



**TO:** Mayor and Councilmembers

**FROM:** Charles W. Ebeling, Public Works Director

**CONTACT:** Gerald Comati, Project Manager

**SUBJECT:** Ekwill Street and Fowler Road Extensions Project - Resolution of Necessity for Parcel 071-130-062

**RECOMMENDATION:**

Adopt, by a two thirds majority vote, Resolution No. 19-\_\_ entitled "A Resolution of the City Council of the City of Goleta, California Adopting a Resolution of Necessity for the Acquisition of Certain Parcels, Identified as Assessor Parcel Number 071-130-062, Required for the Ekwill Street and Fowler Road Extensions Project."

**BACKGROUND:**

The City's Ekwill Street and Fowler Road Extensions Project (Ekwill-Fowler Project) is a project located in Goleta Old Town that has been in development for a number of years and is considered one of the highest priority transportation projects in the City. The Ekwill-Fowler Project will provide new direct east-west routes between Fairview Avenue and Kellogg Avenue across Old Town Goleta and provide considerable operational improvements at the Hollister Avenue interchange with State Route 217 through the construction of roundabouts. The new roadways and operational improvements will improve traffic flow in the area, reduce some congestion on Hollister Avenue, provide enhanced bike and pedestrian access through Old Town and provide better public transit routes linking Old Town to other areas. The Project includes four major components:

1. Fowler Road Extension. Rebuild existing South Street and add an extension from the current end of the existing South Street to Technology Drive.
2. Ekwill Street Extension. Extend Ekwill Street from Kellogg Avenue to Fairview Avenue and add a roundabout at the Ekwill Street/Pine Avenue intersection. In connection to the extension of Ekwill Street, a segment of the Old San Jose Creek Trail will be improved.
3. Hollister Avenue Operational Improvements at State Route 217. Build two roundabouts located at the intersections of Hollister Avenue and State Route 217 northbound and southbound on- and off-ramps.
4. Kellogg Avenue Improvements at Hollister Avenue. Lengthen the free right-turn

lane on northbound Kellogg Avenue to eastbound Hollister Avenue.

In November of 2011 the City approved an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the Ekwil Street and Fowler Road Extensions Project. In December of 2011, Caltrans, as the responsible agency under the National Environmental Policy Act (NEPA), approved a Categorical Exclusion (CE) for the project. With these two actions, the preliminary engineering and environmental phase of this project was concluded. The next phases of work for the project were the design, acquisition of required right of way and securing of all permits. Since that time, design has advanced to near completion, all permits have been secured and the majority of right-of-way needed for the project has been successfully acquired. However, some right-of-way still remains to be acquired despite multiple appraisals and offers.

### Schedule and Funding

The majority of the construction funding for the Ekwil-Fowler Project is through the State Transportation Improvement Program (STIP) along with various City funding. The STIP funding for the Ekwil-Fowler Project is programmed in FY 2020-2021, which means that the construction contract cannot be advertised for construction bids until the summer of 2020 (after Fiscal Year 2020-2021 has begun on July 1, 2020). It also means that if the programmed STIP construction funds are not obligated in Fiscal-Year 2020-21, through a "use it or lose it rule" the funds will be lost to the Project. Prior to being able to obligate the STIP construction funding, the project must show that all right of way needed for the project has been secured. The scheduled date for this "Right of Way Certification" is May 2020.

### **DISCUSSION:**

As discussed above, a large portion of right of way required for the Ekwil-Fowler Project has already been acquired. However, the City has not been successful in reaching settlements for some properties.

Today's meeting provides the opportunity for Council to consider a Resolution of Necessity. This is a necessary and statutorily required prerequisite for the City to exercise its power to acquire property by eminent domain and in essence is simply a determination that the property interest is necessary for the public project. Eminent domain is the power of the government to take private property for a public purpose through a court procedure that assures just compensation is paid. 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 construction schedule for the project. The "interested" parties (property owners) have been given direct notice as required by statute.

The scope of this meeting is limited, pursuant to California Code of Civil Procedure Section 1240.030, to determination of the following questions:

1. Does the public interest and necessity require the project; and
2. Is the project planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
3. Is the property sought to be acquired necessary for the project.

Staff believes that the proposed Ekwil Street and Fowler Road Extensions Project meets this criteria as further explained below.

