

# Agenda Item C.5 DISCUSSION/ACTION ITEM Meeting Date: September 4, 2018

TO: Mayor and Councilmembers

FROM: Charles Ebeling, Public Works Director

**CONTACT:** Marti Milan, Principal Civil Engineer

**SUBJECT:** Los Carneros Road Right-of-Way Vacation Request

#### **RECOMMENDATION:**

A. Receive a report and provide input on the right-of-way needs for Los Carneros Road and the adjacent land owner/developer's request for vacation of right-of-way; and

- B. Consider authorizing the City Manager to execute an agreement with MNS Engineers, Inc. for professional design services to study the right-of-way needs for Los Carneros Road in an amount not to exceed \$47,653 with a termination date of March 31, 2019; with City Attorney approval as to form and
- C. If Recommendation B is authorized, approve a budget appropriation of \$4,800 from the Goleta Transportation Improvement Program (GTIP) Fund Balance to account 220-5-9045-706 for a design services agreement with MNS Engineers, Inc.

#### **BACKGROUND:**

Los Carneros Road is a north-south arterial in the City of Goleta. In addition to its important connection to US 101, the roadway is a vital link between Goleta neighborhoods to the north and the Hollister Avenue corridor to the south. Los Carneros Road also serves as a significant link to the Isla Vista Community and UCSB.

In the early 1990s, Los Carneros Road was realigned between US 101 and Hollister Avenue. Prior to the realignment, Los Carneros Road met Hollister Avenue with two offset "T" intersections. A vehicle traveling from US 101 to Isla Vista on Los Carneros Road had to make a right-turn at Hollister Avenue and then, after a few hundred feet, turn left to get back onto Los Carneros Road. To improve circulation and intersection performance, the segment of Los Carneros Road from US 101 to Hollister Avenue was realigned to meet the segment of Los Carneros Road south of Hollister Avenue. The realignment improved circulation by enabling vehicles to travel straight through one intersection on their way south to Isla Vista and UCSB.

To realign the roadway, a property exchange agreement (Attachment 1) was created by the County of Santa Barbara and the private land owner in the area. The property exchange agreement delineated the areas of land to be exchanged to enable the Los Carneros Road realignment. Through the agreement, the County deeded fee title to the surrounding property with a reservation of an easement for public road purposes over a small part of the property ("ROW easement"). The agreement provided for the County to hold hearings to abandon or vacate the easement after the construction of the "new" Los Carneros Road segment was completed. The Department of Public Works has researched this issue and found that the County never held a hearing to vacate the subject easement. The City of Goleta, as the successor to the County, can hold vacation hearings if it deems that the easement should be abandoned.

The Towbes Group, developer of the proposed Heritage Ridge Project, has requested the City to vacate the subject easement because its project is designed to use the easement area. Typically vacation proceedings coincide with the development approval process. However, in this case two councilmembers requested that the vacation issue be brought to the full Council for discussion before the project approval.

The purpose of this item is to ascertain whether Council has any objection to the vacation of the easement. Because the Heritage Ridge Project depends on the vacation of the ROW easement, it would not make sense for staff to continue processing the proposed project for development approval and the developer to continue pursuit of the current design if Council did not want to consider vacation of the ROW easement.

As a general matter, vacation of any street, highway, or ROW easement is governed by the Streets & Highways Code. The determination of whether to vacate is dependent on the need for prospective public use. Therefore, the City would vacate all or a portion of the subject easement only if it determines that the easement is not needed for future public use.

Staff has come up with three options for Council consideration and seeks input as to which option to pursue. Regardless of the outcome of this meeting and any potential vacation hearings that may be held in the future, the Heritage Ridge Project will be required to undergo the normal development review by the Planning Department and approval process by the Planning Commission and City Council. This item being heard by Council shall not be considered to be a hearing on the vacation of the ROW easement under the Streets and Highways Code, nor an opportunity to discuss the merits of the Heritage Ridge project. This meeting is not for Council to balance the benefits of this project with the loss of right of way. The sole focus of this item should be for exploring the need for future public use of the roadway easement.

