



TO: Mayor and Councilmembers

FROM: Charles W. Ebeling, Public Works Director

CONTACT: Gerald Comati, Project Manager

SUBJECT: Permanent Easement from the County of Santa Barbara required for Hollister Avenue Bridge Project (#9033)

RECOMMENDATION:

Authorize the City Clerk to accept a Permanent Easement from the County of Santa Barbara (APN 071-090-037) required for the construction of the Hollister Avenue Bridge Project.

BACKGROUND:

The Hollister Avenue Bridge project, Capital Improvement Program (CIP) Project No. 9033, has been in development for a number of years and is considered one of the highest priority transportation projects in the City. In order to construct the Hollister Avenue Bridge project, right-of-way acquisition is required along the San Jose Creek channel on both the north and south sides of Hollister Avenue. To date, the City has successfully secured the possession of all the properties needed to construct the project with the exception of a permanent easement needed from the County of Santa Barbara.

DISCUSSION:

The permanent easement needed from the County of Santa Barbara is located in the San Jose Creek channel (APN 071-090-037) within the footprint of the proposed Hollister Avenue Bridge project over the channel. City staff have been working closely with Santa Barbara County Flood Control and Water Conservation District staff to acquire the permanent easement. The easement is needed in order for the City to be able to construct the new Hollister Avenue Bridge ,for the transition basin located immediately upstream of the bridge, and for bridge and channel maintenance responsibilities.

The County of Santa Barbara is willing to grant the permanent easement needed for the Project. The City is required to accept the easement. Staff is recommending that the City Council authorize the City Clerk to accept the permanent easement.

On June 8, 2020, the City Planning Commission adopted a resolution finding that all of the acquisitions required for the Hollister Avenue Bridge project, including the one discussed in this staff report (APN 071-090-037), conform to the City General Plan under Section 65402 of the Government Code.

FISCAL IMPACTS:

There is no fiscal impact for this easement. There is no cost to the City associated with the acceptance of the permanent easement being offered by the County of Santa Barbara.

ALTERNATIVES:

The City Council may elect to not accept the permanent easement from the County of Santa Barbara. Doing so would prevent the City from completing the right-of-way process necessary to secure federal funding for construction, delay the project schedule, and may jeopardize the federal grant funding and the project.

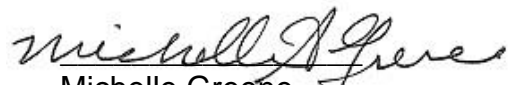
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Easement Deed and Certificate of Acceptance for Permanent Easement from the County of Santa Barbara (APN 071-090-037)

ATTACHMENT 1

**Easement Deed and Certificate of Acceptance for Permanent
Easement from the County of Santa Barbara (APN 071-090-037)**

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

When recorded, mail to:
City of Goleta
City Clerk's Office / Attn: City Clerk
130 Cremona Dr., Suite B
Goleta, CA 93117

Exempt from the \$75 Building and Jobs Act Fee per Gov't Code § 27388.1(2)(D) Public Agency
No fee pursuant to Government Code § 6103
No Documentary Transfer Tax per R&T Code § 11922
No Recording Fee per Government Code § 27383

APN: 071-090-037

**EASEMENT DEED
(Flood Control and Bridge Improvements)**

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

THE COUNTY OF SANTA BARBARA AND THE SANTA BARBARA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, BODIES
CORPORATE AND POLITIC (hereinafter referred to as "Grantor"),

hereby grants to the

CITY OF GOLETA, a municipal corporation, its successor and assigns
(hereinafter referred to as "Grantee"),

A non-exclusive permanent easement for the construction, installation, maintenance and repair of a new Hollister Avenue Bridge and associated bridge support structures, abutments and wing walls, and the right to install and maintain associated channel related improvements, including articulated revetment, a low flow fish passage channel, concrete weirs, and rip-rap.

This permanent easement shall be in, on, over, along, under, through and across that certain land situated in the City of Goleta, County of Santa Barbara, State of California, more particularly described and depicted in the attached Exhibit, attached hereto and incorporated herein by this reference (the "Easement Area").

Grantee agrees to defend, indemnify, and hold harmless Grantor and its officers, officials, employees, volunteers or agents against any and all liability, loss, expense (including reasonable attorneys' fees), and claims for injury or damages arising out of Grantee's use of this easement. Grantor agrees to defend, indemnify, and hold harmless Grantee and its officers, officials, employees, volunteers or agents against any and all liability, loss, expense (including reasonable attorneys' fees), and claims for injury or damages arising out of Grantor's performance of its flood control duties in the easement area.

