



TO: Mayor and Councilmembers

FROM: Charles W. Ebeling, Public Works Director

CONTACT: James Campero, Deputy Public Works Director

SUBJECT: Intent to Vacate Street Right-of-Way on Los Carneros Road and Calle Real

RECOMMENDATION:

- A. Adopt Resolution No. 19-____, entitled "A Resolution of the City Council of the City of Goleta, California, Declaring the Intention of the City Council of said City to Vacate an Excess Portion of Los Carneros Road Right Of Way to the Adjacent Property Located at 6491 Calle Real, APN 077-160-040, and Providing for the Holding of a Public Hearing, the Posting of Required Notices, and the Publication of this Resolution"; and
- B. Adopt Resolution No. 19-____, entitled "A Resolution of the City Council of the City of Goleta, California, Declaring the Intention of the City Council of said City to Vacate Excess Portions of Los Carneros Road and Calle Real Right Of Way to the Adjacent Property Located at 302 Los Carneros Road, APN 077-160-064, and Providing for the Holding of a Public Hearing, the Posting of Required Notices, and the Publication of this Resolution."

BACKGROUND:

In 2012, the City of Goleta designed the Los Carneros/Calle Real Roundabout Project. During design it was determined that in order to construct the improvements, certain additional right-of-way was required from adjacent properties and certain excess portions of street right-of-way were not needed for the project.

On July 15, 2014, City Council approved property exchange agreements with Lynn C. Sturgeon, then-owner of the adjacent property located at 6491 Calle Real with County of Santa Barbara assessor's parcel number (APN) 077-160-040, and the Islamic Society of Santa Barbara, the owner of the adjacent property located at 302 Los Carneros Road with APN 077-160-064. The property exchange agreements, among other terms and conditions, provided for right-of-way dedications to the City of privately-owned areas along the Calle Real and Los Carneros Road frontages that were needed for construction of the City's Los Carneros Road/Calle Real Roundabout Project. In exchange for these right-of-way dedications, the City agreed to grant to the adjacent property owners, areas along the parcel's Los Carneros Road and Calle Real frontages that were no longer needed for the project or public street purposes. These right-of-way dedications and proposed vacations are shown in Attachment 1 to this report.

The City did not want to vacate the public street right-of-way until the Los Carneros/Calle Real Roundabout Project construction was fully completed and integrated into the public street system, so this exchange was postponed until the project was completed. In accordance with the terms of the original property exchange agreements, the City is required to complete the vacations and conveyance of the public street right-of-way as shown in Attachment 1.

The right-of-way vacations and dedications for 6491 Calle Real (Sturgeon) property, APN 077-160-040 are described in Attachment 2 and 3. In 2017, the Sturgeon property was conveyed by the 2012 Lynn C. Sturgeon Revocable Trust to a new owner, 6491 Calle Real Partners, LLC, which is the successor in interest to the Sturgeon interests in the property exchange agreement. The right-of-way vacations and dedications for 302 Los Carneros Road (Islamic Society of Santa Barbara) property, APN 077-160-064 are described in Attachment 5 and 6.

DISCUSSION:

In accordance with the provisions of the property exchange agreements that were approved by City Council in 2014, the City contractually agreed to convey the excess land areas to the adjacent property owners in exchange for right-of-way needed from the owners for the Los Carneros/Calle Real Roundabout Project. However, before the City could convey the committed excess land to the property owners, the City had to complete the roundabout construction. Now that construction of the roundabout is complete and use of the excess areas as a public street is discontinued, the City must initiate steps set forth in the applicable sections of the California Streets and Highways Code, the Vacation Law, to vacate the excess portions of the City's Los Carneros Road and Calle Real right-of-way.

It has been determined that the excess portions of road right-of-way, as described and shown in Attachment 1, are not needed for public street purposes, but non-exclusive public utility easements must be reserved to provide for ongoing use and maintenance of existing public utility facilities that are currently within the area to be vacated. These reservations will be addressed in the final vacation process, ensuring the required protections of rights to maintain these existing facilities in place.

The proposed resolutions, if adopted by Council, will initiate the required steps to declare the intent to proceed with the vacation of the excess portions of Los Carneros Road and Calle Real right-of-way, including the requirement to hold a future public hearing to allow all interested persons to provide evidence and information for consideration by Council relating to the proposed vacations, provide for posting by City staff of notices at the site relating to the proposed vacation hearing, and provide for publication of a copy of the subject Resolutions after adoption by the Council in a local publication of general circulation concerning the public hearing and proposed vacation of the excess portions of Los Carneros Road and Calle Real right-of-way. Following the completion of the posting and publication steps, City staff will schedule a subsequent Council agenda item to present and discuss recommended actions by City Council to finalize the vacation referenced herein, subject to Council approval, by adoption of a future resolution that would complete the vacation process.

FISCAL IMPACTS:

There are no financial impacts specific to this action aside from processing costs.


ALTERNATIVES:

Because the City has already entered into the property exchange agreements to vacate the excess road rights-of-way, the Council has no alternative but to follow through with the process.

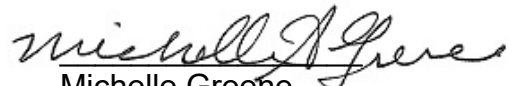
Reviewed By:


Kristine Schmidt
Assistant City Manager

Legal Review By:


Michael Jenkins
City Attorney

Approved By:


Michelle Greene
City Manager

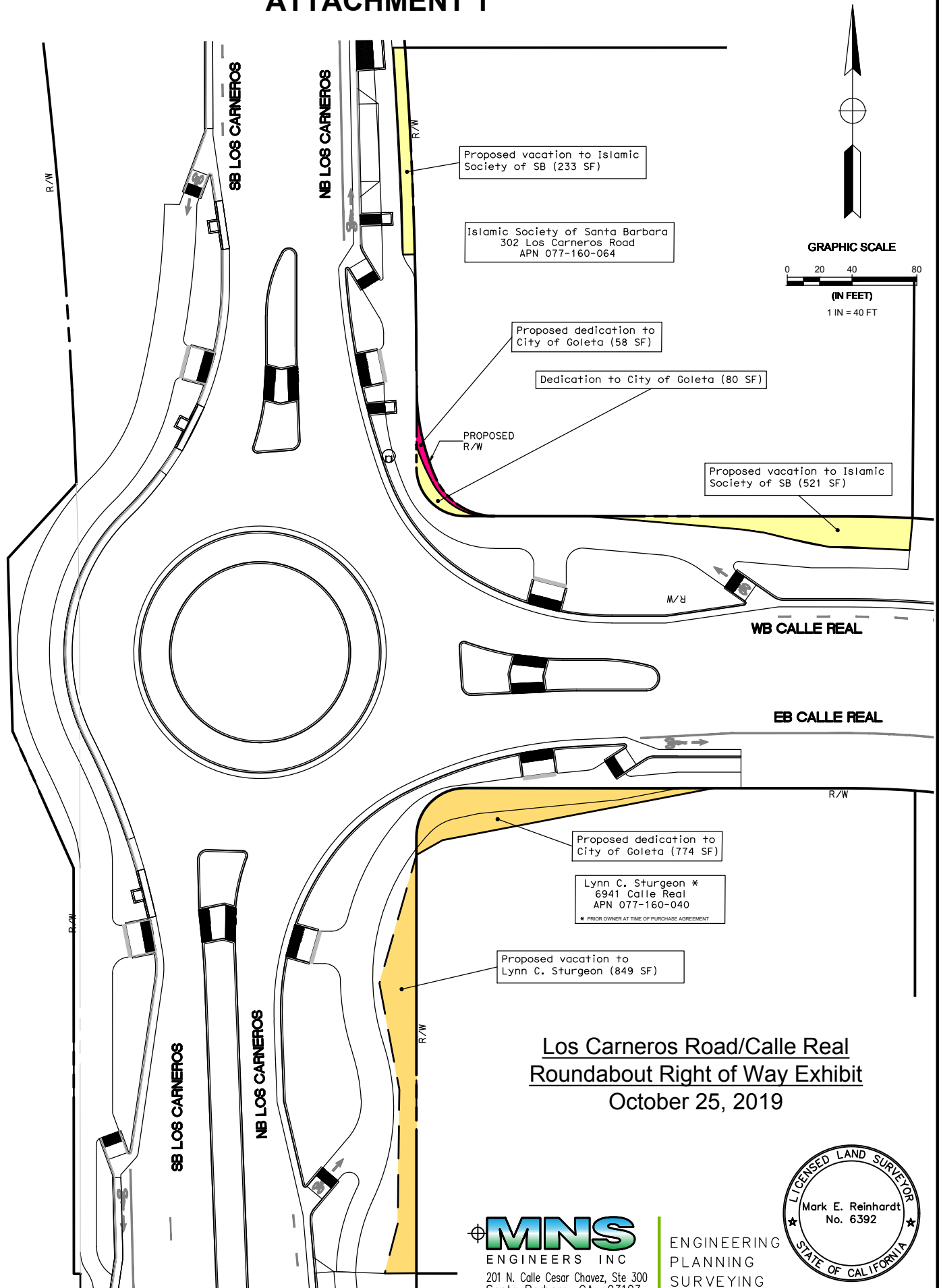
ATTACHMENTS:

