta, Santa Barbara County California and Finding the Acquisition Covered by the Mitigated Negative Declaration Previously Adopted for the Project

ATTACHMENT 1

Right Of Way Impact Exhibit Northern And Southern Segments

LEGEND:

- - - - - EXISTING EASEMENT
- - - - - EXISTING RIGHT OF WAY OR PROPERTY LINE
- - - - - PROPOSED EASEMENT/PROPOSED RIGHT OF WAY
- - - - - PROPOSED TEMPORARY CONSTRUCTION EASEMENT (TCE)

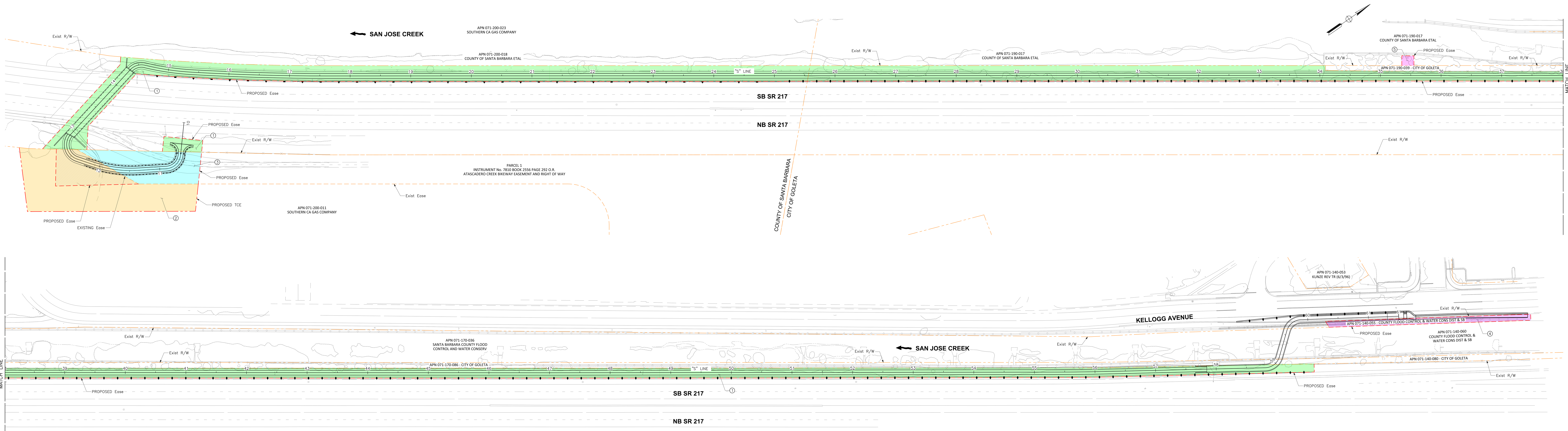


#	APN	OWNER	EASEMENT		TCE	
			SQFT	ACRES	SQFT	ACRES
①	071-350-009	COMMON AREA	2,326	0.05	0	0.00
②	071-090-048	COUNTY OF SANTA BARBARA ETAL	2,118	0.05	0	0.00
③	071-090-047	SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT	7,431	0.17	0	0.00
④	071-090-074	SIMPSON, ROMA L; ROMA L SIMPSON TRUST	31,808	0.73	8,321	0.91
⑤	071-090-083	SCHWAN BROTHERS PROPERTIES LLC	5,027	0.12	0	0.00
⑥	071-010-010	SOUTHERN PACIFIC TRANSPORTATION COMPANY	2,848	0.07	825	0.02
⑦	071-090-082	GOLETA SELF STORAGE PARTNERS	2,923	0.07	3,285	0.08
⑧		CALTRANS	16,574	0.38	5,501	0.13

**RIGHT OF WAY REQUIREMENTS EXHIBIT
SAN JOSE CREEK MULTIPURPOSE PATH
NORTHERN SEGMENT**

SCALE: 1" = 40'

Dewberry
MARCH 2023



LEGEND:

- EXISTING EASEMENT
- EXISTING RIGHT OF WAY
- PROPOSED EASEMENT
- PROPOSED TEMPORARY CONSTRUCTION EASEMENT
- PROPOSED RIGHT OF WAY

**RIGHT OF WAY REQUIREMENTS EXHIBIT
SAN JOSE CREEK MULTIPURPOSE PATH
SOUTHERN SEGMENT**
SCALE: 1" = 30'

#	APN	OWNER	FEE ACQUISITION		TCE		EASEMENT	
			SQFT	ACRES	SQFT	ACRES	SQFT	ACRES
①		CALTRANS	0	0.00	0	0.00	99,377	2.28
②	071-200-011	SOUTHERN CA GAS COMPANY	0	0.00	15,837	0.36	5,093	0.12
③		ATASCADERO CREEK BIKEWAY EASEMENT AND RIGHT OF WAY	0	0.00	0	0.00	8,191	0.19
④	071-140-055	COUNTY FLOOD CONTROL & WATER CONS DIST & SB	0	0.00	0	0.00	3,360	0.08
⑤	071-190-017	COUNTY OF SANTA BARBARA ETAL	0	0.00	0	0.00	322	0.01

ATTACHMENT 2

Resolution No. 2023-____, entitled “A Resolution Of The City Council Of The City Of Goleta, California, Declaring That The Acquisition Of Permanent Easement and Temporary Construction Easement Interests Related To The San Jose Creek Multipurpose Path - Northern And Southern Segments Project For Assessor Parcel Nos 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011, By Eminent Domain Is Necessary For The Construction Of The San Jose Creek Multipurpose Path - Northern And Southern Segments Project In The City Of Goleta, Santa Barbara County California, and Finding the Acquisition Covered by the Mitigated Negative Declaration Previously Adopted for the Project.”

RESOLUTION NO. 23__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, DECLARING THAT THE ACQUISITION OF PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS RELATED TO THE SAN JOSE CREEK MULTIPURPOSE PATH – NORTHERN AND SOUTHERN SEGMENTS PROJECT FOR ASSESSOR PARCEL NOS. 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011, BY EMINENT DOMAIN IS NECESSARY FOR THE CONSTRUCTION OF THE SAN JOSE CREEK MULTIPURPOSE PATH – NORTHERN AND SOUTHERN SEGMENTS PROJECT IN THE CITY OF GOLETA, SANTA BARBARA COUNTY, CALIFORNIA, AND FINDING THE ACQUISITION COVERED BY THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY ADOPTED FOR THE PROJECT

WHEREAS, existing barriers such as US 101 and the Union Pacific Railroad inhibit active transportation travel and travel between areas north of US 101 and south to Goleta Old Town and gaps existing in the north south regional active transportation network;

WHEREAS, the San Jose Creek Multipurpose Path Northern and Southern Segments Project (“Project”) will remove barriers to active transportation users and close an important gap in the regional active transportation network by connecting neighborhood north of US 101 to Goleta Old Town, and south to the existing Obern Trail, and the project will improve deficiencies in the City of Goleta’s (“City”) active transportation network by proving a safe direct connection to Goleta Old Town and services, shopping, education, employment and recreation to the north and south;

WHEREAS, construction of the Project will require certain permanent easement and temporary construction easement interests in private property to be acquired for the new multipurpose path;