### **The public interest and necessity requires the project**

No significant public transportation infrastructure improvements have been made to the southern portion of Goleta Old Town in more than 50 years. During this period the predominant development has been industrial and commercial along with a major expansion and re-construction of the Santa Barbara Airport terminal. More recently, some hospitality and residential development has also occurred. As a result of this lack of infrastructure improvements, vehicular, pedestrian, and bicyclist access to and within southern Old Town is cumbersome, access to the airport from Old Town is convoluted and congestion on Hollister Avenue continues due to local and regional growth. Construction of the Ekwil Street and Fowler Road Extensions across Goleta Old Town and the operational improvements at the Hollister Avenue Interchange with Route 217, will improve traffic flow in the area, reduce some congestion on Hollister Avenue, provide better public transit routes linking Goleta Old Town to other areas and improve pedestrian and bicycle access.

### **The project 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 access for existing businesses and residences. The alignment of the new roads was determined by the City to be the most beneficial and viable from a cost standpoint and operationally effective.

In order to ensure that the project will result in the least private injury, the project has been designed to minimize right of way impacts. The Project directly impacts only one residence. The proposed project incorporates the use of retaining walls to minimize the surface area of adjacent properties impacted by construction.

### **The property sought to be acquired necessary for the project**

The acquisitions identified in Attachment 1 are necessary to construct the Ekwil-Fowler Project. The Exhibits in Attachment 1 show the location of the parcel and the easements that are needed to construct the project. The property is required to construct the west end of Ekwil Street. The Resolution, which is Attachment 2, identifies the type of take needed. 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 as listed in the table below:

Address	Project	APN #	Parcel #	Take Description	Area (SF)	Owner
490 South Fairview Avenue, Goleta, CA 93117	Ekwill-Fowler Project	071-130-062	E-2-1	Fee Take	2,962	Torridon, LLC
			E-2-2	Temporary Construction Easement	4,718	
			E-2-3	Temporary Construction Easement	6,163	
			E-2-4	Permanent Easement for Flood Control and Drainage Purposes	1,226	

An offer based on a certified appraisal for the needed acquisitions has been presented to the affected property owner. Negotiations for the fair compensation of the property owner are ongoing and it is the City's desire to reach mutually acceptable terms with the owner such that the project can be kept on schedule. However, these negotiations are anticipated to continue until at least April 2020. The City of Goleta is fully committed to continuing to work through these issues until they can be resolved to the mutual agreement of the parties involved.

Adoption of the attached Resolution of Necessity will allow the City to move forward with construction of the project in the event that negotiations with the property owner cannot be completed by the required right of way certification date for the project, while at the same time preserving the ability for the City and the property owner to continue with negotiations.

This action in no way diminishes the ability of the property owner to receive satisfactory compensation for the property from the City of Goleta. The benefit of this process is that construction and right of way negotiations can move forward on parallel tracks.

## GOLETA STRATEGIC PLAN

The Ekwill Street and Fowler Road Extensions Project is one of the highest priority capital transportation improvement project for the City of Goleta and is consistent with the Goals in the Goleta Strategic Plan entitled "Strengthen Infrastructure" and "Return Old Town to the Vital Center of the City." This project moves the City closer toward realizing its vision as defined within the City's Strategic Plan.

## FISCAL IMPACTS:

Funds for the acquisition of the easements required for the construction of the Ekwill Street and Fowler Road Extensions project are included in the approved FY 2019/20 budget. As such, no additional appropriations are required at this time.

**ALTERNATIVES:**

Council could choose 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 May 2020, the project delivery schedule may be jeopardized and the risk of losing \$11.4M of STIP construction funds is increased.

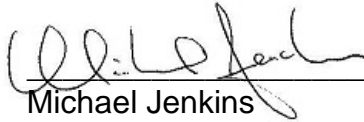
**Reviewed By:**

**Legal Review By:**

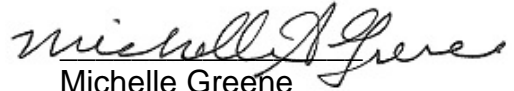
**Approved By:**



Kristine Schmidt  
Assistant City Manager



Michael Jenkins  
City Attorney



Michelle Greene  
City Manager

**ATTACHMENTS:**

1. Resolution No. 19-\_\_ entitled "A Resolution of the City Council of the City of Goleta, California Adopting a Resolution of Necessity for the Acquisition of Certain Parcels, Identified as Assessor Parcel Number 071-130-062, Required for the Ekwil Street and Fowler Road Extensions Project.