1. Los Carneros Road/Calle Real Roundabout Right of Way Exhibit
2. Property legal description and plat for City right of way to be vacated to 6491 Calle Real property, APN 077-160-040
3. Property Legal Description and plat for Right of Way dedication to City from 6491 Calle Real property, APN 077-160-040
4. Resolution 19-____, entitled "A Resolution of the City Council of the City of Goleta, California, Declaring the Intention of the City Council of said City to Vacate an Excess Portion of Los Carneros Road Right Of Way to the Adjacent Property Located at 6491 Calle Real, APN 077-160-040, and Providing for the Holding of a Public Hearing, the Posting of Required Notices, and the Publication of this Resolution."
5. Property legal description and plat for City right of way to be vacated to 302 Los Carneros Road property, APN 077-160-064
6. Property Easement Deed, Legal Description and plat for Right of Way dedication to City from 302 Los Carneros Road property, APN 077-160-064
7. Resolution 19-____, entitled "A Resolution of the City Council of the City of Goleta, California, Declaring the Intention of the City Council of said City to Vacate Excess Portions of Los Carneros Road and Calle Real Right Of Way to the Adjacent Property Located at 302 Los Carneros Road, APN 077-160-064, and Providing for the Holding of a Public Hearing, the Posting of Required Notices, and the Publication of this Resolution."

Attachment 1

Los Carneros Road/Calle Real Roundabout Right of Way Exhibit

ATTACHMENT 1



201 N. Calle Cesar Chavez, Ste 300
Santa Barbara, CA 93103
805.692.6921 Phone

ENGINEERING
PLANNING
SURVEYING
CONSTRUCTION MANAGEMENT



ATTACHMENT 2

**Property Legal Description and Plat for City
Right-of-Way to be Vacated**

6491 Calle Real Property, APN 077-160-040

ATTACHMENT 2

Exhibit A Portion of Los Carneros Road Legal Description

That portion of Los Carneros Road described in the grant deed to the County of Santa Barbara, a political subdivision of the State of California, recorded May 18, 1967, as Instrument No. 13555, in Book 2190, page 1331 of Official Records of said County, lying easterly of the following described line:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found $\frac{1}{2}$ " pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north $40^{\circ}48'48''$ east 263.85 feet (north $39^{\circ}43'51''$ east 263.84 feet calculated from data per said Record of Survey);

Thence south $57^{\circ}23'29''$ east 11.36 feet to the west line of Parcel A of Parcel Map No. 10717, in the City of Goleta, County of Santa Barbara, State of California, filed in Book 3 of Parcel Maps at page 42 in the Office of the County Recorder of said County and the **True Point of Beginning**;

Thence south $18^{\circ}31'08''$ west 41.24 feet;

Thence south $08^{\circ}08'55''$ east 33.43 feet;

Thence south $03^{\circ}07'14''$ west 41.41 feet;

Thence south $17^{\circ}05'39''$ west 15.93 feet;

Thence south $88^{\circ}13'25''$ east 9.80 feet to the southwest corner of said Parcel A.

Containing 849 square feet more or less.

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south $10^{\circ}29'11''$ east North American Datum 1983, CA Zone 5.

The above-described land is graphically shown on Exhibit "B" attached hereto and made a part hereof.

End of Legal Description

Georg Marchenko
6/25/12



EXHIBIT A

ATTACHMENT 2

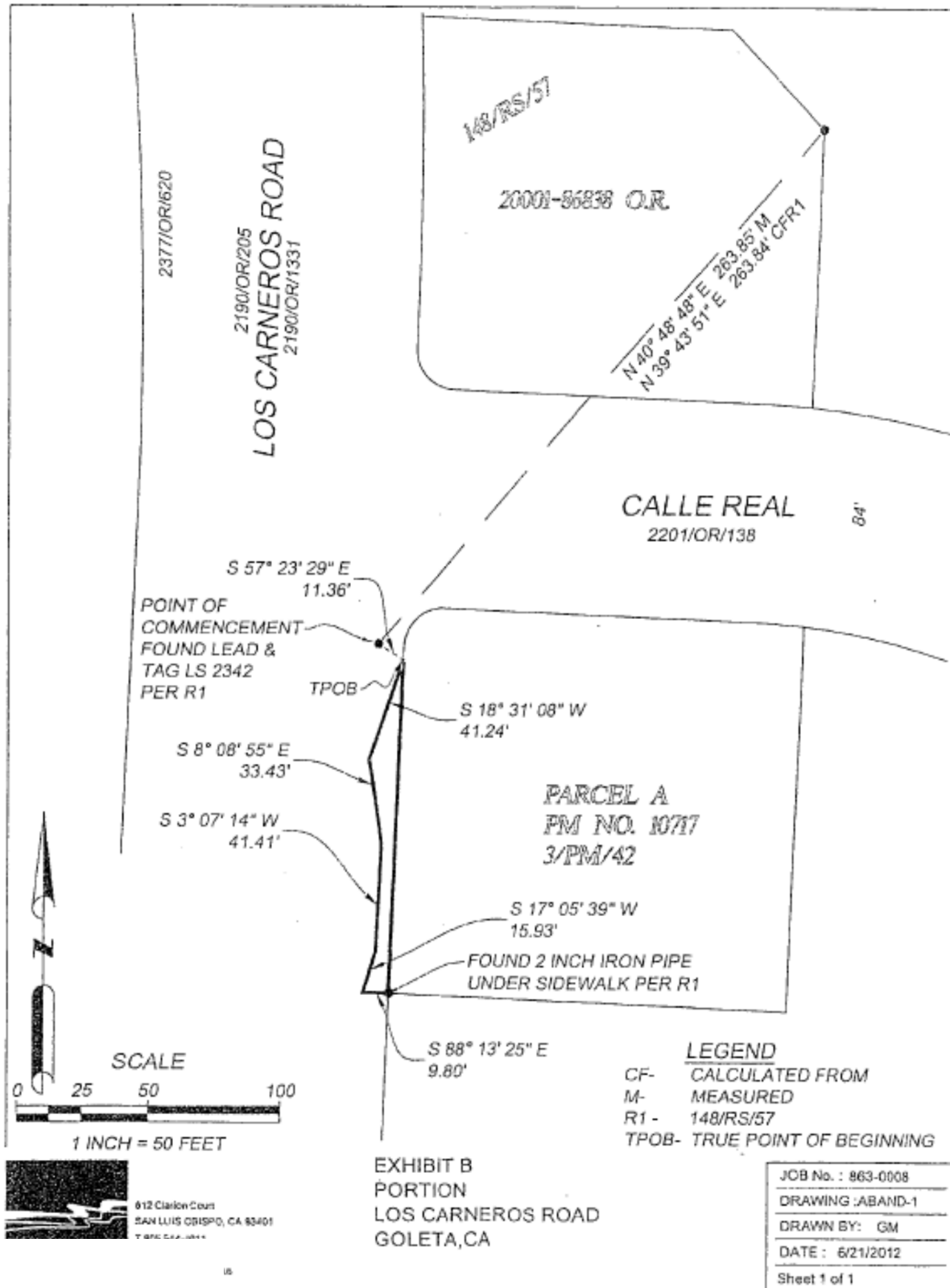


EXHIBIT A

Legal Description and Plat for City Right
of Way Vacation to 6491 Calle Real

ATTACHMENT 3

**Property Legal Description and Plat for Right-of-Way
Dedication to the City**

6491 Calle Real property, APN 077-160-040

ATTACHMENT 3

Exhibit A
Permanent Easement for Public Street
Los Carneros Road and Calle Real (Southeast)
Legal Description

That portion of Parcel A, of Parcel Map No. 10717, in the City of Goleta, County of Santa Barbara, State of California, filed in Book 3 of Parcel Maps at page 42 in the Office of the County Recorder of said County, lying northerly of the following described line:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found ½" pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north 40°48'48" east 263.85 feet (north 39°43'51" east 263.84 feet calculated from data per said Record of Survey);

Thence south 57°23'29" east 11.36 feet to the west line of said Parcel A and the **True Point of Beginning**;

Thence north 62°59'04" east 9.25 feet;

Thence north 81°34'18" east 85.28 feet to the north line of said Parcel A.

Containing 774 square feet more or less.

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south 10° 29' 11" east North American Datum 1983, CA Zone 5.

The above-described land is graphically shown on Exhibit "B" attached hereto and made a part hereof.