WHEREAS, the City previously prepared and, on October 4, 2022, adopted an Initial Study/Mitigated Negative Declaration (“MND”; SCH No. 2022070006), which fully analyzed the potential environmental impacts associated with the Project, including alignment and improvements for the Project, pursuant to the California Environmental Quality Act (“CEQA”); and

WHEREAS, the permanent and temporary construction easements that the City seeks to acquire are within the Project alignment analyzed in the MND and thus no further CEQA review is required for the Project acquisitions, pursuant to State CEQA Guidelines section 15162; and

WHEREAS, the City of Goleta has authority under California Streets & Highways and Government Code sections to acquire the real property described herein for the purposes of the Project; and

WHEREAS, the easement interests sought to be acquired are identified as follows and shown in the attached:

Address	APN#	Take Description	Area (SF)	Owner
70 S. Kellogg Ave. #1 Goleta, CA 93117	071-350-009	Permanent Easement	2,326	Ochsner Trust et al.
50 S. Kellogg Ave. Goleta, CA 93117	071-090-074	Permanent Easement	31,808	Kellogg Trust et al. (Tenant: Martin Marietta Ready Mix LLC)
		TCE	8,321	
20 S. Kellogg Ave. Goleta, CA 93117	071-090-083	Permanent Easement	5,027	Schwan Brothers Properties, LLC
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		TCE	3,285	
No Site Address	071-200-011	Permanent Easement	5,093	Southern California Gas Company
		TCE	15,837	

WHEREAS, an offer of compensation required by Section 7267.2 of the Government Code, has been made to the respective owners or owners of record.

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the City scheduled a public hearing for June 20, 2023, at 5:30 p.m., and gave to each affected person or entity person identified as having a possessory interest in the existing easement, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing was held by the City and each person whose property interest is to be acquired by eminent domain was afforded an opportunity to be heard on said matters; and

WHEREAS, the City may now adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1: RECITALS

The foregoing recitals are true and correct and incorporated herein as if set forth in fully by this reference.

SECTION 2: AUTHORITY

The City of Goleta has the authority to acquire property through the exercise of the power of eminent domain pursuant to California Government Code Section 37350.5.

SECTION 3: PUBLIC USE

The property sought to be acquired herein is for the public purpose of constructing the San Jose Creek Multipurpose Path Northern and Southern Segments Project.

SECTION 4: PROPERTY INTERESTS

The following private property interest is needed for the San Jose Creek Multipurpose Path Northern and Southern Segments Project and is sought to be acquired:

Address	APN#	Take Description	Area (SF)	Owner
70 S. Kellogg Ave. #1 Goleta, CA 93117	071-350-009	Permanent Easement	2,326	Ochsner Trust et. al.
50 S. Kellogg Ave. Goleta, CA 93117	071-090-074	Permanent Easement	31,808	Kellogg Trust et al. (Tenant: Martin Marietta Ready Mix LLC)
		TCE	8,321	
20 S. Kellogg Ave. Goleta, CA 93117	071-090-083	Permanent Easement	5,027	Schwan Brothers Properties, LLC
10 S. Kellogg Ave. Goleta, CA 93117	071-090-082	Permanent Easement	2,923	Goleta Storage Owner, LLC
		TCE	3,285	
No Site Address	071-200-011	Permanent Easement	5,093	Southern California Gas Company
		TCE	15,837	

The legal definitions, legal descriptions and maps for the above parcels are attached to this resolution as Exhibit A.

SECTION 5: FINDINGS

Having duly heard and considered this matter at a hearing on June 20, 2023, the City Council finds and hereby declares:

- a. The public interest and necessity require the proposed San Jose Creek Multipurpose Path Northern and Southern Segments Project.

- b. The proposed San Jose Creek Multipurpose Path Northern and Southern Segments Project is designed, planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The private property interests described in this resolution are necessary for the proposed San Jose Creek Multipurpose Path Northern and Southern Segments Project.
- d. The offers of compensation required by Section 7267.2 of the California Government Code have been made to owners of record.

SECTION 6: COMPLIANCE WITH THE CALIFORNIA CODE OF CIVIL PROCEDURE.

There has been compliance by the City with the requirements of Section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

SECTION 7: COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Based on substantial evidence in the record, including but not limited to the previously adopted MND, the staff report for the Project approval, and the staff report accompanying this Resolution, the City finds that none of the conditions identified in State CEQA Guidelines section 15162 exist. Specifically:

(a) This Resolution does not approve any substantial change in the Project that would require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(b) There is not a substantial change with respect to the circumstances under which the Project will be undertaken that would require major revisions of MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects.

(c) New information of substantial importance has not been presented that was not known and could not have been known with the exercise of reasonable diligence at the time the MDN was adopted, showing any of the following: (i) that one or more significant effects not discussed in the MND now exist; (ii) that significant effects previously examined would be substantially more severe than shown in the MND; (iii) that previously infeasible mitigation measures or alternatives would now be feasible and would substantially reduce one or more significant effects, but are not being adopted; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant environmental effects, but are not being adopted.

SECTION 8: ADOPTION

This resolution is adopted by at least two-thirds vote of the members of the City Council, as required pursuant to California Code of Civil Procedure section 1245.240. The Resolution shall take effect upon adoption.

SECTION 9: CERTIFICATION

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 10: FURTHER ACTIVITIES

Counsel for the City is hereby authorized to file legal proceedings necessary to acquire the hereinabove described easement interests in real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transaction required to acquire the subject real property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the maintenance and operation for the project for what the easement interest is being acquired.

PASSED, APPROVED, AND ADOPTED this 20th day of June 2023.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 23-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 20th day of June, 2023 by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

EXHIBIT A to Resolution

**City of Goleta. June 20, 2023
San Jose Creek Multipurpose Path Northern
and Southern Segments Project
Resolution of Necessity**

**City of Goleta. June 20, 2023
San Jose Creek Multipurpose Path Northern
and Southern Segments Project
Resolution of Necessity**

**Legal Definitions, Legal Description and Exhibit
for:**

70 S. Kellogg Ave., #1
Goleta, CA 93117
Ochsner Trust et. al.
APN 071-350-009

LEGAL DEFINITIONS
City of Goleta
San Jose Creek Multipurpose Path Northern and Southern Segments Project
As to APN 071-350-009

“Permanent Easement” refers to a perpetual easement for a multi-purpose public recreational path for recreational uses, including but not limited to biking, skating, scooting, walking, hiking, and equestrian uses, and purposes incidental thereto, excluding motorized vehicles (with the exception of maintenance vehicles necessary to perform maintenance on the public path or creek banks), on, over, upon and across that certain land that is situated in the City of Goleta, County of Santa Barbara, State of California, more particularly described in Exhibit “A” and depicted in Exhibit B, each attached hereto and incorporated herein by this reference (the “Easement”).

The Easement granted herein shall include the right for conforming the real property to the new public improvements and for construction activities facilitating construction of the public path, including but not limited to grading, excavation, embankment slopes and retaining walls for the lateral and subjacent support of the recreational path within the Easement, placement of hard scape surfacing including asphalt concrete and concrete curbing, placement of fencing and or railing, mitigation plantings, the right to modify drainage lines that traverse the Easement to reroute and reinstall in a manner that removes conflicts with the multi-purpose trail improvements while maintaining drainage to creek, and purposes with facilitating the completion of the public path improvements.

City shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Easement at any time, without prior notice.