**ATTACHMENT 1:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA  
ADOPTING A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF CERTAIN  
PARCELS, IDENTIFIED AS ASSESSOR PARCEL NUMBER 071-130-062, REQUIRED  
FOR THE EKWILL STREET AND FOWLER ROAD EXTENSIONS PROJECT





## RESOLUTION NO. 19\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA ADOPTING A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF CERTAIN PARCELS, IDENTIFIED AS ASSESSOR PARCEL NUMBERS 071-130-062 REQUIRED FOR THE EKWILL STREET AND FOWLER ROAD EXTENSIONS PROJECT

**WHEREAS**, the existing vehicular, pedestrian, and bicyclist access to and within southern Old Town is cumbersome and deficient; and

**WHEREAS**, congestion on Hollister Avenue continues due to local and regional growth; and

**WHEREAS**, the Ekwil Street and Fowler Road Extensions Project will improve connectivity and access to, from, and within southern Old Town as well as to the Santa Barbara Airport and reduce congestion along Hollister Avenue and provide enhanced bicycle and pedestrian access; and

**WHEREAS**, the Ekwil Street and Fowler Road Extensions Project, including the construction of two new roads and operational improvements at the Hollister Avenue Interchange with State Route 217 as well as the acquisition of necessary property, is consistent with all applicable provisions of the City's General Plan; and

**WHEREAS**, construction of the Ekwil Street and Fowler Road Extensions Project will require certain interests in private property to be acquired for the new roads and operational improvements; 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 Ekwil Street and Fowler Road Extensions Project; and

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

Address	Project	APN #	Parcel #	Take Description	Area (SF)	Owner
490 South Fairview Avenue, Goleta, CA 93117	Ekwil-Fowler Project	071-130-062	E-2-1	Fee Take	2,962	Torridon, LLC
			E-2-2	Temporary Construction Easement	4,718	
			E-2-3	Temporary Construction Easement	6,163	
			E-2-4	Permanent Easement for Flood Control and Drainage Purposes	1,226	

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

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

**SECTION 1: 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 2: PUBLIC USE**

The property sought to be acquired herein is for the public purpose of constructing the Ekwil Street and Fowler Road Extensions Project.

**SECTION 3: PROPERTY INTERESTS**

The following private property interests are needed for the Ekwil Street and Fowler Road Extensions Project and are sought to be acquired:

Address	Project	APN #	Parcel #	Take Description	Area (SF)	Owner
490 South Fairview Avenue, Goleta, CA 93117	Ekwil-Fowler Project	071-130-062	E-2-1	Fee Take	2,962	Torridon, LLC
			E-2-2	Temporary Construction Easement	4,718	
			E-2-3	Temporary Construction Easement	6,163	
			E-2-4	Permanent Easement for Flood Control and Drainage Purposes	1,226	

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

**SECTION 4: NOTICE OF HEARING**

On November 12, 2019, the owner of record for the above-referenced party was provided notice of hearing pursuant to California Code of Civil Procedure section 1245.235.

**SECTION 5: FINDINGS**

Having duly heard and considered this matter at a hearing on December 3, 2019, the City Council finds and hereby declares:

a. The public interest and necessity require the proposed Ekwil Street and Fowler Road Extensions Project.

b. The proposed Ekwil Street and Fowler Road Extensions 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 Ekwil Street and Fowler Road Extensions Project.

d. The offer of compensation required by Government Code section 7267.2 has been made to the owner or owner of record.

**SECTION 6: 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.

**SECTION 7:**

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

**PASSED, APPROVED, AND ADOPTED** this 3<sup>rd</sup> day of December, 2019.

\_\_\_\_\_  
PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

\_\_\_\_\_  
MICHAEL JENKINS  
CITY ATTORNEY

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

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO  
HEREBY CERTIFY that the foregoing Resolution No. 19-\_\_ was duly adopted by  
the City Council of the City of Goleta at a regular meeting held on the 3<sup>rd</sup> day of  
December, 2019, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

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DEBORAH S. LOPEZ  
CITY CLERK

# **EXHIBIT A To Resolution**

**City of Goleta.  
December 3, 2019.**

**Ekwill Street and Fowler Road  
Extensions Project**

**LEGAL DEFINITIONS, LEGAL  
DESCRIPTIONS AND EXHIBITS**

**for:**

490 S. Fairview Avenue  
Goleta, CA 93117  
Yardi  
APN: 071-131-062



**LEGAL DEFINITIONS**  
**City of Goleta**  
**Ekwill Street and Fowler Road Extensions Project**  
**As to APN 071-090-036**

**“Fee,”** also known as fee simple or fee simple absolute, grants to the City of Goleta (“Goleta”) absolute ownership of the interests in the portions of the property to be acquired.