#### **DISCUSSION:**

The City of Goleta owns, maintains and operates roadways throughout the City. Roadways are located on land called right-of-way. The design, construction, maintenance and operation of roadways is guided by local, state and federal law, the City's policy documents such as the General Plan and by adopted engineering standards and best practices. Roadways are significant assets that are owned by the City. The total

replacement cost of the City of Goleta's roadways is in the hundreds of millions of dollars. Careful consideration should be made when considering the myriad of issues that must be addressed as an owner of these facilities. Encroachments to not only the roadway themselves but also the land they occupy should, in particular, be carefully considered.

Vacation of the roadway right-of-way land for any purpose should also be carefully considered. For example, in the case of Los Carneros Road, as it approaches US 101, the roadway is on an engineered fill with slopes down to the adjacent land. The slopes themselves are an integral part of the roadway and should be protected. Roadway right-of-way is also important for alternative transportation facilities such as Class I bike paths, multi-use paths and other pedestrian facilities. Roadway right-of-way may also be needed for capital projects such as the expansion of the road by adding more lanes if needed.

The City of Goleta maintains several lists of potential Capital Improvement Projects. Projects can be listed in the General Plan, the Capital Improvement Program, the Goleta Transportation Improvement Plan, work plans, and the in the City's budget. Projects can be identified for these plans and programs for various reasons, including the following:

- Traffic and Transportation Impact Studies
- Development Impact Fee Program Nexus Studies
- Public Input/City Council Direction
- City Engineer/City Staff Recommendations

Capital improvement plan project lists are used for budgeting and work planning by the Department of Public Works as well as other departments within the City. Each year the Capital Improvement Program is presented to the Planning Commission. The Planning Commission is asked to make a finding that the projects listed are consistent with the City's General Plan. Although the projects are listed in the various plans, they must be initiated and funded in the budget. Once a project is funded though the budgeting process, it must go through the project delivery process including environmental review, design and construction. Ultimately, the City Council and the City Manager establish the priority of projects for each department. The land owner/developer has requested that the City relinquish Los Carneros Road right-of-way. Two improvement projects have been listed for Los Carneros Road in the location of the request:

- Los Carneros Road Right-Turn Lanes City of Goleta Capital Improvement Plan
- Los Carneros Road/Calle Koral Intersection Improvements Goleta Transportation Improvement Plan.

Each of these projects has been included in various capital improvement plans and presented to both the Planning Commission (for consistency hearings) and the City Council as follows:

## Los Carneros Road/US 101 SB On-Ramp Dual Right Turn Lanes

#### City Council

- November 9, 2010 CIP Presentation I5 Los Carneros Rd at Hwy 101 SB Ramp Add NB RT
- March 7, 2013 CIP Presentation Los Carneros SB 101 Ramp Widening (Timing based on approval of Target GPA)
- April 28, 2016 CIP Presentation

#### Planning Commission (65401)

- May 23, 2016 9045 Los Carneros Road Interchange SB 101 Onramp EIR
- May 21, 2018 9045 Los Carneros Road Interchange SB 101 Onramp EIR

# Los Carneros/Calle Koral Roadway Widening

#### City Council

- January 17, 2012 (CIP Presentation) Future Transportation Projects 2015 Los Carneros Road at Calle Koral R18 Or Developer in FY 13/14
- March 1, 2012 (CIP Presentation) Future Transportation Projects 2015 Los Carneros Road at Calle Koral R18 Or Developer in FY 13/14
- March 7, 2013 (CIP Presentation) Projects in Design FY 13/14 Calle Koral @ Los Carneros Realignment (Timing based on approval of Target GPA)
- June 17, 2014 (CIP Presentation) Projects in Design FY 14/15 Calle Koral @ Los Carneros Realignment (Timing based on approval of Target GPA)

#### Planning Commission (65401)

- May 23, 2016 Los Carneros Way Realignment
- January 8, 2018 (Amendment 1) Los Carneros Way Realignment
- May 21, 2018 Los Carneros Way Realignment

In November of 2017 conceptual designs for the two City capital improvement projects listed above were provided to the land owner/developer working on the adjacent private property development project. Working collaboratively, the land owner/developer's engineer and consultants working for the City identified the potential location of the two City projects and the proposed right-of-way/property boundary if the City were to relinquish all the roadway right-of-way easement as requested. The conceptual designs, created by the land owner/developer's engineer, show the potential right-of-way/property line boundary slightly within the paved surface of Los Carneros Road.