EXHIBIT
LEGAL DESCRIPTION
(APN 071-350-009)

PARCEL 1: Easement

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Lot 1 of Parcel Map No. 14,135 per map recorded in Book 48, Pages 25-26 of Parcel Maps in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the northeasterly corner of said Lot 1; thence,

- 1st. Along the northerly line of said Lot 1, N89°01'12"W, 14.25 feet to a point on the easterly line of a 15' wide easement granted to County of Santa Barbara for equestrian and hiking trail purposes per Parcel Map No. 13,340 recorded in Book 31, Pages 97-98 of Parcel Maps; thence, along said 15' wide easement the following two (2) courses:
- 2nd. S15°39'14"W, 45.01 feet; thence,
- 3rd. S3°50'21"W, 80.09 feet to a point on the southerly line of said Lot 1; thence,
- 4th. Along the southerly line of said Lot 1, S88°26'35"E, 27.36 feet to the southeasterly corner of said Lot 1; thence, along the easterly line of said Lot 1 the following two (2) courses:
- 5th. N4°26'01"W, 88.47 feet; thence,
- 6th. N17°32'55"E, 37.28 feet to the **Point of Beginning**.

Containing an area of 2,326 square feet, more or less.

Bearings and distances used herein are based on the California Coordinate System of 1983, Zone 5.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Shane C Sobecki
Shane C. Sobecki, PLS

Date: 02/08/2023



EXHIBIT

APN 071-090-074
PARCEL A
PM NO.12,824
BK 23, PGs 17-19

N89°01'12"W
14.25'

POB

EASTERLY LINE OF A 15' WIDE
EASEMENT GRANTED TO COUNTY
OF SANTA BARBARA FOR
EQUESTRIAN AND HIKING TRAIL
PURPOSES PER PARCEL MAP
13,340, BOOK 31, PAGES 97-98

S15°39'14"W
45.01'

37.28'
N17°32'55"E

APN 071-090-048
INST. No. 11102, BOOK 2227,
PAGE 682 OF OFFICIAL RECORDS
"FLOOD CONTROL CHANNEL"

APN 071-350-009
LOT 1
PM NO.14,135
BK 48, PGs 25-26

S3°50'21"W
80.09'

N4°26'01"W
88.47'

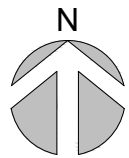
APN 071-280-CA
PARCEL B
PM NO.10,726
BK 3, PG 53

27.36'
S88°26'35"E

ARMITOS AVENUE

LEGEND

POB: Point of Beginning



0 10' 20'



SCALE: 1" = 20'

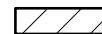


201 N. Calle Cesar Chavez, Suite 300,
Santa Barbara, CA 93103
805-692-6921
www.mnsengineers.com



Parcel 1: Easement
(APN 071-350-009)
City of Goleta
County of Santa Barbara
State of California

±2,326 SQ. FT.



**City of Goleta. June 20, 2023
San Jose Creek Multipurpose Path Northern
and Southern Segments Project
Resolution of Necessity**

**Legal Definitions, Legal Description and Exhibit
for:**

50 S. Kellogg Ave.
Goleta, CA 93117

Kellogg Trust et. al. (Martin Marietta Ready Mix
LLC. Tenant)
APN 071-090-074

LEGAL DEFINITIONS
City of Goleta
San Jose Creek Multipurpose Path Northern and Southern Segments Project
As to APN 071-090-074

Permanent Easement:

“Permanent Easement” refers to a perpetual easement for a multi-purpose public recreational path for recreational uses, including but not limited to biking, skating, scooting, walking, hiking, and equestrian uses, and purposes incidental thereto, excluding motorized vehicles (with the exception of maintenance vehicles necessary to perform maintenance on the public path or creek banks), on, over, upon and across that certain land that is situated in the City of Goleta, County of Santa Barbara, State of California, more particularly described in Exhibit “A” and depicted in Exhibit B, each attached hereto and incorporated herein by this reference (the “Easement”).

The Easement granted herein shall include the right for conforming the real property to the new public improvements and for construction activities facilitating construction of the public path, including but not limited to grading, excavation, embankment slopes and retaining walls for the lateral and subjacent support of the recreational path within the Easement, placement of hard scape surfacing including asphalt concrete and concrete curbing, placement of fencing and or railing, mitigation plantings, the right to modify drainage lines that traverse the Easement to reroute and reinstall in a manner that removes conflicts with the multi-purpose trail improvements while maintaining drainage to creek, and purposes with facilitating the completion of the public path improvements.

City shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Easement at any time, without prior notice.

Temporary Construction Easement:

“Temporary Construction Easement” for the purposes of facilitating construction of the public path improvements, including but not limited to the right to place equipment and vehicles, perform grading, pile earth or other materials necessary for construction thereon, place erosion control and construction BMPs thereon, place mitigation plantings thereon, and utilize said Temporary Construction Easement for all other related activities and purposes associated with facilitating and accomplishing the construction of the public improvements within the Easement described hereinabove, in, on, over, under, through, along and across that certain parcel of land described in Exhibit “C” and depicted in Exhibit “D”, attached hereto and incorporated herein.

This Temporary Construction Easement shall automatically terminate upon completion of City’s construction or three (3) years after this Temporary Construction Easement commences, whichever occurs first.

EXHIBIT A
LEGAL DESCRIPTION
(APN 071-090-074)

PARCEL 4: RIGHT OF WAY

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel A of Parcel Map No. 12,824 as per map recorded in Book 23, Pages 17-19 of Parcel Maps in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the northeasterly corner of Parcel C per Parcel Map No. 13,327 as per map recorded in Book 40, Pages 44-46 of said County; thence, along the northerly line of said Parcel C, S84°12'01"W, 44.58 feet; thence, S15°54'11"E, 42.46 feet to the beginning of a tangent curve; thence, along the arc of said curve having a radius of 200.00 feet, being concave westerly with a central angle of 30°32'27", in a southerly direction a distance of 106.61 feet; thence, S14°42'16"W, 14.18 feet to a point on the southerly line of Parcel A per said Parcel Map No. 13,327; thence, S19°24'43"W, 88.43 feet to a point on the southerly line of Parcel D per said Parcel Map No. 13,327, being a point on the northerly line of Parcel A per said Parcel Map No. 12,824, also being the **Point of Beginning**; thence,

- 1st. S19°24'43"W, 68.04 feet to the beginning of a non-tangent curve; thence,
- 2nd. Along the arc of said curve having a radius of 78.01 feet, being concave northwesterly having a radial bearing of N65°13'35"W with a central angle of 51°31'47", in a southwesterly direction a distance of 70.16 feet; thence,
- 3rd. S76°00'21"W, 379.83 feet to the beginning of a tangent curve; thence,
- 4th. Along the arc of said curve having a radius of 187.00 feet, being concave southeasterly with a central angle of 56°44'25", in southwesterly direction a distance of 185.19 feet; thence,
- 5th. S19°15'56"W, 129.58 feet to a point the southerly line of said Parcel A per Parcel Map No. 12,824; thence, along the southerly, southeasterly and northerly lines of said Parcel A the following eight (8) courses:
- 6th. S89°01'12"E, 27.29 feet; thence,
- 7th. N17°32'55"E, 192.74 feet; thence,
- 8th. N63°35'55"E, 125.11 feet; thence,
- 9th. S85°27'05"E, 146.53 feet; thence,
- 10th. N72°33'55"E, 257.75 feet; thence,
- 11th. N53°29'55"E, 95.38 feet; thence,
- 12th. N19°31'55"E, 93.41 feet; thence,
- 13th. S84°12'01"W, 80.16 feet to the **Point of Beginning**.