EASEMENT DEED
(Flood Control and Bridge Improvements)

GRANTOR:

COUNTY OF SANTA BARBARA

By: _____
Janette D. Pell, Director
General Services Department

Date _____

SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT

By: _____
Scott D. McGolpin, Director
Public Works Department

Date _____

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Scott Greenwood
Deputy County Counsel

APPROVED BY:

By: _____
Ray Aromatorio
Risk Manager

**EASEMENT DEED
(Flood Control and Bridge Improvements)**

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
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State of California
County of Santa Barbara

On _____ before me, _____, Notary Public, personally appeared **Janette D. Pell**, 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 signatures(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 _____ (Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
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State of California
County of Santa Barbara

On _____ before me, _____, Notary Public, personally appeared **Scott D. McGolpin**, 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 signatures(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 _____ (Seal)

EXHIBIT
(Bridge & Roadway Easement Legal Description)

APN: 071-090-037

A portion of land in the City of Goleta, County of Santa Barbara, State of California, being all of the land described in the grant deed to the County of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District, per Instrument No. 51515, Book 2024, Page 975 of Official Records, in the office of the County Recorder of said County.

Containing an area of 5,784 square feet, more or less.

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

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

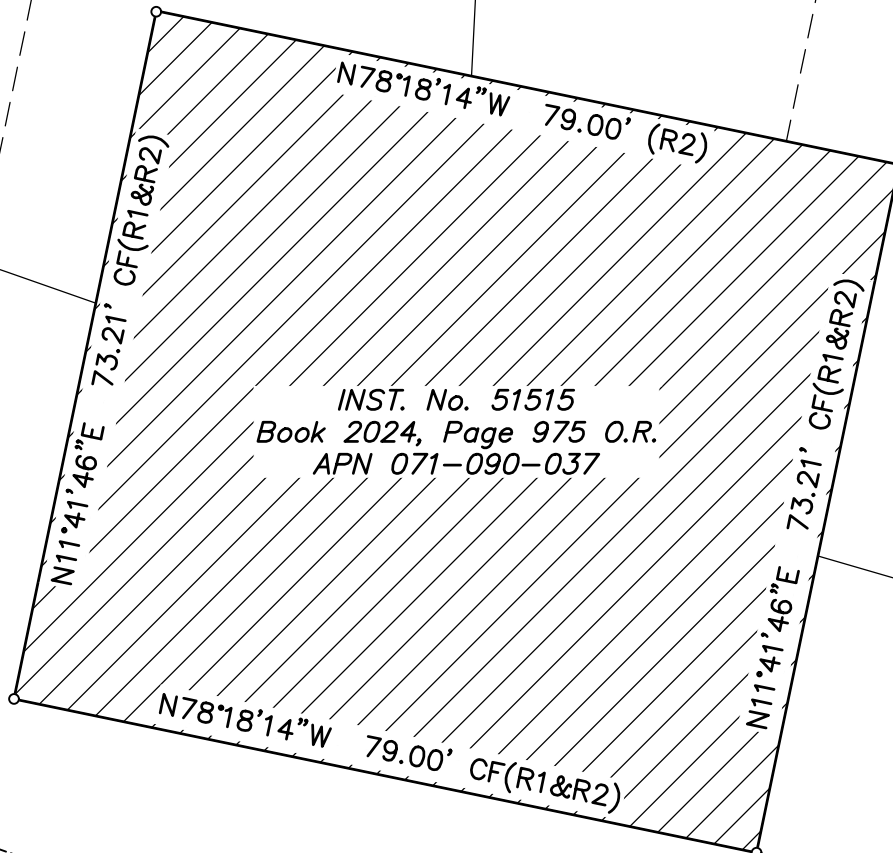
Date: 03/25/20



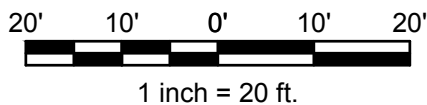
**EXHIBIT
(PAGE 2)**

Parcel B
 Parcel Map No. 12,482
 Book 24, Pages 41 & 42
 APN 071-090-089

INST. No. 27220
 Book 2115, Page 457 O.R.
 APN 071-090-036



HOLLISTER AVE.



LEGEND

- | | |
|----|---|
| CF | Calculated from |
| R1 | Record data per
Instrument No. 51515
recorded 12/5/1963 in
Book 24, Page 75 of
Official Records |
| R2 | Record of Survey Book
179, Pages 39-40 |



BRIDGE AND ROADWAY
 EASEMENT EXHIBIT
 APN 071-090-037
 HOLLISTER AVENUE
 CITY OF GOLETA
 5,784 SQ FT

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

ENGINEERING
 PLANNING
 SURVEYING
 CONSTRUCTION MANAGEMENT

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 _____, from the **County of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District**, **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. _____ of the Goleta City Council adopted on _____, and the City of Goleta as **GRANTEE** consents to the recordation thereof by its duly authorized officer.

Dated:

CITY OF GOLETA

By: _____
Deborah S. Lopez
City Clerk