End of Legal Description



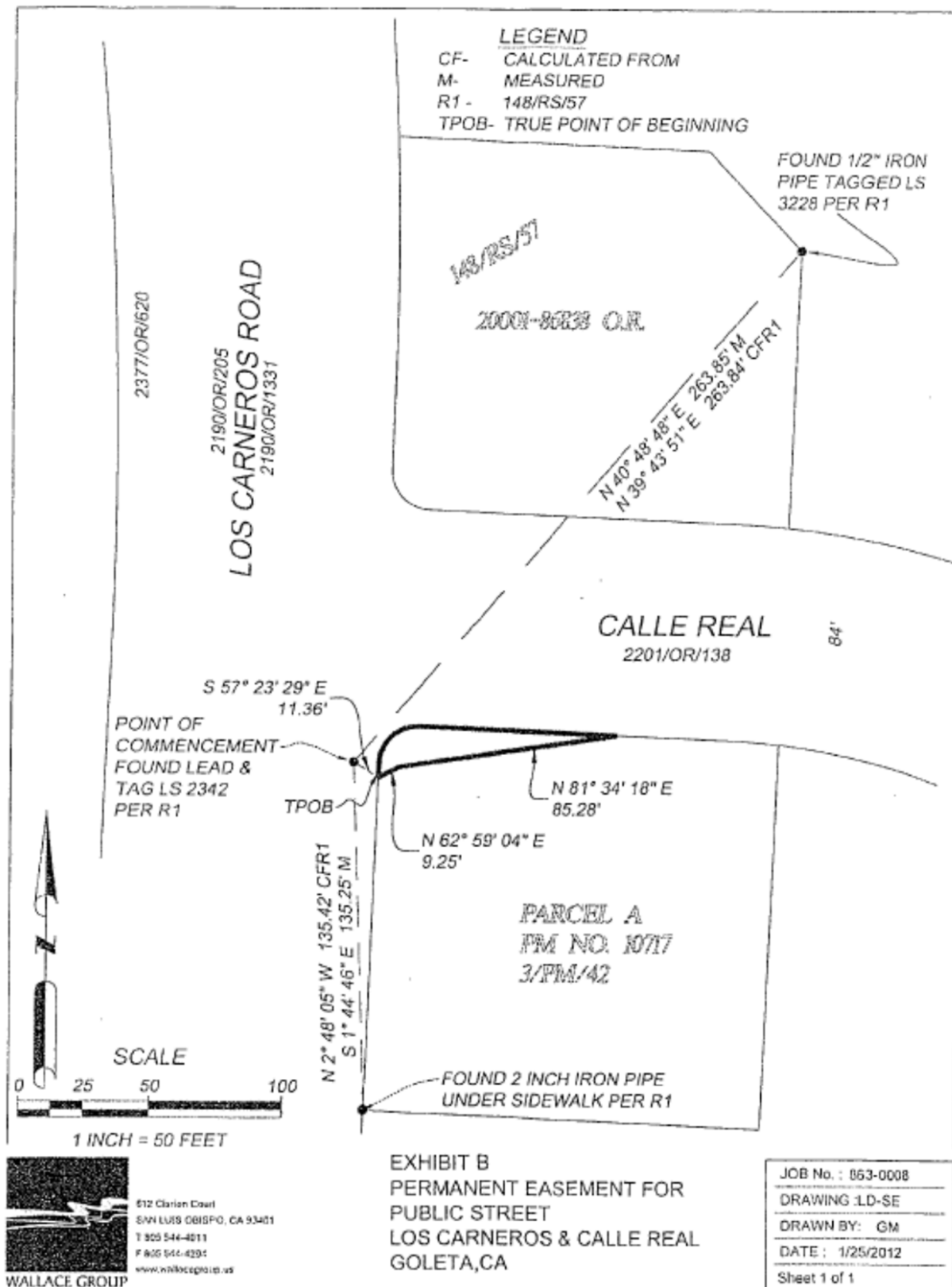
A handwritten signature in cursive script that reads "George Marchenko".

4/5/12

EXHIBIT B

Legal Description and Plat for Right of Way
Dedication from 6491 Calle Real

ATTACHMENT 3



ATTACHMENT 4

Resolution 19-____, entitled “A Resolution of the City Council of the City of Goleta, California, Declaring the Intention of the City Council of said City to Vacate an Excess Portion of Los Carneros Road Right Of Way to the Adjacent Property Located at 6491 Calle Real, APN 077-160-040, and Providing for the Holding of a Public Hearing, the Posting of Required Notices, and the Publication of this Resolution.”

ATTACHMENT 4

RESOLUTION NO. 19-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, DECLARING THE INTENTION OF THE CITY COUNCIL OF SAID CITY TO VACATE AN EXCESS PORTION OF LOS CARNEROS ROAD RIGHT OF WAY TO THE ADJACENT PROPERTY LOCATED AT 6491 CALLE REAL, APN 077-160-040, AND PROVIDING FOR THE HOLDING OF A PUBLIC HEARING, THE POSTING OF REQUIRED NOTICES, AND THE PUBLICATION OF THIS RESOLUTION.

WHEREAS, the Public Streets, Highways and Service Easements Vacation Law (herein referred to as “General Vacation Procedure”), as set forth in Division 9, Part 3 (Sections 8300 et seq.) of the Streets and Highways Code of the State of California, as amended, provides both for the power and method for the vacation of all or part of any City street or public service easement; and

WHEREAS, the City of Goleta (“City”), as successor of the County of Santa Barbara, now owns in fee those certain strips of land, as granted and described originally in that certain grant deed to the County of Santa Barbara recorded on May 18, 1967, as Instrument No. 13555, in Book 2190 at Page 1331, and as granted and described originally in that certain grant deed to the County of Santa Barbara recorded on August 9, 1967, as Instrument No. 22695, in Book 2201 at Page 138, both in the Official Records in the Office of the County Recorder of the County of Santa Barbara, and commonly known respectively as portions of Los Carneros Road and Calle Real; and

WHEREAS, the City has completed construction of the Los Carneros Road/Calle Real Roundabout Project; and

WHEREAS, in conjunction with the completion of said project improvements, an excess portion of Los Carneros Road right of way exists and City desires to vacate said area of the previously established Los Carneros Road; and

WHEREAS, the excess portion of Los Carneros Road right of way, as described herein, is not necessary for motorized or non-motorized transportation facilities, but certain public utility easements for existing facilities within said excess area remain necessary and it is the City’s intent to vacate the excess land subject to a reservation of easement rights for the ongoing maintenance of these existing public utility facilities in place; and

WHEREAS, the City of Goleta hereby approves the initiation of proceedings to vacate that certain excess portion of Los Carneros Road that was reconfigured and superseded by the existing vehicle roundabout project, which is no longer used for public street purposes.

ATTACHMENT 4

NOW, THEREFORE, PURSUANT TO THE PROVISIONS OF DIVISION 9, PART 3 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1.

The City of Goleta hereby elects to proceed herein under the General Vacation Procedure as amended.

SECTION 2.

It is the intention of the City of Goleta to vacate the public street interests in that certain portion of Los Carneros Road, 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, excepting and reserving therefrom the following non-exclusive easement rights;

1. Excepting and reserving therefrom, on behalf of Frontier California Inc., a corporation, a non-exclusive easement and right of way for the purpose of constructing, using, maintaining, operating, altering, adding to, repairing, replacing, reconstructing, inspecting and/or removing its facilities consisting of but not limited to: underground conduits, manholes, hand holes, cables and/or facilities (hereinafter sometimes called "equipment") necessary or useful for the transmission of electric energy for communications, telecommunications, video, intelligence by electrical means and/or other purposes on, over, in, under, across, and along that certain real property described in Exhibit A and depicted in Exhibit B.
2. Excepting and reserving therefrom, on behalf of Southern California Edison Company, a corporation, its successors and assigns, a non-exclusive easement to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence, data and/or communications (e.g., through fiber optic cable), in, on,

ATTACHMENT 4

over, under, across and along that certain real property described in Exhibit A and depicted in Exhibit B.

SECTION 3.

The time and place for hearing all persons interested in or objecting to the proposed vacation will be held on February 4th, 2020 at 5:30 pm at the regular meeting of the City Council to be held in the Council Chambers, City Hall, Goleta, California, said date being not less than fifteen (15) days from and after the adoption of this Resolution of Intention.

SECTION 4.

The Public Works Director of City is hereby directed, upon and after publication of this Resolution as hereinafter provided, and in any event, not less than two (2) weeks prior to the aforementioned hearing, to cause notice of said vacation to be conspicuously posted upon the property described in Exhibit A. Such notice shall:

- a. Be posted in conformance with all requirements of the General Vacation Procedure;
- b. Describe the portion(s) of the street easements proposed to be vacated and include their lawful or official names by which they are commonly known;
- c. State the time and place for the hearing of all persons interested in or objecting to the proposed vacation; and
- d. Refer to the adoption of this Resolution of Intention.

SECTION 5.

The City Clerk is hereby directed, at least two (2) successive weeks prior to the hearing, to cause this Resolution of Intention to be published twice in a qualifying publication of general circulation, published and circulated in City, and hereby designated for that purpose.

SECTION 6.

The above set forth determinations, statements, descriptions, public hearings and directives are all to be in compliance with the General Vacation Procedure.

ATTACHMENT 4

SECTION 7.