Containing an area of 31,808 square feet, more or less.

Bearings and distances used herein are based on the California Coordinate System of 1983, Zone 5.

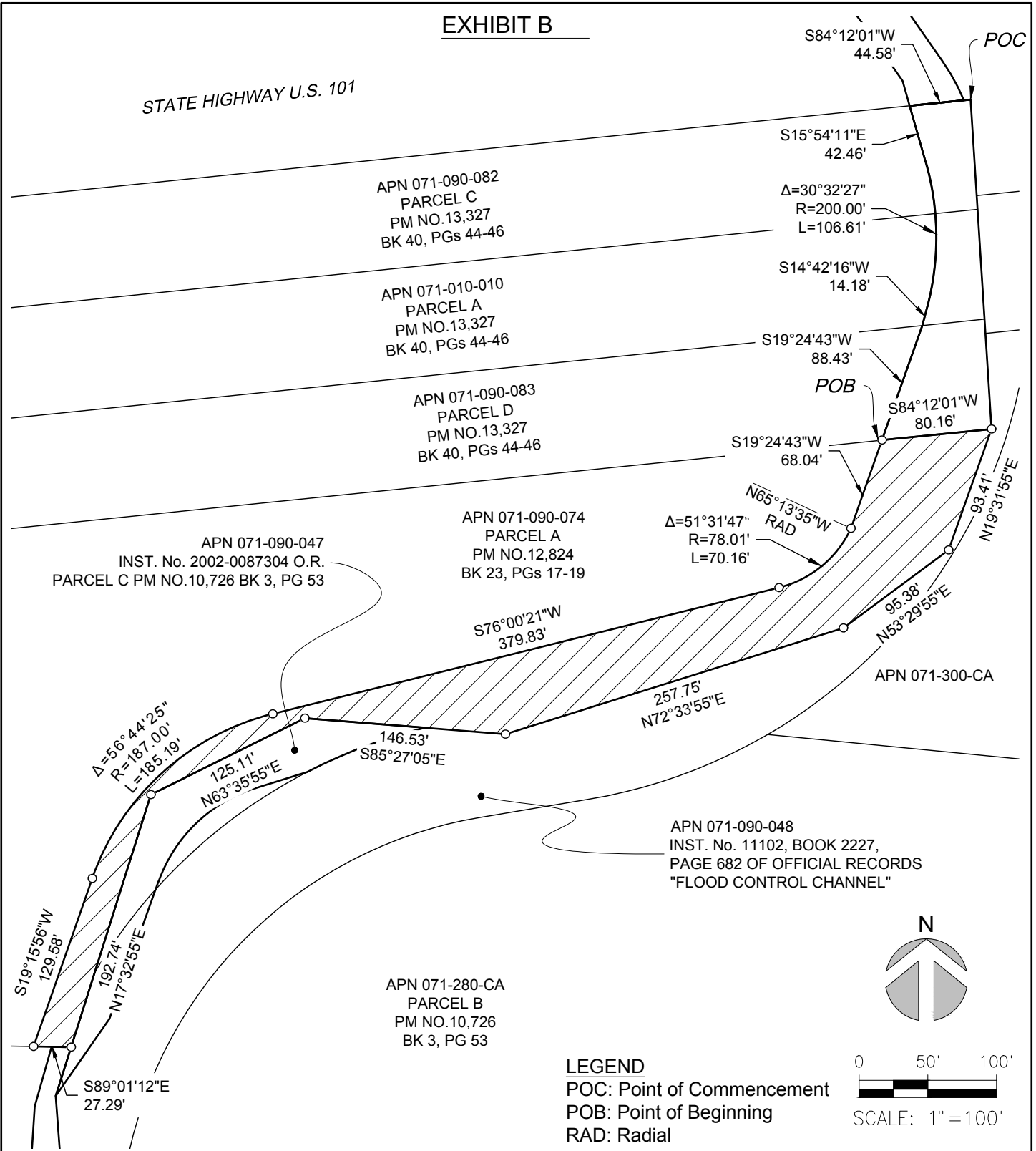
This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Shane C Sobecki
Shane C. Sobecki, PLS

Date: 02/08/2023



EXHIBIT B



201 N. Calle Cesar Chavez, Suite 300,
Santa Barbara, CA 93103
805-692-6921
www.mnsengineers.com



Parcel 4: Right of Way
(APN 071-090-074)
City of Goleta
County of Santa Barbara
State of California

±31,808 SQ. FT.

EXHIBIT C
LEGAL DESCRIPTION
(APN 071-090-074)

PARCEL 4: TEMPORARY CONSTRUCTION EASEMENT

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel A of Parcel Map No. 12,824 as per map recorded in Book 23, Pages 17-19 of Parcel Maps in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the northeasterly corner of Parcel C per Parcel Map No. 13,327 as per map recorded in Book 40, Pages 44-46 of said County; thence, along the northerly line of said Parcel C, S84°12'01"W, 44.58 feet; thence, S15°54'11"E, 42.46 feet to the beginning of a tangent curve; thence, along the arc of said curve having a radius of 200.00 feet, being concave westerly with a central angle of 30°32'27", in a southerly direction a distance of 106.61 feet; thence, S14°42'16"W, 14.18 feet to a point on the southerly line of Parcel A per said Parcel Map No. 13,327; thence, S19°24'43"W, 88.43 feet to a point on the southerly line of Parcel D per said Parcel Map No. 13,327, being a point on the northerly line of Parcel A per said Parcel Map No. 12,824, also being the **Point of Beginning**; thence,

- 1st. S19°24'43"W, 68.04 feet to the beginning of a non-tangent curve; thence,
- 2nd. Along the arc of said curve having a radius of 78.01 feet, being concave northwesterly having a radial bearing of N65°13'35"W with a central angle of 51°31'47", in a southwesterly direction a distance of 70.16 feet; thence,
- 3rd. S76°00'21"W, 379.83 feet to the beginning of a tangent curve; thence,
- 4th. Along the arc of said curve having a radius of 187.00 feet, being concave southeasterly with a central angle of 56°44'25", in southwesterly direction a distance of 185.19 feet; thence,
- 5th. S19°15'56"W, 129.58 feet to a point the southerly line of said Parcel A per Parcel Map No. 12,824; thence,
- 6th. N89°01'12"W, 10.53 feet; thence,
- 7th. N19°15'56"E, 132.89 feet to the beginning of a tangent curve; thence,
- 8th. Along the arc of said curve having a radius of 197.00 feet, being concave southeasterly with a central angle of 56°44'25", in northeasterly direction a distance of 195.09 feet; thence,
- 9th. N76°00'21"E, 379.86 feet to the beginning of a non-tangent curve; thence,
- 10th. Along the arc of said curve having a radius of 68.01 feet, being concave northwesterly having a radial bearing of N13°40'32"W with a central angle of 51°10'12", in a northeasterly direction a distance of 60.73 feet; thence,
- 11th. N19°24'43"E, 62.85 feet to a point on the northerly line of said Parcel A; thence,
- 12th. Along said northerly line, N84°12'01"E, 11.05 feet to the **Point of Beginning**.