In July of 2018 the Department of Public Works reviewed the proposed tentative vesting map for the adjacent private development project. The tentative vesting map showed the proposed right-of-way/property boundary in the location within the paved surface Los Carneros Road. Public Works determined that it could not support the location of the proposed right-of-way/property boundary location because of its potential location within future roadway improvements and that it did not meet fundamental engineering best practices for owning, maintaining and operating a public roadway. The Department of Public Works began working collaboratively with the land owner/developer's engineer to analyze the situation and look for potential options. Those options are provided below for Council consideration:

# Option 1: Do not relinquish the roadway right-of-way as requested by the land owner/developer.

#### Advantages

- a. The City of Goleta fully protects its available roadway right-of-way for any potential capital improvement project that could expand and/or improve operations of the roadway and intersections.
- b. Los Carneros Road/US 101 engineered fill embankments are protected from encroachments to the greatest extent possible.

#### Disadvantages

- a. The land owner/developer would need to extensively redesign the proposed private property development project.
- b. Other public improvements to be completed as part of the land owner/developer's project may not be done. This includes items such as pedestrian facilities along Camino Vista.

# Option 2: Relinquish all of the roadway right-of-way as requested by the land owner/developer.

#### Advantages

- a. The land owner/developer would be able to continue to move the private development project, as designed, through the City's development approval process.
- b. The other public improvements would likely be constructed with the proposed private development project.

#### Disadvantages

a. The proposed right-of-way/property boundary would likely be within the paved surface of Los Carneros Road if the capital improvement projects were completed by the City as conceptualized. Even though the proposed boundary line would only be slightly within the paved surface, the City Engineer does not recommend this because it does not meet engineering best practices and it could lead to unusual situations such as having to reacquire right-of-way at a cost the City.

# Option 3: Vacate a portion of the requested roadway right-of-way to the land owner/developer and have the land owner/developer dedicate property to the City for roadway right-of-way purposes in an adjacent nearby location.

The space between the roadway right-of-way/property boundary line and Los Carneros Road narrows as it goes from the Calle Koral intersection to US 101 narrows. Option 3 includes reserving approximately 10 feet of the roadway right-of-way adjacent to Los Carneros Road. To create the 10-foot "buffer" right-of-way, approximately 10 feet of the roadway right-of-way the land owner/developer has requested would not be vacated.

Closer to US 101, the land owner/developer will need to grant the City a 5-foot easement to the City for roadway right-of-way purposes. Together, the retaining of right-of-way by the City and the land owner/developer granting right-of-way to the City will create a continuous 10-foot roadway right-of-way buffer strip adjacent to Los Carneros Road. Attachment 2 of this report shows the 10-foot right-of-way area.

#### Advantages

- a. The City would likely maintain enough right-of-way for future capital improvement projects.
- b. The land owner/developer would be able to continue to move the private development project, as designed, through the City's development approval process with likely little or no modifications.
- c. The City would acquire an easement closer to US 101 where one does not exist today. The right-of-way easement dedicated by the land owner/developer would further enable future roadway improvement projects and help protect the existing roadway fill embankment from encroachments.

#### Disadvantages

- a. The City would take a risk, albeit small, that the right-of-way retained would not be sufficient for a future roadway capital improvement project.
- b. The owner/land developer may have to make slight changes to the currently proposed retaining wall to accommodate the proposed right-of-way/property boundary line and fill slope modifications.

To identify and better understand the small risk that the City would be taking under the third option discussed above, the City could engage a civil engineering design consulting firm, MNS Engineers, Inc., to develop the two conceptual capital improvement projects to an engineered layout. Typically, this is called 30% plans. Topographic survey information would first be gathered and then engineered layouts will be created. The engineering layouts (30% plans) can then be used to confirm that the third option listed above has little or no risk for the City.