**“Permanent Flood Control Easement”** refers to a permanent easement and right of way to Goleta for street drainage and flood control purposes, over, under, along, through and across said property, together with the rights to construct maintain, repair and replace Goleta’s improvements thereon and refers to a temporary easement in favor of Goleta, its successor and assigns, to install, re-install, replace, remove, and maintain sandbags and similar sediment control protective devices, as determined necessary by Goleta, for the prevention of construction related flooding, erosion and sediment transfer across adjacent properties and into on-site drainage inlets/sources, together with all necessary rights incidental thereto in connection with the exercise of any easement rights described herein.

Property Owner shall not erect or construct, or permit to be erected or constructed, any building, structure or improvement on, over, or under any portion of the easement, or plant trees or any other vegetation on any portion of the easement, except with the prior written consent of Goleta, its successors and assigns.

No other easement shall be granted on, under or over the easement without the prior written consent of Goleta, its successors and assigns.

Property Owner shall not cause, directly, indirectly or negligently, any interference with or harm to the rights conveyed hereunder.

**“Temporary Construction Easement” (TCE)** refers to the right of Goleta, its successors and assigns, to engage in construction and related activities for the project, together with all necessary rights of ingress and egress to the easement area in connection with the exercise of any of the easement rights.

The rights under this easement shall commence on May 1, 2020 and end on May 1, 2023.

Property Owner shall not cause, directly, indirectly or negligently, any interference with or harm to the rights conveyed hereunder.





EXHIBIT A PAGE 1 OF 1

**LEGAL DESCRIPTION**

Real property in the City of Goleta, County of Santa Barbara, State of California, described as follows:

PARCEL 2 OF PARCEL MAP NO. 32,016 IN THE CITY OF GOLETA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED MARCH 23, 2006 IN [BOOK 59, PAGES 46](#) THROUGH 52, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 071-130-62



## EXHIBIT B PAGE 1 OF 3

### (Right of Way Legal Description) (Fee Interest)

Parcel: EKWILL-2-1

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel 2 of Parcel Map No. 32,016 recorded in Book 59, Pages 46 through 52 of Parcel Maps, in the office of the County Recorder of said County.

Said portion of land is described as follows:

Commencing at the southwesterly corner of said Parcel 2, said point being shown on record of survey recorded in Book 179, Pages 34 through 36 of Records of Survey in the office of the County Recorder of said County, being the northerly terminus of that line shown on said map as S 86° 21' 15" E, 42.05 feet; thence, along the southerly boundary of said Parcel 2 S 86° 21' 15" E, 42.05 feet to a point on the easterly boundary of Fairview Avenue; thence, along said easterly boundary N 00° 49' 55" E, 64.08 feet to the point of beginning also being a point on the northerly boundary of an irrevocable offer of dedication for a roadway easement described per Instrument No. 2001-0096623 of Official Records; thence,

- 1st along said northerly boundary S 86° 21' 15" E, 223.50 feet; thence,
- 2nd N 73° 20' 06" W, 65.18 feet; thence,
- 3rd N 86° 21' 26" W, 132.70 feet to the beginning of a tangent curve; thence
- 4th along the arc of said curve having a radius of 34.00 feet, being concave northeasterly through a central angle of 45° 59' 03", in a northwesterly direction 27.29 feet to the beginning of a tangent compound curve; thence,
- 5th along the arc of said curve having a radius of 14.00 feet, being concave northeasterly through a central angle of 41° 54' 42", in a northwesterly direction 10.24 feet; thence,
- 6th N 01° 32' 19" E, 11.78 feet; thence,
- 7th N 88° 18' 13" W, 0.75 feet to a point on the easterly boundary of Fairview Avenue; thence,
- 8th along said easterly boundary S 00° 49' 55" W, 46.06 feet to the point of beginning.