Containing an area of 8,321 square feet, more or less.

Bearings and distances used herein are based on the California Coordinate System of 1983, Zone 5.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: *Shane C Sobecki*
Shane C. Sobecki, PLS

Date: 02/21/2023



EXHIBIT D

STATE HIGHWAY U.S. 101

APN 071-090-082
PARCEL C
PM NO.13,327
BK 40, PGs 44-46

APN 071-010-010
PARCEL A
PM NO.13,327
BK 40, PGs 44-46

APN 071-090-083
PARCEL D
PM NO.13,327
BK 40, PGs 44-46

APN 071-090-047
INST. No. 2002-0087304 O.R.
PARCEL C PM NO.10,726 BK 3, PG 53

APN 071-090-074
PARCEL A
PM NO.12,824
BK 23, PGs 17-19

N76°00'21"E
379.86'
379.83'
S76°00'21"W

Δ=51°10'12"
R=68.01'
L=60.73'

N13°40'32"W
RAD

N84°12'01"E
11.05'

S19°24'43"W
88.43'

S84°12'01"W
44.58'

S15°54'11"E
L=106.61'
Δ=30°32'27"
R=200.00'

POC

POB

S19°24'43"W
68.04'

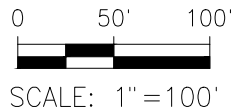
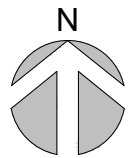
Δ=51°31'47"
R=78.01'
L=70.16'

APN 071-300-CA

APN 071-090-048
INST. No. 11102, BOOK 2227,
PAGE 682 OF OFFICIAL RECORDS
"FLOOD CONTROL CHANNEL"

APN 071-280-CA
PARCEL B
PM NO.10,726
BK 3, PG 53

N19°15'56"E
132.89'
129.58'
S19°15'56"W
Δ=56°44'25"
R=197.00'
L=195.09'
Δ=56°44'25"
R=187.00'
L=185.19'
N89°01'12"W
10.53'



LEGEND

POC: Point of Commencement
POB: Point of Beginning
RAD: Radial



201 N. Calle Cesar Chavez, Suite 300,
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Parcel 4: TCE
(APN 071-090-074)
City of Goleta
County of Santa Barbara
State of California

±8,321 SQ. FT.

**City of Goleta. June 20, 2023
San Jose Creek Multipurpose Path Northern
and Southern Segments Project
Resolution of Necessity**

**Legal Definitions, Legal Description and Exhibit
for:**

20 S. Kellogg Ave.
Goleta, CA 93117
Schwan Brothers Properties, LLC
APN 071-090-083

LEGAL DEFINITIONS
City of Goleta
San Jose Creek Multipurpose Path Northern and Southern Segments Project
As to APN 071-090-083

Permanent Easement:

“Permanent Easement” refers to a perpetual easement for a multi-purpose public recreational path for recreational uses, including but not limited to biking, skating, scooting, walking, hiking, and equestrian uses, and purposes incidental thereto, excluding motorized vehicles (with the exception of maintenance vehicles necessary to perform maintenance on the public path or creek banks), on, over, upon and across that certain land that is situated in the City of Goleta, County of Santa Barbara, State of California, more particularly described in Exhibit “A” and depicted in Exhibit B, each attached hereto and incorporated herein by this reference (the “Easement”).

The Easement granted herein shall include the right for conforming the real property to the new public improvements and for construction activities facilitating construction of the public path, including but not limited to grading, excavation, embankment slopes and retaining walls for the lateral and subjacent support of the recreational path within the Easement, placement of hard scape surfacing including asphalt concrete and concrete curbing, placement of fencing and or railing, mitigation plantings, the right to modify drainage lines that traverse the Easement to reroute and reinstall in a manner that removes conflicts with the multi-purpose trail improvements while maintaining drainage to creek, and purposes with facilitating the completion of the public path improvements.

City shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Easement at any time, without prior notice.

**EXHIBIT A
LEGAL DESCRIPTION
(APN 071-090-083)**

PARCEL 5: RIGHT OF WAY

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel D of Parcel Map No. 13,327 as per map recorded in Book 40, Pages 44-46 of Parcel Maps in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the northeasterly corner of Parcel C per said Parcel Map; thence,

- 1st. Along the northerly line of said Parcel C, S84°12'01"W, 44.58 feet; thence,
- 2nd. S15°54'11"E, 42.46 feet to the beginning of a tangent curve; thence,
- 3rd. Along the arc of said curve having a radius of 200.00 feet, being concave westerly with a central angle of 30°32'27", in a southerly direction a distance of 106.61 feet; thence,
- 4th. S14°42'16"W, 14.18 feet to a point on the southerly line of said Parcel A; thence,
- 5th. S19°24'43"W, 88.43 feet to a point on the southerly line of Parcel D per said Parcel Map; thence,
- 6th. Along the southerly line of said Parcel D, N84°12'01"E, 80.16 feet to the southeasterly corner of said Parcel D; thence,
- 7th. Along the easterly lines of said Parcels A, C and D N3°37'47"W, 240.19 feet to the **Point of Beginning**.

Excepting therefrom those portions of said Parcels A and C.

Containing an area of 5,027 square feet, more or less.

Bearings and distances used herein are based on the California Coordinate System of 1983, Zone 5.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Shane C Sobecki
Shane C. Sobecki, PLS

Date: 02/03/2023



EXHIBIT B

STATE HIGHWAY U.S. 101

S84°12'01"W
44.58'

POB

APN 071-090-082
PARCEL C
PM NO.13,327
BK 40, PGs 44-46

S15°54'11"E
42.46'

Δ=30°32'27"
R=200.00'
L=106.61'

U.P.R.R.

APN 071-010-011

APN 071-010-010
PARCEL A
PM NO.13,327
BK 40, PGs 44-46

N3°37'47"W
240.19'

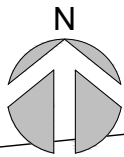
S14°42'16"W
14.18'

APN 071-090-083
PARCEL D
PM NO.13,327
BK 40, PGs 44-46

S19°24'43"W
88.43'

80.16'
N84°12'01"E

APN 071-090-074



SCALE: 1" = 40'

LEGEND

POB: Point of Beginning



201 N. Calle Cesar Chavez, Suite 300,
Santa Barbara, CA 93103
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www.mnsengineers.com



Parcel 5: Right of Way
(APN 071-090-083)
City of Goleta
County of Santa Barbara
State of California

±5,027 SQ. FT.

**City of Goleta. June 20, 2023
San Jose Creek Multipurpose Path Northern
and Southern Segments Project
Resolution of Necessity**

**Legal Definitions, Legal Description and Exhibit
for:**

10 S. Kellogg Ave.
Goleta, CA 93117
Goleta Storage Owner, LLC
APN 071-090-082

LEGAL DEFINITIONS
City of Goleta
San Jose Creek Multipurpose Path Northern and Southern Segments Project
As to APN 071-090-082

Permanent Easement:

“Permanent Easement” refers to a perpetual easement for a multi-purpose public recreational path for recreational uses, including but not limited to biking, skating, scooting, walking, hiking, and equestrian uses, and purposes incidental thereto, excluding motorized vehicles (with the exception of maintenance vehicles necessary to perform maintenance on the public path or creek banks), on, over, upon and across that certain land that is situated in the City of Goleta, County of Santa Barbara, State of California, more particularly described in Exhibit “A” and depicted in Exhibit B, each attached hereto and incorporated herein by this reference (the “Easement”).