#### **FISCAL IMPACTS:**

Pending the approval for the FY 2017/2018 budget carryovers, appropriations include approximately \$10,895 and from the adopted FY 2018/2019 budget of \$32,001 for the Los Carneros Road projects. The MNS contract for the 30% design is \$47,653. If the Council chooses to authorize the contract with MNS a budget appropriation of \$4,800 from the GTIP Fund Balance to account 220-5-9045-706 would be needed to fully fund the project. Approximately \$6.7 million is available in GTIP Fund Balance.

Los Carneros Interchange at SB101 On-Ramp, FY18/19							
Account	Fund Type	FY2017/18 Carryover	FY2018/19 Adopted Budget	Additional Appropriation	Total Available Budget		
220-5-9045-706	GTIP	\$10,895	\$32,001	\$4,800	\$47,696		

#### **ALTERNATIVES:**

All options are presented in the body of the staff report. No further alternatives have been identified.

Reviewed By: Legal Review By: Approved By:

Carmen Nichols Michael Jenkins Michelle Greene
Deputy City Manager City Attorney City Manager

#### **ATTACHMENTS:**

- 1. Property Exchange Agreement
- 2. Los Carneros Road Option 3 10-foot Right-of-Way Area

### **ATTACHMENT 1**

Property Exchange Agreement

1986-075172

Later 11-17-86

Recording requested by and when recorded return to

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PROPERTY EXCHANGE AGREEMENT

NGE AGREEMENT

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y and agreement

CLERK OF THE BOARD

LOS CARNEROS ROAD SANTA BARBARA, CALIFORNIA

This Agreement is made between the COUNTY OF SANTA BARBARA, a political subdivision of the State of Californya, hereinafter called "COUNTY" and ALBERT LEVINSON and LILLIAN LEVINSON, owners of property adjacent to the proposed relocation of Los Carneros Road, near the intersection of Hollister Avenue within an unincorporated area of the County of Santa Barbara, and referred to herein as "OWNERS,"

#### WITNESSETH:

WHEREAS, it is the intention of the County of Santa Barbara to realign Los Carneros Road at or near the above described property; and

WHEREAS, the COUNTY desires to convey certain portions of the public road which are to be superceded by relocation and obtain the dedication of certain portions of property described above to COUNTY for purposes of establishing a new alignment of the public road and for other related purposes;

WHEREAS, the OWNERS intend to develop their property in conformity with an approved specific plan for the Los Carneros community project and with the conditions of approval on Tentative Tract Map No. 13,646 which includes certain requirements for road and road frontage improvements; and

WHEREAS, other development in the vicinity will contribute to such road realignment under the direction and coordination of the County of Santa Barbara; and

WHEREAS, the parties have entered into detailed negotiations, each in their own best interests, with regard to exchanges of property associated with the realignment of the Los Carneros Road, with the frontage improvements associated therewith, and with the other road, street, utilities and similar public and private improvements,

NOW, THEREFORE, the parties agree as follows:

1. The COUNTY agrees to convey to OWNERS, by grant deed substantially in the form of the attached Exhibit, the real property described on the attached Exhibit "A" comprising approximately .776 acres underlying the area of Los Carneros Road to be superceded as depicted on the attached Exhibit "B," reserving therein an easement for public road purposes.

- 2. The COUNTY agrees that upon completion of the realignment of Los Carneros Road and the relocation of the roadway, the COUNTY will institute proceedings and hold hearings to abandon or vacate the public road easement retained in such property.
  - 3. Upon realignment of Los Carneros Road, the OWNERS agree to engineer, design and construct improvements to widen the east side of Los Carneros Road to the Southbound U.S. 101 onramp, according to plans, specifications and standards approved by the Public Works Director substantially in the form attached hereto as Exhibit "C" to provide for a 50 foot width from the center line shown thereon. Said improvements shall be free from defects in material or workmanship and shall perform satisfactorily for a period of at least one year from and after the acceptance of such improvements as complete by the County Road Commissioner. OWNERS shall repair any defects in any such improvements and replace any defective improvements which cannot be repaired which occur or arise within the one year period at OWNERS' expense.
  - 4. Prior to the recordation of Tract 13,646, OWNERS shall provide COUNTY with a surety in the amount and form acceptable to the Director of Public Works to secure the construction of the improvements required of OWNERS as described above.