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

PASSED, APPROVED AND ADOPTED this 17th day of December, 2019.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

ATTACHMENT 4

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. 19-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 17th day of December, 2019 by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 4

Exhibit A
Portion of Los Carneros Road
Legal Description

That portion of Los Carneros Road described in the grant deed to the County of Santa Barbara, a political subdivision of the State of California, recorded May 18, 1967, as Instrument No. 13555, in Book 2190, page 1331 of Official Records of said County, lying easterly of the following described line:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found ½" pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north 40°48'48" east 263.85 feet (north 39°43'51" east 263.84 feet calculated from data per said Record of Survey);

Thence south 57°23'29" east 11.36 feet to the west line of Parcel A of Parcel Map No. 10717, in the City of Goleta, County of Santa Barbara, State of California, filed in Book 3 of Parcel Maps at page 42 in the Office of the County Recorder of said County and the **True Point of Beginning**;

Thence south 18°31'08" west 41.24 feet;

Thence south 08°08'55" east 33.43 feet;

Thence south 03°07'14" west 41.41 feet;

Thence south 17°05'39" west 15.93 feet;

Thence south 88°13'25" east 9.80 feet to the southwest corner of said Parcel A.

Containing 849 square feet more or less.

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south 10° 29' 11" east North American Datum 1983, CA Zone 5.

The above-described land is graphically shown on Exhibit "B" attached hereto and made a part hereof.

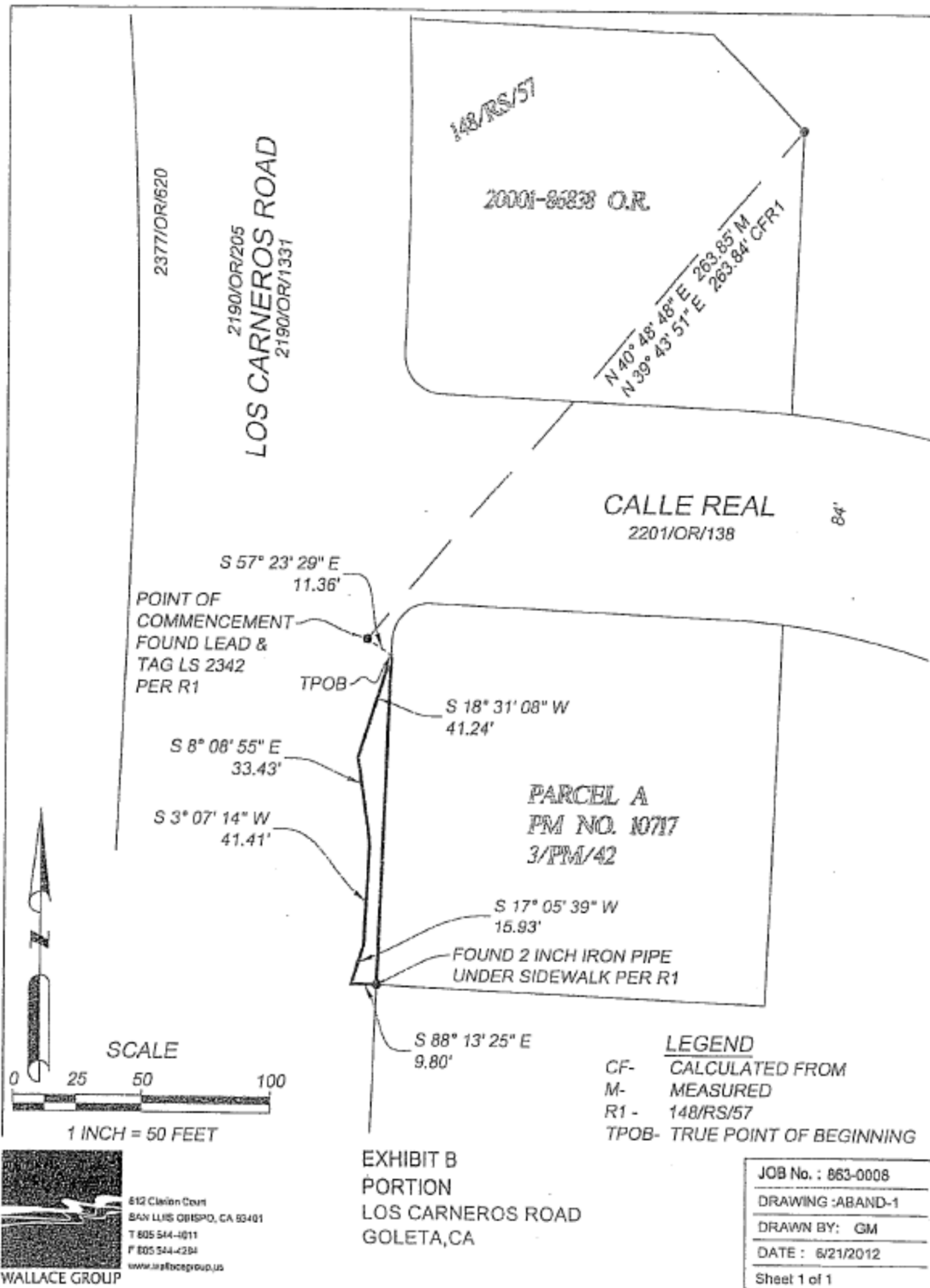
End of Legal Description

Georg Marchenko
6/25/12



EXHIBIT A

ATTACHMENT 4



Resolution of Intent to Vacate City Right of Way
to property located at 6491 Calle Real

ATTACHMENT 5

**Property Legal Description and Plat for City
Right-of-Way to be Vacated**

302 Los Carneros Road Property, APN 077-160-064

ATTACHMENT 5

Exhibit A Portion of Calle Real Legal Description

That portion of the Rancho Los Dos Pueblos described in the grant deed to the County of Santa Barbara, a political subdivision of the State of California, recorded August 9, 1967, as Instrument No. 22695, in Book 2201, page 138 of Official Records of said County, lying northerly of the following described line:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found ½" pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north 40°48'48" east 263.85 feet (north 39°43'51" east 263.84 feet calculated from data per said Record of Survey);

Thence, north 35° 05' 55" east 117.51 feet to the north line of Calle Real as shown on said Record of Survey and the True Point of Beginning;

Thence south 82°34'02" east 46.99 feet;

Thence south 79°40'11" east 7.08 feet;

Thence south 73°39'53" east 7.59 feet;

Thence south 75°58'22" east 13.21 feet;

Thence south 87°27'36" east 6.15 feet;

Thence south 84°26'00" east 10.48 feet;

Thence south 84°53'53" east 7.98 feet;

Thence north 07°35'32" east 9.89 feet to said north line.

Containing 521 square feet more or less.

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south 10° 29' 11" east North American Datum 1983, CA Zone 5.

The above-described land is graphically shown on Exhibit "A-1" attached hereto and made a part hereof.

ATTACHMENT 5

End of Legal Description



George Marchenko

11/29/2012

ATTACHMENT 5

LEGEND

CF- CALCULATED FROM
M- MEASURED
R1 - 148/RS/57
TPOB- TRUE POINT OF BEGINNING

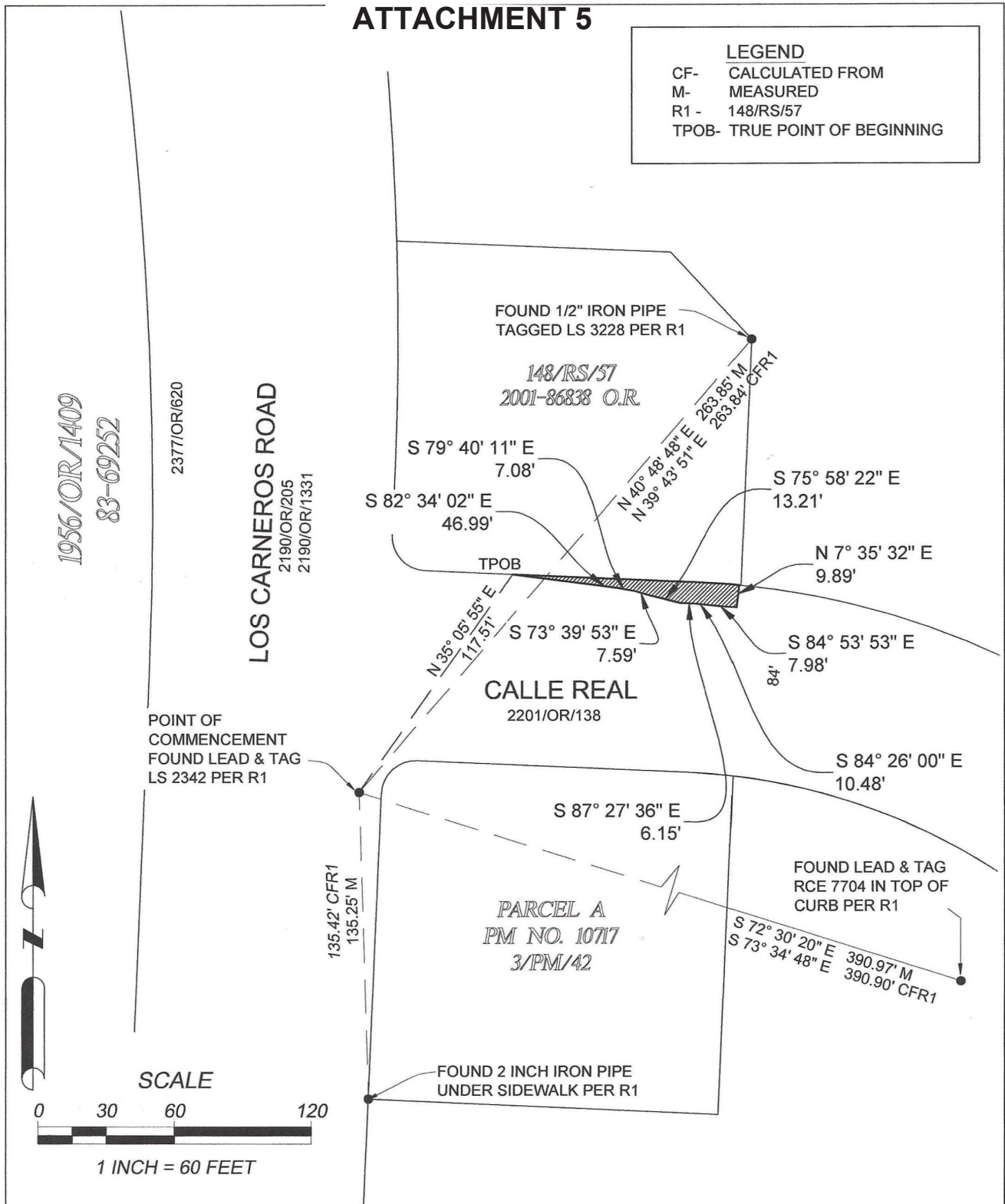
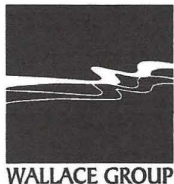