The Easement granted herein shall include the right for conforming the real property to the new public improvements and for construction activities facilitating construction of the public path, including but not limited to grading, excavation, embankment slopes and retaining walls for the lateral and subjacent support of the recreational path within the Easement, placement of hard scape surfacing including asphalt concrete and concrete curbing, placement of fencing and or railing, mitigation plantings, the right to modify drainage lines that traverse the Easement to reroute and reinstall in a manner that removes conflicts with the multi-purpose trail improvements while maintaining drainage to creek, and purposes with facilitating the completion of the public path improvements.

City shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Easement at any time, without prior notice.

Temporary Construction Easement:

“Temporary Construction Easement” for the purposes of facilitating construction of the public path improvements, including but not limited to the right to place equipment and vehicles, perform grading, pile earth or other materials necessary for construction thereon, place erosion control and construction BMPs thereon, place mitigation plantings thereon, and utilize said Temporary Construction Easement for all other related activities and purposes associated with facilitating and accomplishing the construction of the public improvements within the Easement described hereinabove, in, on, over, under, through, along and across that certain parcel of land described in Exhibit “C” and depicted in Exhibit “D”, attached hereto and incorporated herein.

This Temporary Construction Easement shall automatically terminate upon completion of City’s construction or three (3) years after this Temporary Construction Easement commences, whichever occurs first.

EXHIBIT "A"
LEGAL DESCRIPTION
(APN 071-090-082)

PARCEL 7: RIGHT OF WAY

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel C of Parcel Map No. 13,327 as per map recorded in Book 40, Pages 44 to 46 of Parcel Maps in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the northeasterly corner of Parcel C per said Parcel Map; thence,

- 1st. Along the northerly line of said Parcel C, S84°12'01"W, 44.58 feet; thence,
- 2nd. S15°54'11"E, 42.46 feet to the beginning of a tangent curve; thence,
- 3rd. Along the arc of said curve having a radius of 200.00 feet, being concave westerly with a central angle of 30°32'27", in a southerly direction a distance of 106.61 feet; thence,
- 4th. S14°42'16"W, 14.18 feet to a point on the southerly line of said Parcel A; thence,
- 5th. S19°24'43"W, 88.43 feet to a point on the southerly line of Parcel D per said Parcel Map; thence,
- 6th. Along the southerly line of said Parcel D, N84°12'01"E, 80.16 feet to the southeasterly corner of said Parcel D; thence,
- 7th. Along the easterly lines of said Parcels A, C and D N3°37'47"W, 240.19 feet to the **Point of Beginning**.

Excepting therefrom those portions of said Parcels A and D.

Containing an area of 2,923 square feet, more or less.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Shane C Sobecki
Shane C. Sobecki, PLS

Date: 02/03/2023



EXHIBIT "B"

STATE HIGHWAY U.S. 101

S84°12'01"W
44.58'

POB

APN 071-090-082
PARCEL C
PM NO.13,327
BK 40, PGs 44-46

S15°54'11"E
42.49'

$\Delta=30^{\circ}32'27''$
R=200.00'
L=106.61'

U.P.R.R.

APN 071-010-011

APN 071-010-010
PARCEL A
PM NO.13,327
BK 40, PGs 44-46

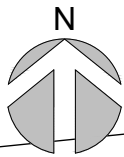
N3°37'47"W
240.19'

S14°42'16"W
14.18'

APN 071-090-083
PARCEL D
PM NO.13,327
BK 40, PGs 44-46

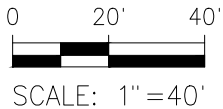
N19°24'43"W
88.43'

APN 071-090-048
INST. No. 11102,
BOOK 2227, PAGE 682
OF OFFICIAL RECORDS



APN 071-090-074

80.16'
N84°12'01"E



APN 071-090-047
INST. No. 2002-0087304 O.R.

LEGEND
POB: Point of Beginning



201 N. Calle Cesar Chavez, Suite 300,
Santa Barbara, CA 93103
805-692-6921
www.mnsengineers.com



Parcel 7: Right of Way
(APN 071-090-082)
City of Goleta
County of Santa Barbara
State of California

±2,923 SQ. FT.

**EXHIBIT C
LEGAL DESCRIPTION
(APN 071-090-082)**

PARCEL 7: TEMPORARY CONSTRUCTION EASEMENT

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel A of Parcel Map No. 13,327 as per map recorded in Book 40, Pages 44-46 of Parcel Maps in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the northeasterly corner of Parcel C per said Parcel Map; thence, along the northerly line of said Parcel C, S84°12'01"W, 44.58 feet to the **Point of Beginning**; thence,

- 1st. S15°54'11"E, 42.46 feet to the beginning of a tangent curve; thence,
- 2nd. Along the arc of said curve having a radius of 200.00 feet, being concave westerly with a central angle of 30°32'27", in a southerly direction a distance of 106.61 feet; thence,
- 3rd. S14°42'16"W, 14.18 feet to a point on the southerly line of said Parcel A; thence,
- 4th. Along said southerly line, S84°12'01"W, 10.65 feet; thence,
- 5th. N14°38'16"E, 17.90 feet to the beginning of a tangent curve; thence,
- 6th. Along the arc of said curve having a radius of 190.00 feet, being concave northwesterly with a central angle of 19°29'51", in a northeasterly direction a distance of 64.66 feet to a point on the northerly line of said Parcel A; thence,
- 7th. Along said northerly line S84°12'01"W, 72.48 feet; thence,
- 8th. N5°47'59"W, 21.80 feet; thence,
- 9th. N59°28'49"E, 78.98 feet; thence,
- 10th. N5°19'52"W, 25.18 feet to the **Point of Beginning**.

Excepting therefrom the portion of said Parcel A.

Containing an area of 3,285 square feet, more or less.

Bearings and distances used herein are based on the California Coordinate System of 1983, Zone 5.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Shane C Sobecki
Shane C. Sobecki, PLS

Date: 02/21/2023



EXHIBIT D

STATE HIGHWAY U.S. 101

POC

S84°12'01"W
44.58'

POB
N5°19'52"W
25.18'

S15°34'11"E
42.46'

APN 071-090-082
PARCEL C
PM NO.13,327
BK 40, PGs 44-46

N59°28'49"E
78.98'

N5°47'59"W
21.80'

S84°12'01"W
72.48'

APN 071-010-010
PARCEL A
PM NO.13,327
BK 40, PGs 44-46

Δ=19°29'51"
R=190.00'
L=64.66'

Δ=30°32'27"
R=200.00'
L=106.61'

U.P.R.R.

APN 071-010-011

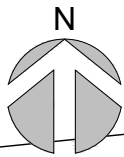
N14°38'16"E
17.90'

14.78'

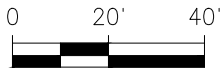
S84°12'01"W
10.65'

S14°42'16"W

APN 071-090-083
PARCEL D
PM NO.13,327
BK 40, PGs 44-46



APN 071-090-074



SCALE: 1" = 40'

LEGEND

POC: Point of Commencement
POB: Point of Beginning



201 N. Calle Cesar Chavez, Suite 300,
Santa Barbara, CA 93103
805-692-6921
www.mnsengineers.com



Parcel 7: TCE
(APN 071-090-082)
City of Goleta
County of Santa Barbara
State of California

±3,285 SQ. FT.