ATTEST:
HOWARD.C. MENZEL
COUNTY, CLERK-RECORDER

By Chairman, Board of Supervisors

Chairman, Board of Supervisors

Albert Levison

Lillian Levinson

APPROVED AS TO FORM: KENNETH L. NELSON COUNTY COUNSEL

Ву

Robert W. Pike

Deputy County Counsel

#### ACKNOWLEDGMENT

STATE OF CALIFORNIA ) ss COUNTY OF LOS ANGELES )

On this the 11th day of , 1986, before me the undersigned a Notary Public in and for said County and State, personally appeared ALBERT LEVINSON and LILLIAN LEVINSON, personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.



Notary Public

RECORDING REQUEETED BY

AND WHEN RECORDED MAIL THIS CITED AND, UNLERS OTHER WISE SHOWN BELOW, MAIL TAX UTATEMENTS TO:

NAME SCHRAMM & RADDUE
15 West Carrillo
ADDRESS POST Office Box 1260
EART Santa Barbara; CA 93102
The Attn: Frederick W. Clough

Name

Title Order No.

Escrow No.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

(4)		
he undersigned declares that the documentary transfer tax is computed on the full value of the interest or property contour computed on the full value less the value of liens or encumb	eyed, or is	
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OR A VALUABLE CONSIDERATION, receipt of which is	hereby acknowledged,	
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That certain real property, a listatched hereto as Exhibit "by this reference.  EXCEPTING AND RESERVING FROM SAAN EASEMENT FOR PUBLIC ROAD PUPPROPERTY GRANTED HEREBY UNTIL SABANDONS SUCH EASEMENT TO GRANTSUCCESSORS IN INTEREST AS TO THE SUCH EASEMENT	A" and incorporated herein  AID GRANT OF REAL PROPERTY  RPOSES OVER THE REAL  BUCH TIME AS GRANTOR  PEE OR GRANTEE'S	- u
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MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, WAIL AS DIRECTED ABOVE

Spect Address

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#### PORTION OF LOS CARNEROS ROAD 0.776 ACRES

That certain real property in the County of Santa Barbara, State of California, described as follows:

Beginning at a 3/4 inch iron pipe with brass cap monument marked "S.B. County Road Comm. Mon." as shown on the westerly boundary of a 48.491 acre parcel of land as filed in Book 113, Page 84, Records of Survey, in the Santa Barbara County Recorder's Office; said westerly boundary being the easterly boundary of the portion of Los Carneros Road described as Parcel One in the Grant Deeds to the County of Santa Barbara recorded September 23, 1965 as Instrument Numbers 33745 and 33747 in Book 2121, Pages 1396 and 1402 respectively in said County Recorder's Office; said point of beginning also being at the southerly terminus of that course shown as N. 2°57'54" E. 150.03 feet on said map.

Thence along the westerly line of said 48.491 acre parcel the following courses and distances:

1st, S. 05°27'59" W. 195.17 feet;

2nd, S. 04°21'45" W. 260.46 feet;

3rd, S. 08°02'39" W. 205.25 feet;

4th, S. 14°00'17" W. 30.21 feet;

Thence 5th, leaving said westerly line N. 53°39'48" W. 60.00 feet to the beginning of a tangent curve concave northeasterly having a delta of 14°00'27" and a radius of 150.00 feet;

Thence 6th, northwesterly along the arc of said curve 36.67 feet to the beginning of a compound curve concave northeasterly having a delta of 17°17'38" and a radius of 90.00 feet, the radial center of which bears N. 50°20'39" E.;

Thence 7th, northwesterly along the arc of said compound curve, 27.17 feet to a point on the westerly boundary of the portion of Los Carneros Road described a Parcel One in the Grant Deed to the County of Santa Barbara Recorded April 9, 1965 as Instrument Number 12686 in Book 2099, Page 553 of Official Records in said County Recorder's Office at the beginning of a non tangent curve concave northwesterly having a delta of 05°36'07" and a radius of 945.00 feet, the radial center of which bears N. 79°44'24" W.;

w.o. 6326-57-00 11/14/86 CWW;ch

PENFIELD & SMITH ENGINEERS, INC.