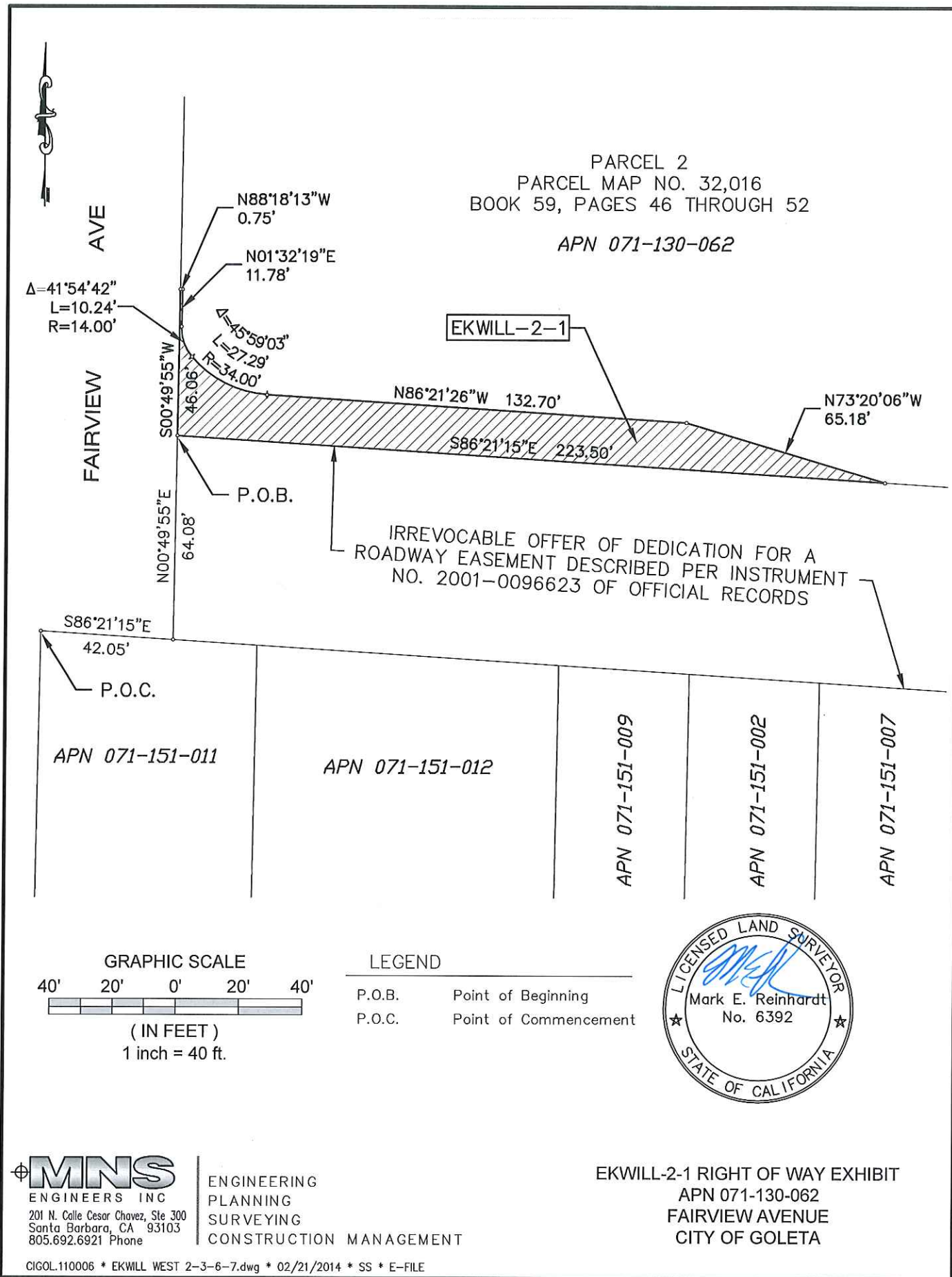
Containing an area of 2,961.66 square feet more or less.

Bearings and distances as shown herein are based upon the California Coordinate System of 1983 (CCS83) Zone 5.

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

Signature:  Date: 2/24/2014  
Mark E. Reinhardt, PLS







## EXHIBIT C PAGE 1 OF 3

### (Drainage & Flood Control Easement Legal Description)

Parcel: EKWILL-2-4

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel 2 of Parcel Map No. 32,016 recorded in Book 59, Pages 46 through 52 of Parcel Maps, in the office of the County Recorder of said County.

Said portion of land is described as follows:

Commencing at the southeasterly corner of said Parcel 2, said point being shown on record of survey recorded in Book 179, Pages 34 through 36 of Records of Survey in the office of the County Recorder of said County, being the northeasterly terminus of that line shown on said map as N 61° 45' 56" E, 47.10 feet; thence, along the easterly boundary of said Parcel 2 N 00° 52' 12" E, 39.17 feet to a point on the northerly boundary of an irrevocable offer of dedication for a roadway easement described per Instrument No. 2001-0096623 of Official Records; thence, along said northerly boundary N 86° 21' 15" W, 42.63 feet to the point of beginning; thence,

- 1st Continuing along said northerly boundary N 86° 21' 15" W, 25.79 feet; thence,
- 2nd N 55° 18' 24" E, 63.23 feet; thence,
- 3rd N 00° 20' 44" E, 11.20 feet; thence,
- 4th S 89° 39' 53" E, 17.01 feet to a point on the easterly boundary of said Parcel 2, said point lying N 00° 52' 12" E, 90.62 feet along said easterly boundary from said southeasterly corner of said Parcel 2; thence,
- 5th along said easterly boundary S 00° 52' 12" W, 32.18 feet to a point on the northerly boundary of an easement to the County of Santa Barbara for flood control purposes per Instrument No. 5013 filed in Book 2301 Page 132 of Official Records; thence,
- 6th along said northerly boundary S 60° 55' 46" W, 1.13 feet; thence,
- 7th N 25° 32' 39" W, 9.30 feet; thence,
- 8th N 89° 39' 16" W, 2.58 feet; thence,
- 9th S 55° 18' 24" W, 42.89 feet to the point of beginning.