**City of Goleta. June 20, 2023
San Jose Creek Multipurpose Path Northern
and Southern Segments Project
Resolution of Necessity**

**Legal Definitions, Legal Description and Exhibit
for:**

No Site Address
Southern California Gas Company
APN 071-200-011

LEGAL DEFINITIONS
City of Goleta
San Jose Creek Multipurpose Path Northern and Southern Segments Project
As to APN 071-200-011

Permanent Easement:

“Permanent Easement” refers to a perpetual easement for a multi-purpose public recreational path for recreational uses, including but not limited to biking, skating, scooting, walking, hiking, and equestrian uses, and purposes incidental thereto, excluding motorized vehicles (with the exception of maintenance vehicles necessary to perform maintenance on the public path or creek banks), on, over, upon and across that certain land that is situated in the City of Goleta, County of Santa Barbara, State of California, more particularly described in Exhibit “A” and depicted in Exhibit B, each attached hereto and incorporated herein by this reference (the “Easement”).

The Easement granted herein shall include the right for conforming the real property to the new public improvements and for construction activities facilitating construction of the public path, including but not limited to grading, excavation, embankment slopes and retaining walls for the lateral and subjacent support of the recreational path within the Easement, placement of hard scape surfacing including asphalt concrete and concrete curbing, placement of fencing and or railing, mitigation plantings, the right to modify drainage lines that traverse the Easement to reroute and reinstall in a manner that removes conflicts with the multi-purpose trail improvements while maintaining drainage to creek, and purposes with facilitating the completion of the public path improvements.

City shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Easement at any time, without prior notice.

Temporary Construction Easement:

“Temporary Construction Easement” for the purposes of facilitating construction of the public path improvements, including but not limited to the right to place equipment and vehicles, perform grading, pile earth or other materials necessary for construction thereon, place erosion control and construction BMPs thereon, place mitigation plantings thereon, and utilize said Temporary Construction Easement for all other related activities and purposes associated with facilitating and accomplishing the construction of the public improvements within the Easement described hereinabove, in, on, over, under, through, along and across that certain parcel of land described in Exhibit “C” and depicted in Exhibit “D”, attached hereto and incorporated herein.

This Temporary Construction Easement shall automatically terminate upon completion of City’s construction or three (3) years after this Temporary Construction Easement commences, whichever occurs first.

EXHIBIT A
LEGAL DESCRIPTION
(APN 071-200-011)

Parcel 2: Easement

That certain real property in the Rancho La Goleta, County of Santa Barbara, State of California, being a portion of the 28.26 Acres parcel per Record of Survey recorded in Book 143, Pages 93-96 of Maps in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the southwesterly terminus of the course shown as "N36°00'06"E 489.72 feet" being the northwesterly line of said 28.26 Acres parcel; thence, along said northwesterly line, N35°59'17"E, 44.57 feet to the **Point of Beginning**; thence,

- 1st. S53°51'16"E, 60.82 feet; thence,
- 2nd. N33°21'54"E, 137.19 feet to the southeasterly corner of Parcel 1 per Instrument No.7810 recorded March 14, 1975 in Book 2556, Page 292 of Official Records; thence,
- 3rd. Along the southerly line of said Parcel 1, S63°54'18"W, 116.50 feet to said northwesterly line of said 28.26 Acres parcel; thence,
- 4th. Along said northwesterly line, S35°59'17"W, 33.94 feet to the **Point of Beginning**.

Containing an area of 5,093 square feet, more or less.

Bearings and distances used herein are based on the California Coordinate System of 1983, Zone 5.

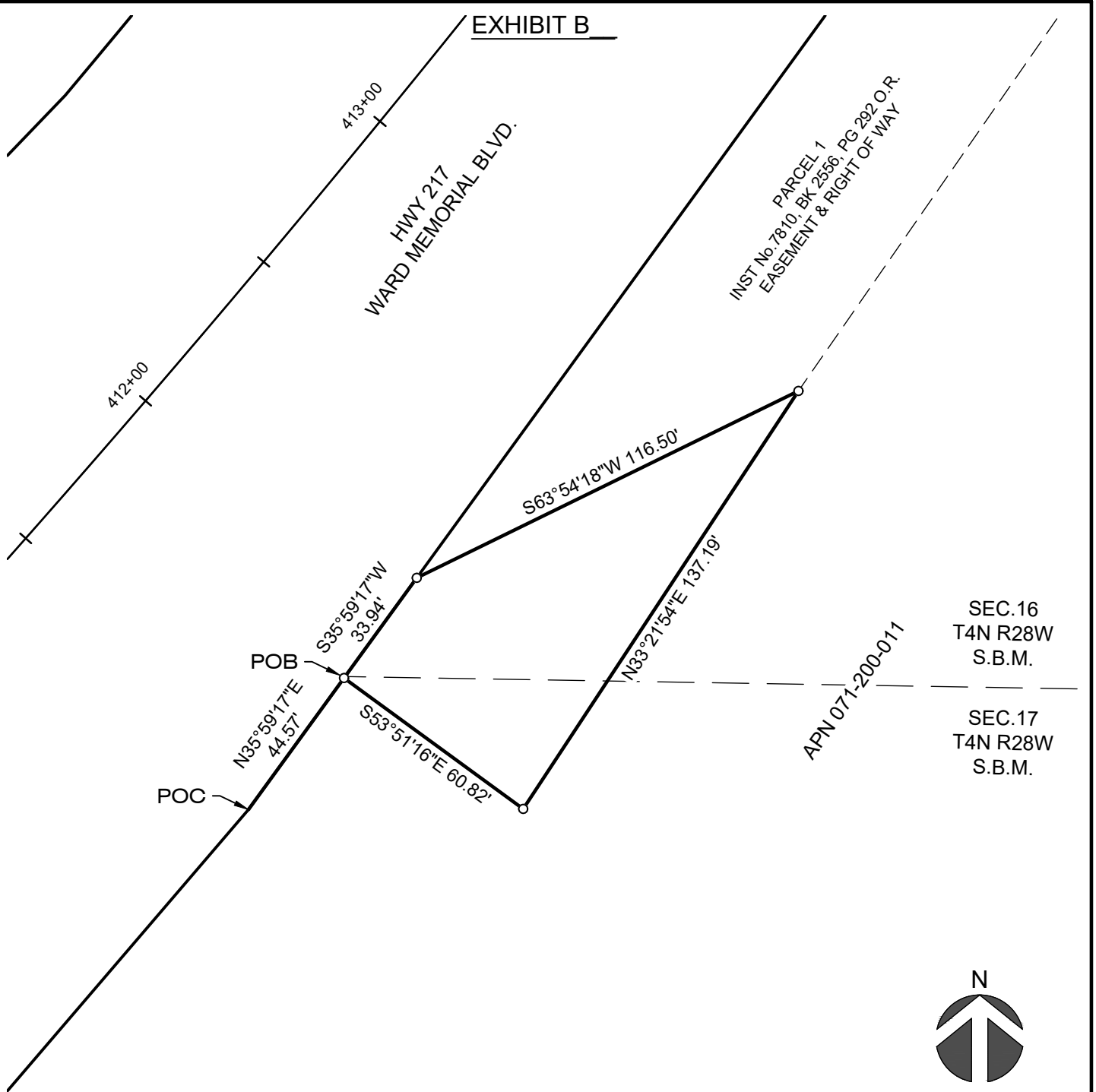
This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Shane C Sobecki
Shane C. Sobecki, PLS

Date: 03/03/2023



EXHIBIT B

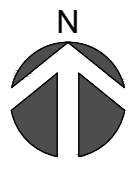


PARCEL 1
INST No 7810, BK 2556, PG 292 O.R.
EASEMENT & RIGHT OF WAY

SEC. 16
T4N R28W
S.B.M.