Thence 8th, along said last mentioned westerly boundary, northwesterly along the arc of said curve, 92.39 feet to the beginning of a non tangent curve concave northwesterly having a delta of 13°42'01" and a radius of 1060.00 feet, the radial center of which bears N. 61°47'03" W.;

Thence 9th, leaving said westerly boundary, northeasterly along the arc of said curve 253.46 feet;

Thence 10th, tangent to said last described curve, N. 14°30'56" E. 98.42 feet to the beginning of a tangent curve concave northwesterly having a delta of 11°33'02" and a radius of 1242.56 feet;

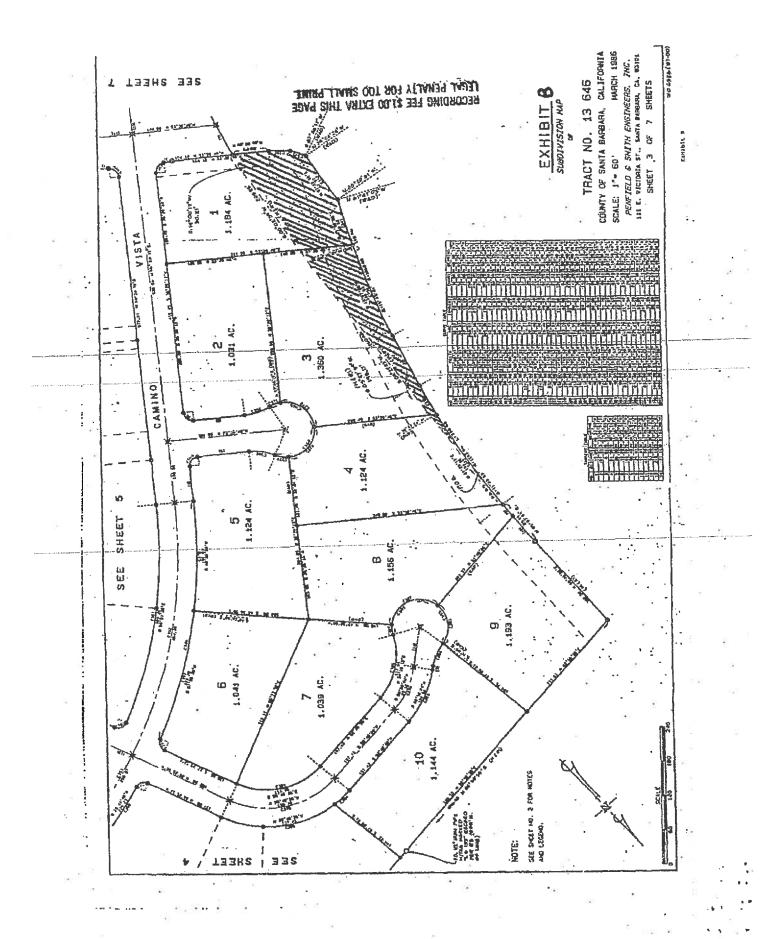
Thence 11th, northeasterly and northerly along the arc of said curve 250.49 feet to a point of tangency with said westerly line of said first mentioned 48.491 acre parcel;

Thence 12th, along the westerly line of said parcel S. 02°57'54" W. 66.89 feet to the point of beginning.