Containing an area of 1,226.00 square feet more or less.

Bearings and distances as shown herein are based upon the California Coordinate System of 1983 (CCS83) Zone 5.

EXHIBIT C PAGE 2 OF 3

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

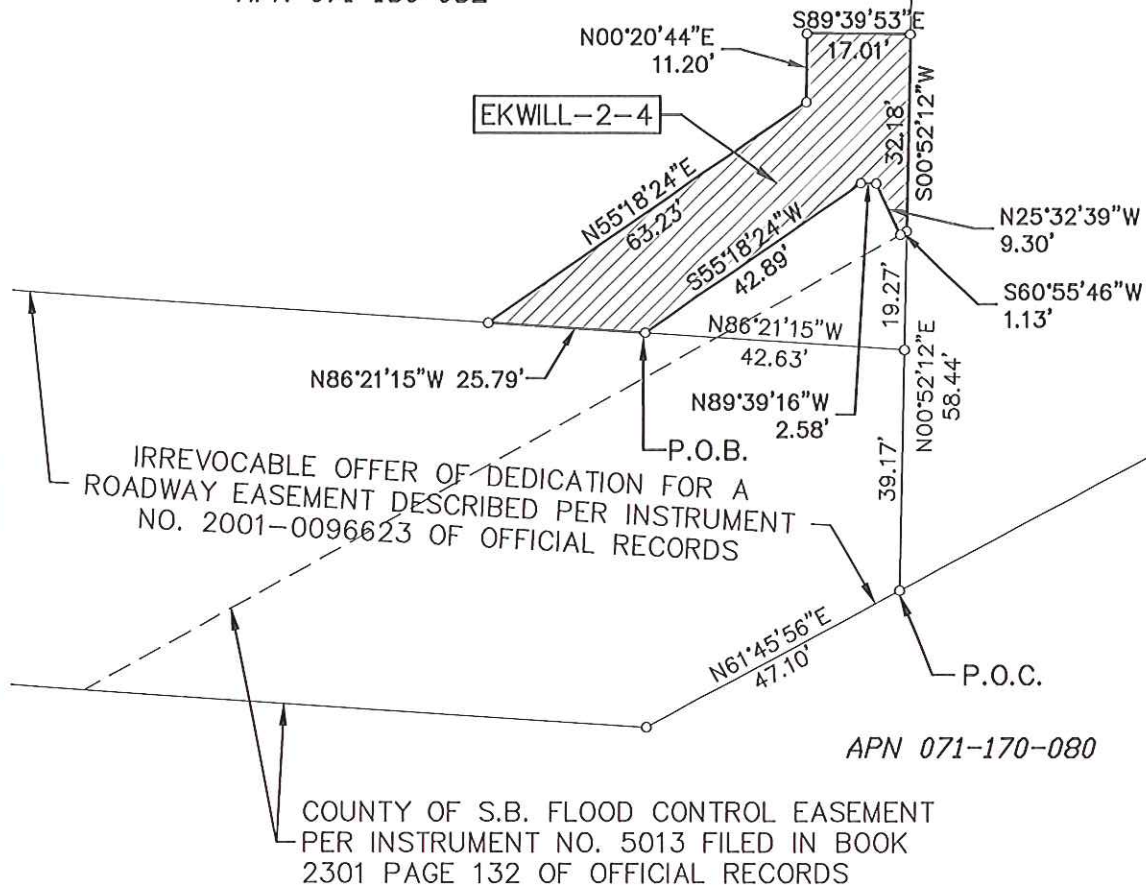
Signature:  Date: 3-21-14  
Mark E. Reinhardt, PLS





PARCEL 2  
 PARCEL MAP NO. 32,016  
 BOOK 59, PAGES 46 THROUGH 52  
 APN 071-130-062

APN 071-130-051



**MNS**  
 ENGINEERS INC  
 201 N. Calle Cesar Chavez, Ste 300  
 Santa Barbara, CA 93103  
 805.692.6921 Phone

ENGINEERING  
 PLANNING  
 SURVEYING  
 CONSTRUCTION MANAGEMENT

EKWILL-2-4 DRAINAGE & FLOOD CONTROL  
 EASEMENT EXHIBIT  
 APN 071-130-062  
 CITY OF GOLETA



## EXHIBIT D PAGE 1 OF 5

### (Temporary Construction Easement Legal Description)

Parcel: EKWILL-2-2

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being a portion of Parcel 2 of Parcel Map No. 32,016 recorded in Book 59, Pages 46 through 52 of Parcel Maps, in the office of the County Recorder of said County.