EXHIBIT A-1
PORTION
CALLE REAL
GOLETA, CA



612 Clarion Court
SAN LUIS OBISPO, CA 93401
T 805 544-4011
F 805 544-4294
www.wallacegroup.us

JOB No. : 863-0008
DRAWING : NE-E
DRAWN BY: GM
DATE : 11/15/2012
Sheet 1 of 1

ATTACHMENT 5

Exhibit B Portion of Los Carneros Road Legal Description

That portion of the Rancho Los Dos Pueblos described in the grant deeds to the County of Santa Barbara, a political subdivision of the State of California, recorded May 16, 1967 as Instrument No. 12804, in Book 2190, page 205 and May 18, 1967 as Instrument No. 13555, in Book 2190, page 1331 of Official Records of said County, described as follows:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found ½" pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north 40°48'48" east 263.85 feet (north 39°43'51" east 263.84 feet calculated from data per said Record of Survey);

Thence north 4°13'50" east 179.84 feet to the True Point of Beginning;

Thence north 01°13'15" east 16.80 feet;

Thence north 00°18'43" west 20.08 feet;

Thence north 00°58'19" west 20.50 feet;

Thence north 01°31'11" west 6.65 feet to the westerly prolongation of the north line of the land shown on said Record of Survey;

Thence along said prolongation south 87°33'51" east 3.69 feet to the easterly line of the land described in said grant deed recorded in Book 2190, page 205 and to the beginning of a non-tangent curve to the right having a radius of 1463.46 feet, the center of said curve bears south 88°28'13" west;

Thence southerly along said easterly line and along the easterly line of the land described in said grant deed recorded in Book 2190, page 205, along the arc of said curve, through a central angle of 02°30'11" a distance of 63.93 feet to a point which bears south 89°01'36" east from the True Point of Beginning;

Thence north 89°01'36" west 3.72 feet to the True Point of Beginning.

Containing 233 square feet more or less.

ATTACHMENT 5

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south 10° 29' 11" east North American Datum 1983, CA Zone 5.

The above-described land is graphically shown on Exhibit "B-1" attached hereto and made a part hereof.

End of Legal Description



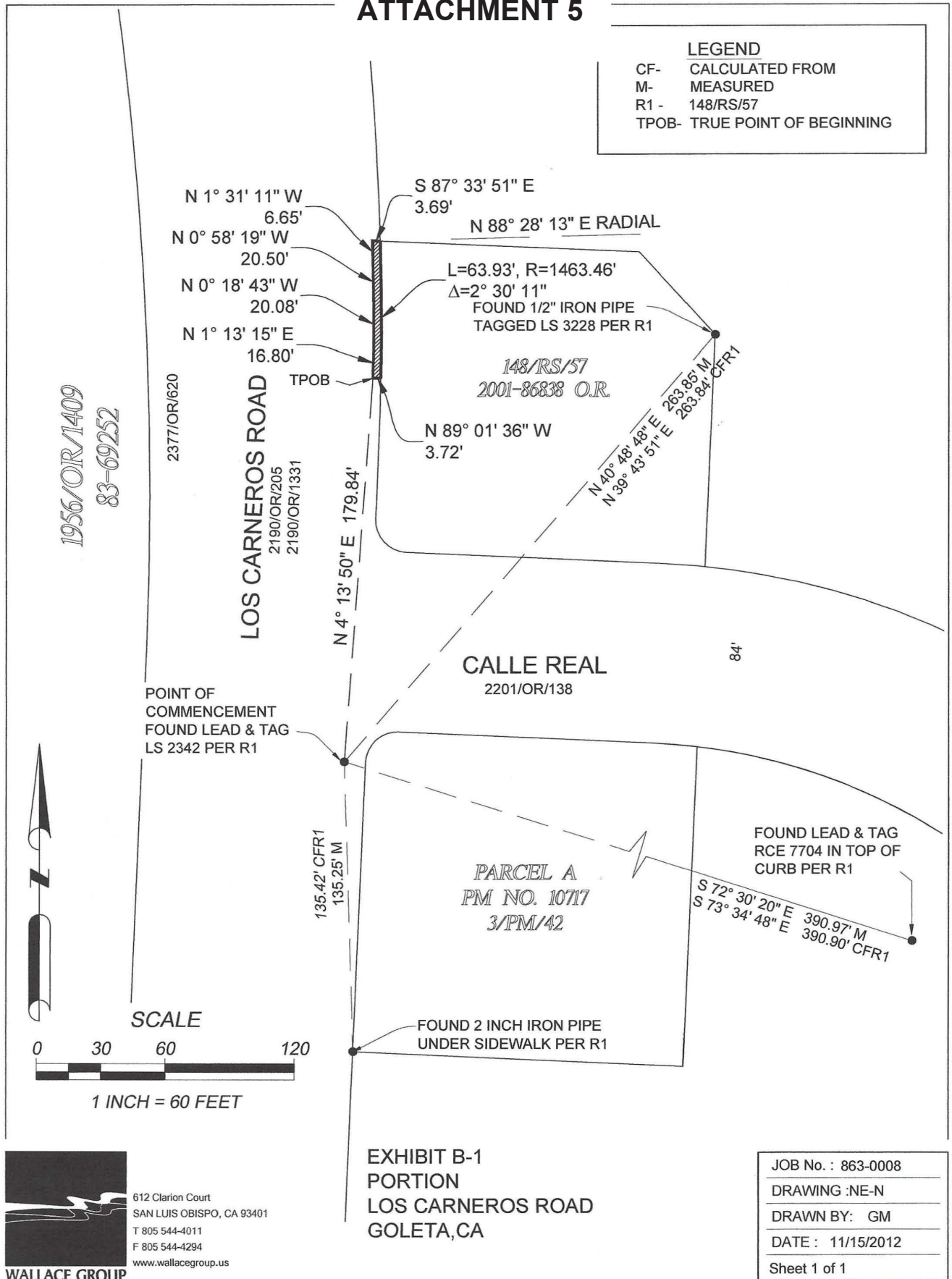
George Marchenko

11/29/2012

ATTACHMENT 5

LEGEND

CF- CALCULATED FROM
M- MEASURED
R1 - 148/RS/57
TPOB- TRUE POINT OF BEGINNING



ATTACHMENT 6

**Property Easement Deed, Legal Description and Plat
Right-of-Way Dedication to the City**

302 Los Carneros Road Property, APN 077-160-064

ATTACHMENT 6

Recording Request By
First American Title

Recording requested by:
Hamner, Jewell & Associates
Government Real Estate Services

When recorded, mail to:
City of Goleta
Public Works Department
130 Cremona Drive, Suite B
Goleta, CA 93117
Attn: Rosemarie Gaglione



2016-0013711

Recorded
Official Records
County of
Santa Barbara
Joseph E. Holland
County Clerk Recorder

REC FEE 0.00
CONFORMED COPY 2.00

08:00AM 24-Mar-2016 JS Page 1 of 6

6
FR
CCW

APN: 077-160-035

SPACE ABOVE THIS LINE FOR RECORDER'S USE

No fee per Government Code 6103

No Documentary Transfer Tax per Revenue Taxation Code 11922

EASEMENT DEED (For Public Street)

For a valuable consideration, receipt of which is hereby acknowledged,

Islamic Society of Santa Barbara, a California non-profit corporation (hereinafter referred to as "Grantor")

hereby grants to

THE CITY OF GOLETA, a Municipal Corporation ("City")

the following interests:

A PERMANENT EASEMENT on, over, under, through, upon, along, in and across that certain real property located in the City of Goleta, County of Santa Barbara, State of California, described in Exhibit A and depicted in Exhibit A-1, attached hereto and incorporated herein by reference, for public street purposes which may include, but not be limited to, the right, but not the obligation, to construct and maintain a public street, sidewalk, utilities, bike lane and landscaping improvements, and other appurtenances;

Signed this 27th day of Feb, 2014.