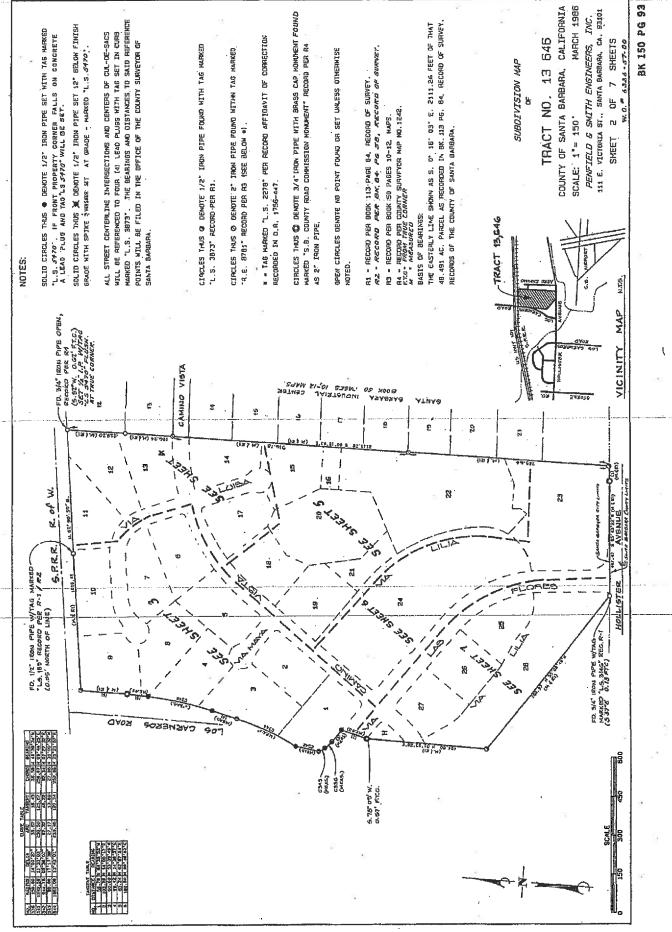
Containing 0.776 acres more or less.