Said portion of land is described as follows:

Commencing at the southwesterly corner of said Parcel 2, said point being shown on record of survey recorded in Book 179, Pages 34 through 36 of Records of Survey in the office of the County Recorder of said County, being the northwesterly terminus of that line shown on said map as S 86° 21' 15" E, 42.05 feet; thence, along the southerly boundary of said Parcel 2 S 86° 21' 15" E, 42.05 feet to a point on the easterly boundary of Fairview Avenue; thence, along said easterly boundary N 00° 49' 55" E, 64.08 feet to a point on the northerly boundary of an irrevocable offer of dedication for a roadway easement described per Instrument No. 2001-0096623 of Official Records; thence, along said northerly boundary S 86° 21' 15" E, 223.50 feet to the point of beginning; thence,

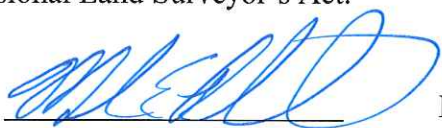
- 1st N 73° 20' 06" W, 65.18 feet; thence,
- 2nd N 86° 21' 26" W, 132.70 feet to the beginning of a tangent curve; thence
- 3rd along the arc of said curve having a radius of 34.00 feet, being concave northeasterly through a central angle of 45° 59' 03", in a northwesterly direction 27.29 feet to the beginning of a tangent compound curve; thence,
- 4th along the arc of said curve having a radius of 14.00 feet, being concave northeasterly through a central angle of 41° 54' 42", in a northwesterly direction 10.24 feet; thence,
- 5th N 01° 32' 19" E, 11.78 feet; thence,
- 6th N 88° 18' 13" W, 0.75 feet to a point on the easterly boundary of Fairview Avenue; thence,
- 7th along said easterly boundary N 00° 49' 55" E, 10.00 feet; thence,
- 8th S 88° 55' 39" E, 31.38 feet; thence,
- 9th S 01° 02' 54" W, 21.57 feet; thence,
- 10th S 89° 10' 03" E, 119.09 feet; thence,
- 11th S 00° 49' 57" W, 17.73 feet; thence,
- 12th S 60° 18' 56" E, 12.93 feet; thence,
- 13th S 78° 53' 45" E, 22.26 feet; thence,
- 14th S 72° 44' 14" E, 34.82 feet; thence,
- 15th N 00° 36' 06" W, 3.11 feet; thence,
- 16th S 88° 37' 43" E, 8.15 feet; thence,
- 17th S 01° 27' 15" W, 5.66 feet; thence,
- 18th S 86° 21' 15" E, 40.97 feet; thence,

- 19th S 01° 06' 33" W, 5.00 feet to a point on the northerly boundary of said offer of dedication for a roadway easement; thence,  
20th along said northerly boundary N 86° 21' 15" W, 42.76 feet to the point of beginning.

Containing an area of 4,717.68 square feet more or less.

Bearings and distances as shown herein are based upon the California Coordinate System of 1983 (CCS83) Zone 5.

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

Signature: 