GRANTOR:

Islamic Society of Santa Barbara, a California non-profit corporation

By: Mukhtar M. Khan
Name: MUKHTAR M. KHAN
Title: President

By: X
Name: X
Title: X

Easement Deed, Legal Description and Plat for City
Right of Way Dedication from 302 Los Carneros Road

ATTACHMENT 6

State of California

County of Santa Barbara

On February 27, 2014 before me, CATHY A. SPRINGFORD,

Notary Public, personally appeared MUKHTAR M. KHAN,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public (Seal)



State of California

County of _____

On _____ before me, _____,

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public (Seal)

Easement Deed, Legal Description and Plat for City
Right of Way Dedication from 302 Los Carneros Road

ATTACHMENT 6

CERTIFICATE OF ACCEPTANCE

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

GOVERNMENT CODE SECTION 27281

This is to certify that the interest in real property conveyed by the **EASEMENT DEED** dated February 27, 2014, from Islamic Society of Santa Barbara, a California non-profit corporation ("**GRANTOR**") therein to the **CITY OF GOLETA** a municipal corporation, is hereby accepted by the undersigned City Clerk on behalf of the City of Goleta pursuant to authority conferred by Resolution No. **08-01** of the Goleta City Council adopted on **January 15, 2008**, and the City of Goleta as **GRANTEE** consents to the recordation thereof by its duly authorized officer.

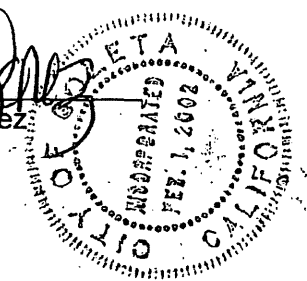
Dated:

2/2/15

CITY OF GOLETA

By: 

Deborah S. Lopez
City Clerk



RIV#81157v1

ATTACHMENT 6

Exhibit A Permanent Easement for Public Street Los Carneros Road and Calle Real (northeast) Legal Description

That portion of the Rancho Los Dos Pueblos in the City of Goleta, County of Santa Barbara, State of California, described in the deed to Islamic Society of Santa Barbara, a California Non-Profit recorded October 10, 2001 as Instrument No. 2001-0086840 of Official Records in the Office of the County Recorder of said County, lying southwesterly of the following described line:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found $\frac{1}{2}$ " pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north $40^{\circ}48'48''$ east 263.85 feet (north $39^{\circ}43'51''$ east 263.84 feet calculated from data per said Record of Survey);

Thence north $21^{\circ}24'58''$ east 104.63 feet to the north line of Calle Real as shown on said Record of Survey and the True Point of Beginning;

Thence, northwesterly along a non-tangent curve to the right, having a radius of 20.00 feet, a radial line bears south $2^{\circ}27'44''$ east, through a central angle of $66^{\circ}17'09''$, an arc distance of 23.14 feet;

Thence, along a compound curve, having a radius of 70.00 feet, through a central angle of $4^{\circ}10'03''$, an arc distance of 5.09 feet;

Thence, along a compound curve, having a radius of 69.89 feet, through a central angle of $19^{\circ}31'27''$, an arc distance of 23.82 feet to the east line of Los Carneros Road as shown on said Record of Survey.

Excepting therefrom those portions of said land described in the deed to the County of Santa Barbara recorded August 9, 1967, as Instrument No. 22695, in Book 2201, page 138 of Official Records, and in the deed recorded May 8, 1967, as Instrument No. 13555, Book 2190, page 1331 of Official Records.

Containing 137.74 square feet more or less.

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south $10^{\circ}29'11''$ east north American Datum 1983, CA Zone 5.

ATTACHMENT 6

The above-described land is graphically shown on Exhibit "A-1" attached hereto and made a part hereof.

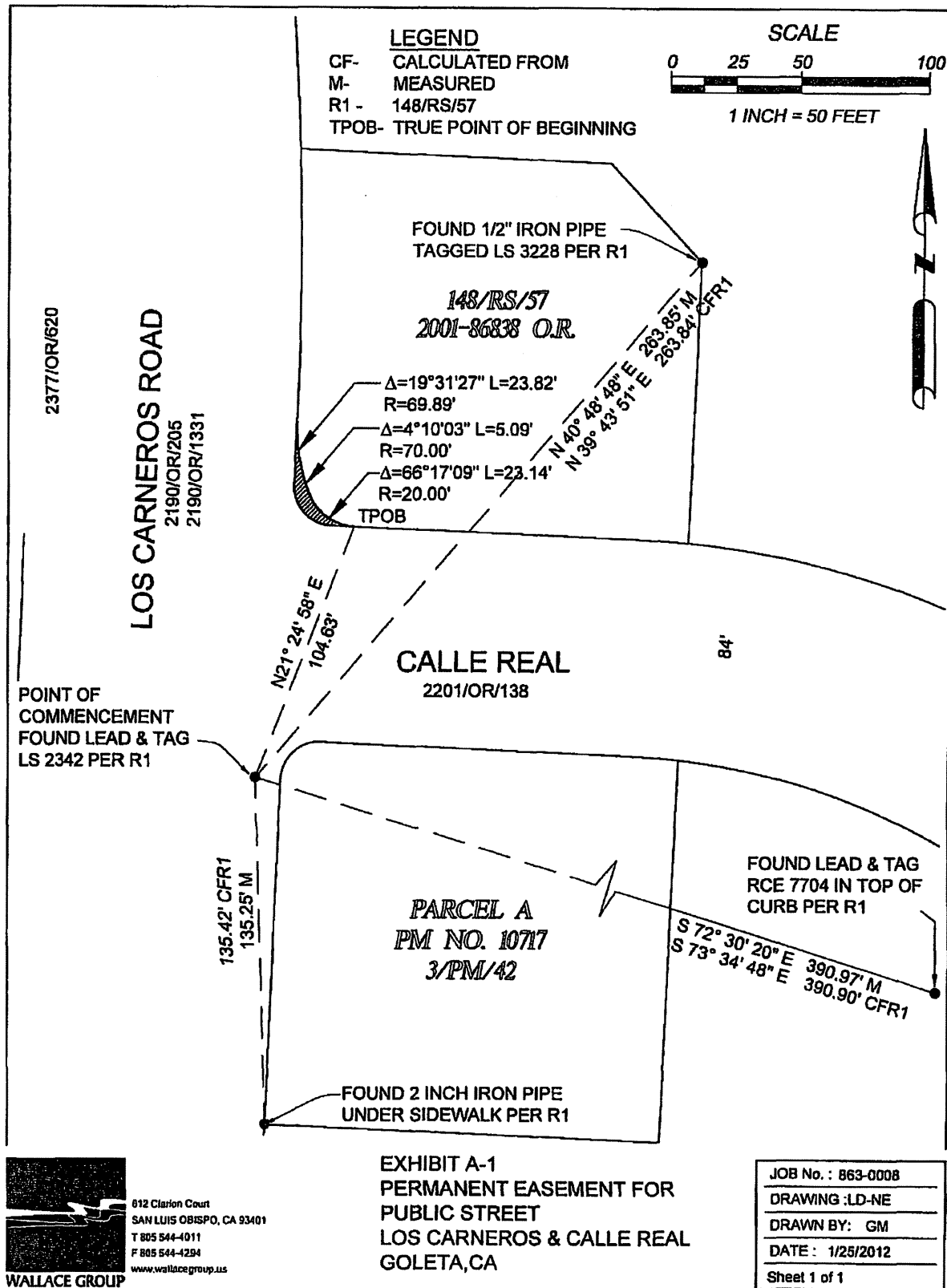
End of Legal Description



George Marchenko

7/29/2012

ATTACHMENT 6



ATTACHMENT 7

Resolution 19-____, entitled “A Resolution of the City Council of the City of Goleta, California, Declaring the Intention of the City Council of said City to Vacate Excess Portions of Los Carneros Road and Calle Real Right Of Way to the Adjacent Property Located at 302 Los Carneros Road, APN 077-160-064, and Providing for the Holding of a Public Hearing, the Posting of Required Notices, and the Publication of this Resolution.”