SEC. 17
T4N R28W
S.B.M.

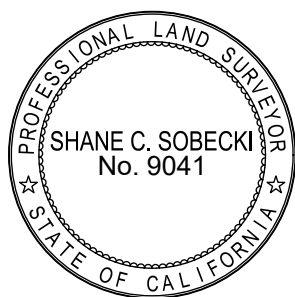
APN 071-200-011



LEGEND
POC: Point of Commencement
POB: Point of Beginning



201 N. Calle Cesar Chavez, Suite 300,
Santa Barbara, CA 93103
805-692-6921
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Parcel 2: Easement
(APN 071-200-011)
Unincorporated Territory
County of Santa Barbara
State of California

±5,093 SQ. FT.

EXHIBIT C
LEGAL DESCRIPTION
(APN 071-200-011)

Parcel 2: TEMPORARY CONSTRUCTION EASEMENT

That certain real property in the Rancho La Goleta, County of Santa Barbara, State of California, being a portion of the 28.26 Acres parcel per Record of Survey recorded in Book 143, Pages 93-96 of Maps in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the southwesterly terminus of the course shown as "N36°00'06"E 489.72 feet" being the northwesterly line of said 28.26 Acres parcel; thence,

- 1st. Along said northwesterly line, N35°59'17"E, 44.57 feet; thence,
- 2nd. S53°51'16"E, 60.82 feet; thence,
- 3rd. N33°21'54"E, 137.19 feet to the southeasterly corner of Parcel 1 per Instrument No.7810 recorded March 14, 1975 in Book 2556, Page 292 of Official Records; thence,
- 4th. Along the easterly line of said Parcel 1, N34°46'26"E, 98.52; thence,
- 5th. S49°16'51"E, 45.24 feet; thence,
- 6th. S34°40'51"W, 277.19 feet; thence,
- 7th. N62°31'57"W, 106.38 feet to the southeasterly right of way of Ward Memorial Boulevard (State Highway 217); thence,
- 8th. Along said southeasterly right of way, N40°35'01"E, 16.73 feet to the **Point of Beginning**.

Containing an area of 15,837 square feet, more or less.

Bearings and distances used herein are based on the California Coordinate System of 1983, Zone 5.

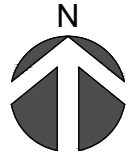
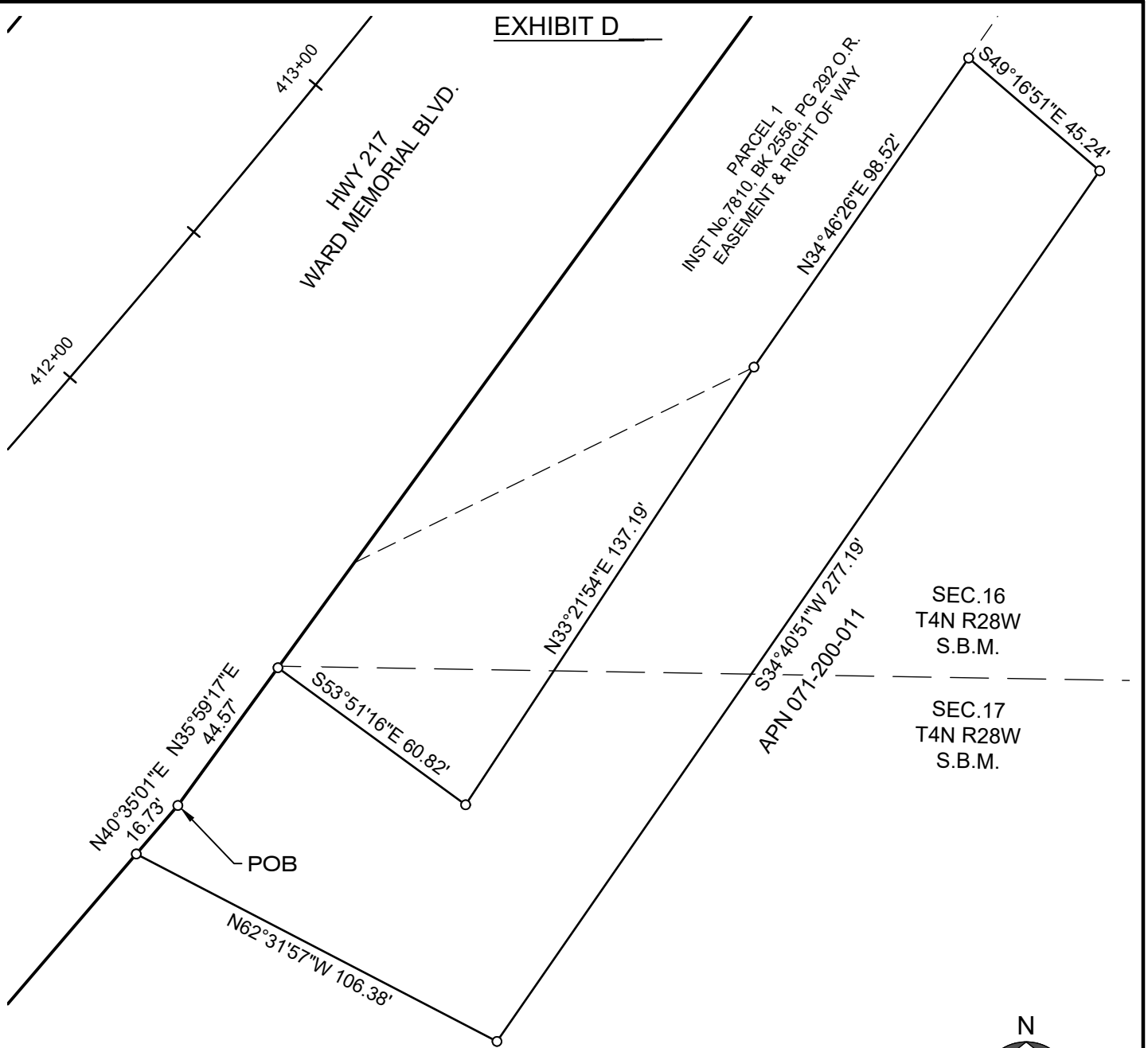
This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Shane C Sobecki
Shane C. Sobecki, PLS

Date: 03/03/2023



EXHIBIT D



LEGEND
 POB: Point of Beginning



201 N. Calle Cesar Chavez, Suite 300,
 Santa Barbara, CA 93103
 805-692-6921
 www.mnsengineers.com



Parcel 2: TCE
 (APN 071-200-011)
 Unincorporated Territory
 County of Santa Barbara
 State of California

±15,837 SQ. FT.