Mark E. Reinhardt, PLS

Date: 2/24/2014





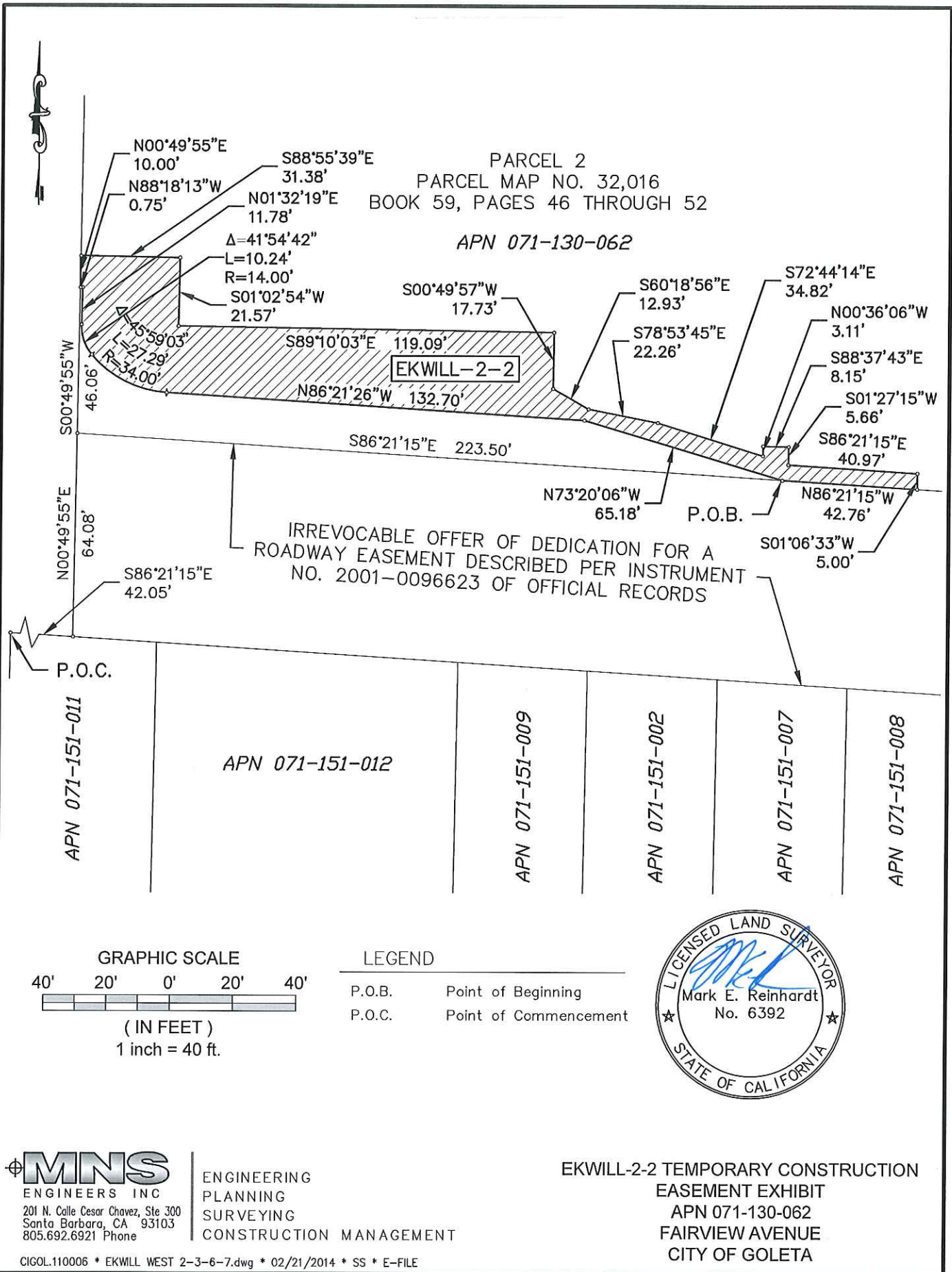


EXHIBIT D PAGE 4 OF 5

(Temporary Construction Easement Legal Description)

Parcel: EKWILL-2-3

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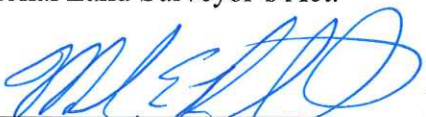
Commencing at the southeasterly corner of said Parcel 2, said point being shown on record of survey recorded in Book 179, Pages 34 through 36 of Records of Survey in the office of the County Recorder of said County, being the northeasterly terminus of that line shown on said map as N 61° 45' 56" E, 47.10 feet; thence, along the easterly boundary of said Parcel 2 N 00° 52' 12" E, 39.17 feet to the point of beginning also being a point on the northerly boundary of an irrevocable offer of dedication for a roadway easement described per Instrument No. 2001-0096623 of Official Records; thence,

1st along said northerly boundary N 86° 21' 15" W, 416.62 feet; thence,  
2nd S 89° 12' 29" E, 356.03 feet; thence,  
3rd N 00° 05' 52" E, 20.89 feet; thence,  
4th S 88° 42' 47" E, 21.02 feet; thence,  
5th N 01° 17' 13" E, 15.36 feet; thence,  
6th S 88° 42' 56" E, 39.25 feet to a point on the easterly boundary of said Parcel 2; thence,  
7th along said easterly boundary S 00° 52' 12" W, 56.47 feet to the point of beginning.

Containing an area of 6,162.57 square feet more or less.

Bearings and distances as shown herein are based upon the California Coordinate System of 1983 (CCS83) Zone 5.

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

Signature:  Date: 2/24/2014  
Mark E. Reinhardt, PLS