ATTACHMENT 7

RESOLUTION NO. 19-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, DECLARING THE INTENTION OF THE CITY COUNCIL OF SAID CITY TO VACATE EXCESS PORTIONS OF LOS CARNEROS ROAD AND CALLE REAL RIGHT OF WAY TO THE ADJACENT PROPERTY LOCATED AT 302 LOS CARNEROS ROAD, APN 077-160-064, AND PROVIDING FOR THE HOLDING OF A PUBLIC HEARING, THE POSTING OF REQUIRED NOTICES, AND THE PUBLICATION OF THIS RESOLUTION

WHEREAS, the Public Streets, Highways and Service Easements Vacation Law (herein referred to as "General Vacation Procedure"), as set forth in Division 9, Part 3 (Sections 8300 et seq.) of the Streets and Highways Code of the State of California, as amended, provides both for the power and method for the vacation of all or part of any City street or public service easement; and

WHEREAS, The City of Goleta ("City"), as successor of the County of Santa Barbara, holds public street interests in those certain strips of land, as granted and described originally in that certain grant deed to the County of Santa Barbara recorded on May 18, 1967, as Instrument No. 13555, in Book 2190 at Page 1331, and as granted and described originally in that certain grant deed to the County of Santa Barbara recorded on August 9, 1967, as Instrument No. 22695, in Book 2201 at Page 138, both in the Official Records in the Office of the County Recorder of the County of Santa Barbara, and commonly known respectively as portions of Los Carneros Road and Calle Real; and

WHEREAS, the City has completed construction of the Los Carneros Road/Calle Real Roundabout Project; and

WHEREAS, in conjunction with the completion of said project improvements, excess portions of Los Carneros Road and Calle Real right of way exists and City desires to vacate said areas of the previously established Los Carneros Road and Calle Real ; and

WHEREAS, the excess portions of Los Carneros Road and Calle Real, as described herein, are not necessary for motorized or non-motorized transportation facilities, but certain public utility easements for existing facilities within said excess areas remain necessary and it is the City's intent to vacate the excess portions of streets subject to reservation of easement rights for the ongoing maintenance of these existing public utility facilities in place; and

ATTACHMENT 7

WHEREAS, the City of Goleta hereby approves the initiation of proceedings to vacate those certain excess portions of Calle Real and Los Carneros Road that were reconfigured and superseded by the existing vehicle roundabout project, which are no longer used for public street purposes.

NOW, THEREFORE, PURSUANT TO THE PROVISIONS OF DIVISION 9, PART 3 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1.

The City of Goleta hereby elects to proceed herein under the General Vacation Procedure as amended.

SECTION 2.

It is the intention of the City of Goleta to vacate the public street interest in that certain portion of Calle Real and that certain portion of Los Carneros Road, each in the City of Goleta, County of Santa Barbara, State of California, more particularly described in Exhibits A and B, and depicted on Exhibits A-1 and B-1 attached hereto, excepting and reserving therefrom the following non-exclusive easement rights:

1. Excepting and reserving therefrom, on behalf of The Southern California Gas Company, a Sempra Energy Company, a non-exclusive easement within said portion of Los Carneros Road described in Exhibit B and depicted on Exhibit B-1, for continued use and operation of existing facilities, and to lay, construct, maintain, operate, repair, replace, patrol, change the size of, add to, or remove from time to time, as deemed necessary by The Southern California Gas Company, one or more pipelines and conduits, together with metering, measuring, regulating, cathodic protection, communications and other appurtenances.
2. Excepting and reserving therefrom, on behalf of Frontier California Inc., a corporation, a non-exclusive easement and right of way within said portion of Los Carneros Road described in Exhibit B and depicted on Exhibit B-1, for the purpose of constructing, using, maintaining, operating, altering, adding to, repairing, replacing, reconstructing, inspecting and/or removing its facilities consisting of but not limited to: underground conduits, manholes,

ATTACHMENT 7

hand holes, cables and/or facilities (hereinafter sometimes called "equipment") necessary or useful for the transmission of electric energy for communications, telecommunications, video, intelligence by electrical means and/or other purposes.

3. Excepting and reserving therefrom, on behalf of Southern California Edison Company, a corporation, its successors and assigns, a non-exclusive easement within said portion of Los Carneros Road described in Exhibit B and depicted on Exhibit B-1, to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence, data and/or communications (e.g., through fiber optic cable).

SECTION 3.

The time and place for hearing all persons interested in or objecting to the proposed vacation will be held on February 4th, 2020 at 5:30 pm at the regular meeting of the City Council to be held in the Council Chambers, City Hall, Goleta, California, said date being not less than fifteen (15) days from and after the adoption of this Resolution of Intention.

SECTION 4.

The Public Works Director of City is hereby directed, upon and after publication of this Resolution as hereinafter provided, and in any event, not less than two (2) weeks prior to the aforementioned hearing, to cause notices of said vacation to be conspicuously posted upon the portion of Calle Real described in attached Exhibit A and depicted on attached Exhibit A-1, and the portion of Los Carneros Road described in attached Exhibit B and depicted on attached Exhibit B-1. Such notices shall:

- a. Be posted in conformance with all requirements of the General Vacation Procedure;
- b. Describe the portion(s) of the street easements proposed to be vacated and include their lawful or official names by which they are commonly known;
- c. State the time and place for the hearing of all persons interested in or objecting to the proposed vacation; and

ATTACHMENT 7

d. Refer to the adoption of this Resolution of Intention.

SECTION 5.

The City Clerk is hereby directed, at least two (2) successive weeks prior to the hearing, to cause this Resolution of Intention to be published twice in a qualifying publication of general circulation, published and circulated in City, and hereby designated for that purpose.

SECTION 6.

The above set forth determinations, statements, descriptions, public hearings and directives are all to be in compliance with the General Vacation Procedure.

SECTION 7.

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

PASSED, APPROVED AND ADOPTED this 17th 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 SANTA BARBARA)
CITY OF GOLETA) ss.

ATTACHMENT 7

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 17th day of December, 2019 by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 7

Exhibit A Portion of Calle Real Legal Description

That portion of the Rancho Los Dos Pueblos described in the grant deed to the County of Santa Barbara, a political subdivision of the State of California, recorded August 9, 1967, as Instrument No. 22695, in Book 2201, page 138 of Official Records of said County, lying northerly of the following described line:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found ½" pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north 40°48'48" east 263.85 feet (north 39°43'51" east 263.84 feet calculated from data per said Record of Survey);

Thence, north 35° 05' 55" east 117.51 feet to the north line of Calle Real as shown on said Record of Survey and the True Point of Beginning;

Thence south 82°34'02" east 46.99 feet;

Thence south 79°40'11" east 7.08 feet;

Thence south 73°39'53" east 7.59 feet;

Thence south 75°58'22" east 13.21 feet;

Thence south 87°27'36" east 6.15 feet;

Thence south 84°26'00" east 10.48 feet;

Thence south 84°53'53" east 7.98 feet;

Thence north 07°35'32" east 9.89 feet to said north line.

Containing 521 square feet more or less.

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south 10° 29' 11" east North American Datum 1983, CA Zone 5.

The above-described land is graphically shown on Exhibit "A-1" attached hereto and made a part hereof.

ATTACHMENT 7

End of Legal Description



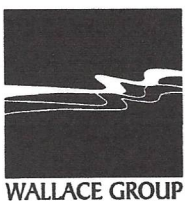
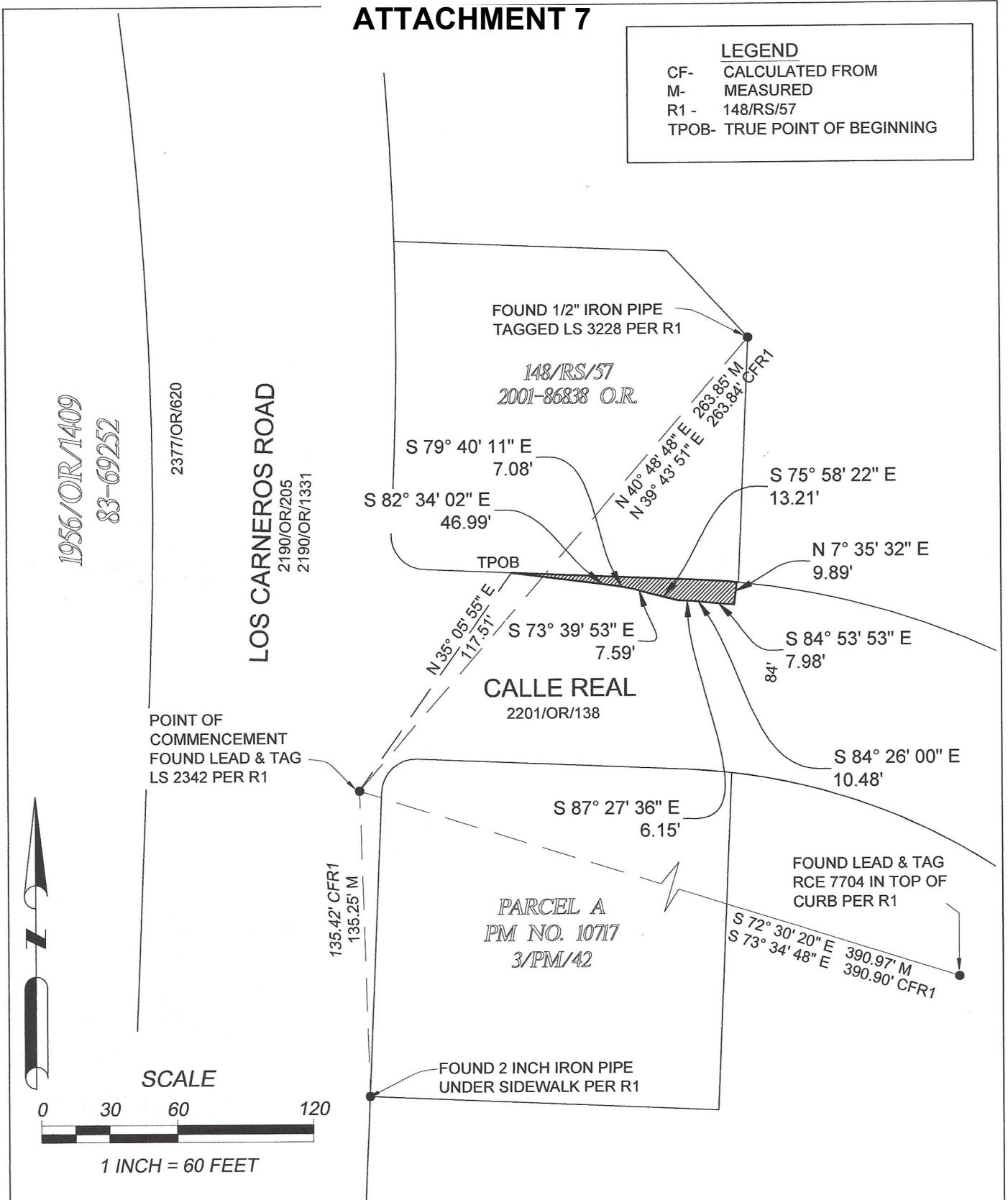
George Marchenko