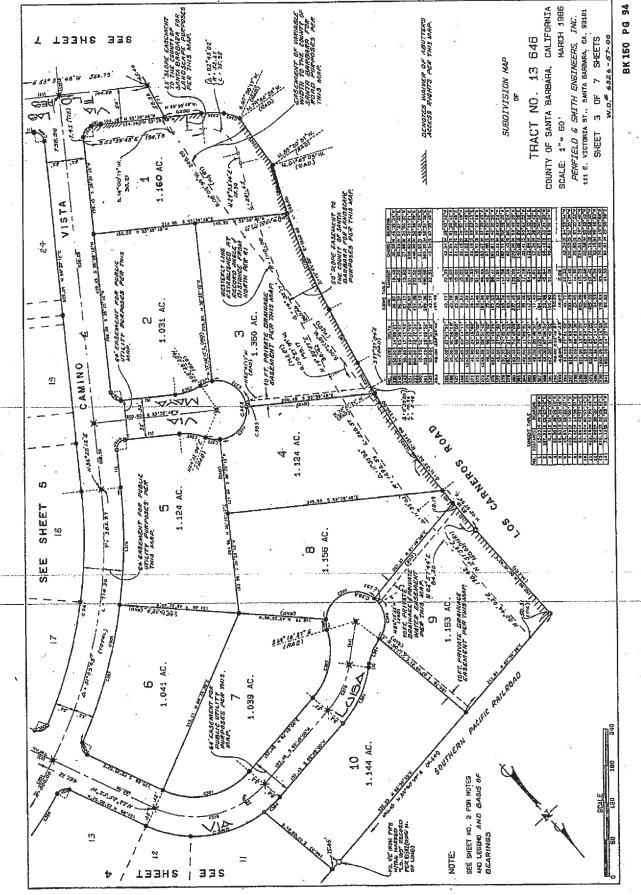
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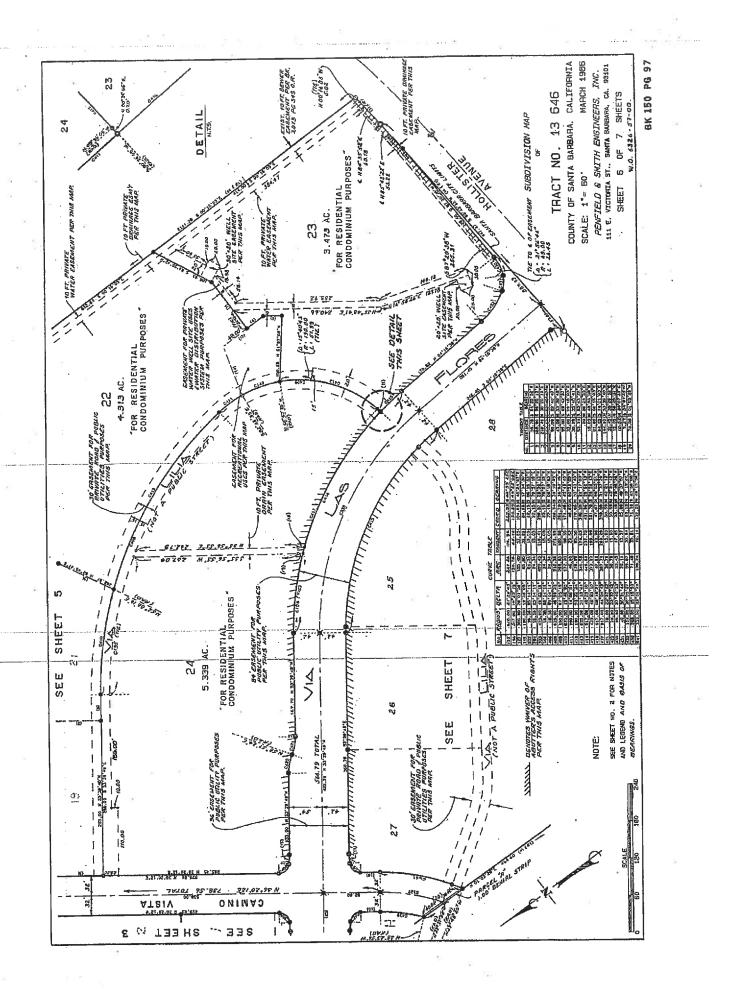
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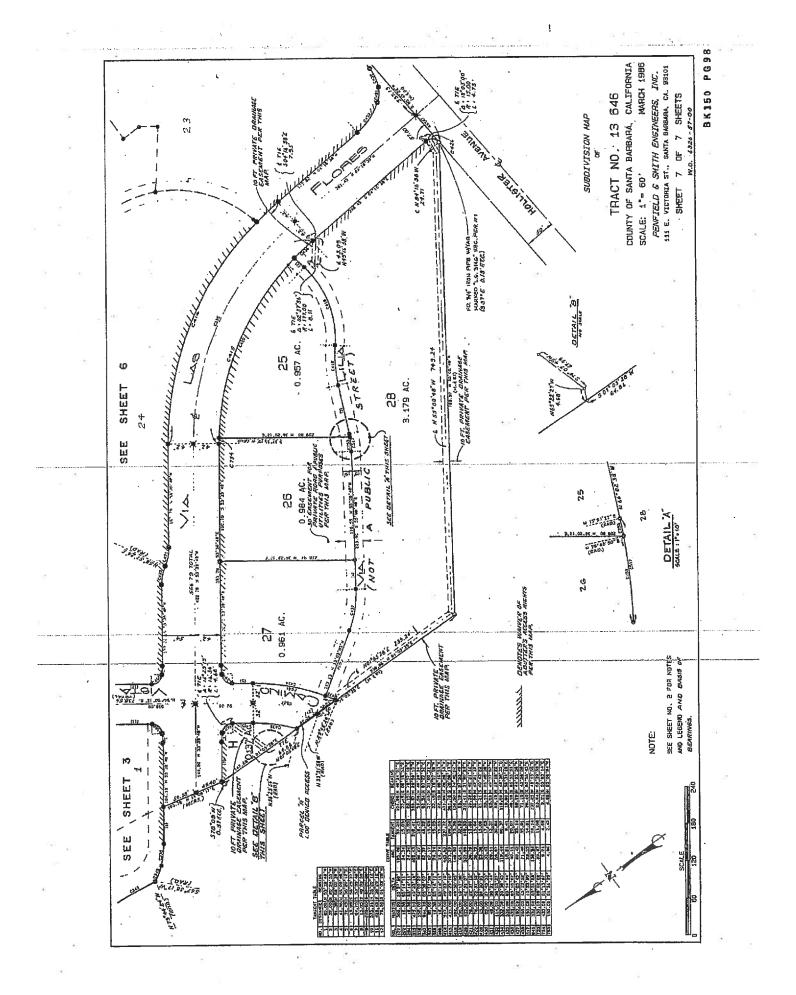


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## **ATTACHMENT 2**

Los Carneros Road Option 3 10-foot Right-of-Way Area