11/29/2012

ATTACHMENT 7

LEGEND

CF- CALCULATED FROM
M- MEASURED
R1 - 148/RS/57
TPOB- TRUE POINT OF BEGINNING



612 Clarion Court
SAN LUIS OBISPO, CA 93401
T 805 544-4011
F 805 544-4294
www.wallacegroup.us

EXHIBIT A-1
PORTION
CALLE REAL
GOLETA, CA

JOB No. : 863-0008
DRAWING : NE-E
DRAWN BY: GM
DATE : 11/15/2012
Sheet 1 of 1

ATTACHMENT 7

Exhibit B Portion of Los Carneros Road Legal Description

That portion of the Rancho Los Dos Pueblos described in the grant deeds to the County of Santa Barbara, a political subdivision of the State of California, recorded May 16, 1967 as Instrument No. 12804, in Book 2190, page 205 and May 18, 1967 as Instrument No. 13555, in Book 2190, page 1331 of Official Records of said County, described as follows:

Commencing at a found lead and tag LS 2342 in top of curb adjacent to the southwesterly terminus of the return at the southeasterly corner of Los Carneros Road and Calle Real per the Record of Survey filed in Book 148 of Records of Survey at page 57 in the Office of the County Recorder of said County from which a found $\frac{1}{2}$ " pipe tagged LS 3228 marking the most easterly corner of the land shown on said Record of Survey bears north $40^{\circ}48'48''$ east 263.85 feet (north $39^{\circ}43'51''$ east 263.84 feet calculated from data per said Record of Survey);

Thence north $4^{\circ}13'50''$ east 179.84 feet to the True Point of Beginning;

Thence north $01^{\circ}13'15''$ east 16.80 feet;

Thence north $00^{\circ}18'43''$ west 20.08 feet;

Thence north $00^{\circ}58'19''$ west 20.50 feet;

Thence north $01^{\circ}31'11''$ west 6.65 feet to the westerly prolongation of the north line of the land shown on said Record of Survey;

Thence along said prolongation south $87^{\circ}33'51''$ east 3.69 feet to the easterly line of the land described in said grant deed recorded in Book 2190, page 205 and to the beginning of a non-tangent curve to the right having a radius of 1463.46 feet, the center of said curve bears south $88^{\circ}28'13''$ west;

Thence southerly along said easterly line and along the easterly line of the land described in said grant deed recorded in Book 2190, page 205, along the arc of said curve, through a central angle of $02^{\circ}30'11''$ a distance of 63.93 feet to a point which bears south $89^{\circ}01'36''$ east from the True Point of Beginning;

Thence north $89^{\circ}01'36''$ west 3.72 feet to the True Point of Beginning.

Containing 233 square feet more or less.

ATTACHMENT 7

The basis of bearings for this legal description is between National Geodetic Survey points designated "COPR", and "CRU1" and having a calculated bearing of south 10° 29' 11" east North American Datum 1983, CA Zone 5.

The above-described land is graphically shown on Exhibit "B-1" attached hereto and made a part hereof.

End of Legal Description



George Marchenko

11/29/2012

ATTACHMENT 7

LEGEND

CF- CALCULATED FROM
M- MEASURED
R1 - 148/RS/57
TPOB- TRUE POINT OF BEGINNING

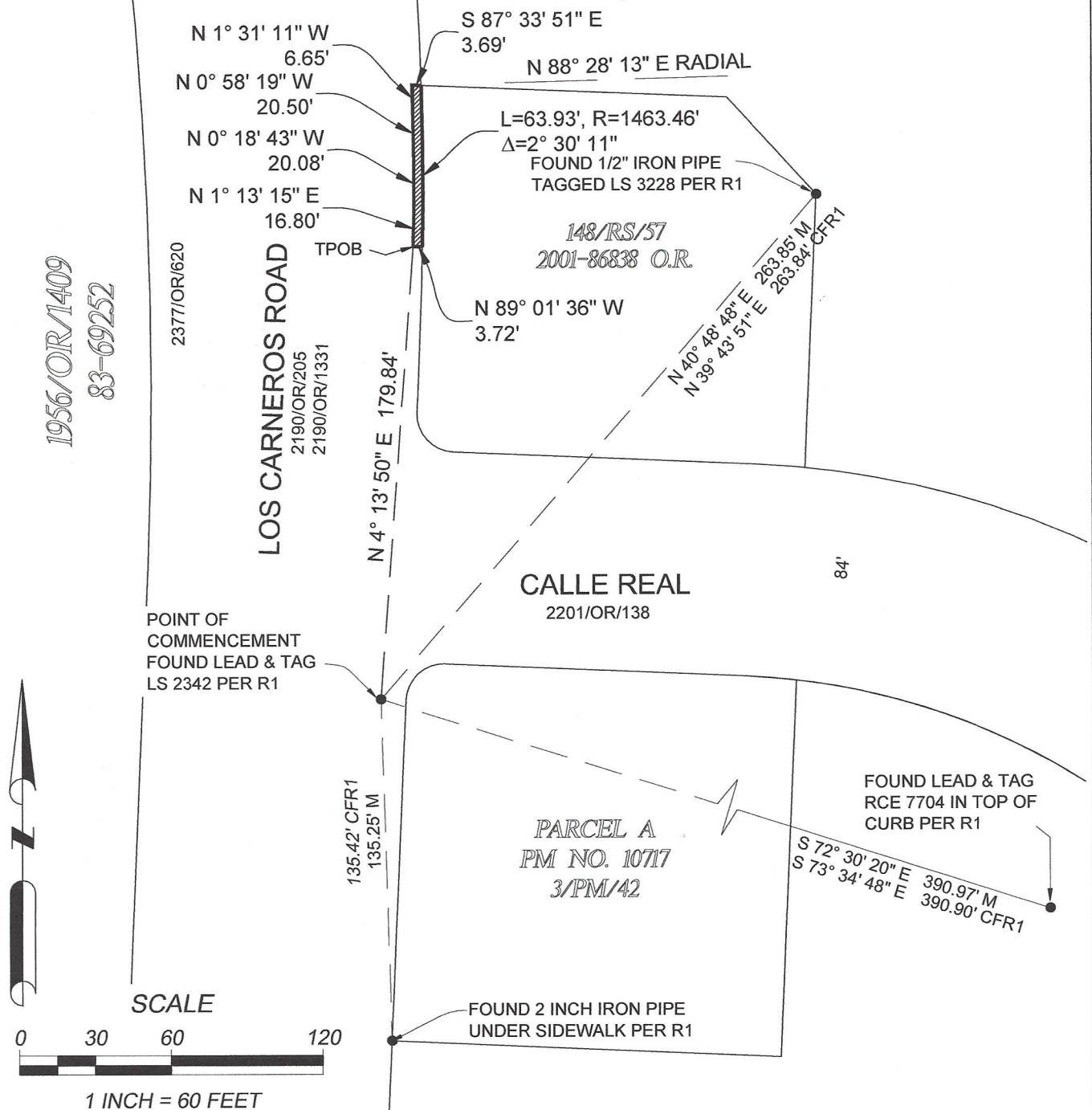


EXHIBIT B-1
PORTION
LOS CARNEROS ROAD
GOLETA, CA

JOB No. : 863-0008

DRAWING :NE-N

DRAWN BY: GM

DATE : 11/15/2012

Sheet 1 of 1

612 Clarion Court
SAN LUIS OBISPO, CA 93401
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