



**Agenda Item A.4**  
**CONSENT CALENDAR**  
**Meeting Date: September 7, 2021**

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**TO:** Mayor and Councilmembers

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

**CONTACT:** Julie Jang, Assistant Engineer

**SUBJECT:** Approve a Grant Deed Public Easement for the Cortona Apartment Development Project located at 6830 Cortona Drive

**RECOMMENDATIONS:**

Approve and authorize the City Clerk to accept and execute a Grant Deed for a Public Easement for the Cortona Apartment Development Project located at 6830 Cortona Drive.

**BACKGROUND:**

The Cortona Apartment Development Project is a private land development project located at 6830 Cortona Drive. The project Parcel (APN 073-140-016) is an irregularly shaped lot located northeasterly of the intersection of Hollister Avenue and Storke Road. The lot is bounded on its northerly side by the railroad right-of-way and US 101. The development project on the 8.86 acre property, consists of a residential apartment complex including eight apartment buildings, a commercial recreation building, paved parking lots, and landscape open spaces.

The project's proposed driveway is 54 feet wide including the entry and exit driveways from Cortona Drive into the project property and a landscaped center island. Along portions Cortona Drive the existing sidewalk is 4 feet wide, and the existing parkway is 4 feet wide.

**DISCUSSION:**

During the development review process the City included a condition of approval requiring the applicant to construct public improvements as part of the new development, including a new sidewalk, curb and gutter, and driveway approach. The new improvements will comply with the Americans with Disabilities Act. The applicant, Cortona Corner LP, agreed to comply with this condition of approval provision and construct a minimum 6-foot-wide sidewalk along with a 3.5-foot-wide landscaped parkway. The new frontage improvements will fill in a portion of the existing sidewalk gap that exists on the northern side of Cortona Drive.

To be able to construct the new 6-foot-wide sidewalk according to the City approved public improvement plan, the applicant needs to provide a 2-foot-wide public easement to the City along the Cortona Drive property frontage. There are two existing palm trees located on private property within and/or immediately adjacent to the proposed 2-foot-wide public easement area. These two areas are excluded from the 2-foot-wide public easement and identified in the easement as "Exception Parcel 1" and "Exception Parcel 2". The two palm trees and associated surrounding landscaped area will continue to be privately owned and maintained. The applicant has provided a draft grant deed, plat and legal descriptions for the proposed public easement. Staff has reviewed and concurs with the proposed draft grant deed. Therefore, staff recommends City Council approve and authorize the City Clerk to accept and execute the grant deed for a public easement for the Cortona Apartment Development Project located at 6830 Cortona Drive.


**FISCAL IMPACTS:**

Execution and recordation of the grant deed for the public easement will have no fiscal impact to the City. The documentation check and the easement process costs associated with the grant deed public easement will be paid for by the developer.

**ALTERNATIVES:**

The City Council may elect to not approve the grant deed for the subject public easement; however, doing so would result in substandard public sidewalk width that does not meet the development project conditions.

**Reviewed By:**



Kristine Schmidt  
Assistant City Manager

**Legal Review By:**



Michael Jenkins  
City Attorney

**Approved By:**



Michelle Greene  
City Manager

**ATTACHMENTS:**

1. Grant Deed for a Public Easement from Cortona Corner Apartments LLC, for the Cortona Apartment Development Project located at 6830 Cortona Drive.

## **ATTACHMENT 1**

Grant Deed for a Public Easement from Cortona Corner Apartments  
LLC, for the Cortona Apartment Development Project located at 6830  
Cortona Drive

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO: )  
)  
)  
City of Goleta )  
130 Cremona Drive, Suite B )  
Goleta, CA 93117 )  
Attn: City Clerk )  
)

Exempt from recording fee per Government Code Section 27383      Space above line for Recorder's Use

APN: 073-140-016      Address: 6830 Cortona Dr.

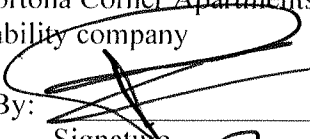
**GRANT DEED  
(EASEMENT)**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
  
Cortona Corner Apartments LLC, a Delaware limited liability company,  
  
hereby GRANTS to  
  
CITY OF GOLETA, A municipal corporation,

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 B, 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.

IN WITNESS WHEREOF, the grantors have executed this instrument this 26 day  
of July, 2021

Cortona Corner Apartments LLC, a Delaware limited liability company

By:   
Signature  
Jol Rucci  
Name and Title

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name and Title

## Notary 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.

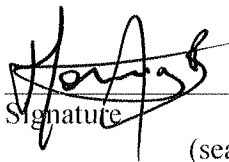
STATE OF CALIFORNIA

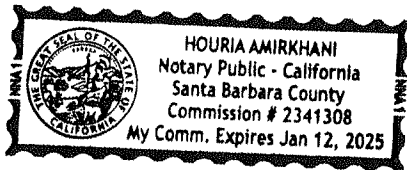
County of Santa Barbara

On July 28, 2021, before me, Houria AmirKhani, Notary Public  
personally appeared John Price, who proved to me on the basis  
of satisfactory evidence to be the person whose name is subscribed to the within instrument and  
acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her  
signature on the instrument the person, or the entity upon behalf of which the person 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 "A"

## LEGAL DESCRIPTION

In the County of Santa Barbara, State of California, a strip of land, 2.00 feet wide, the southerly line of which is coincident with the southerly line of Parcel 2 of Record of Survey filed in Book 118, Page 88 of Records of Surveys in the office of the county recorder for said County. Said Parcel 2 being shown on Record of Survey filed February 1, 2021 as Document 2021-0007575 in Book 213, Page 60 of Records of Survey in the office of said county recorder.

EXCEPTING THEREFROM the following 2 parcels:

### Parcel 1

Beginning at the westerly end of said southerly line, being the beginning of a curve concave southerly, having a radius of 330.00 feet, and whose radius point bears South 27°07'38" East, and being the southerly end of the line on said Record of Survey filed in Book 213, Page 60 shown as having a bearing and distance of "N 27°15'31" W 199.91' " recited thereon, thence, along said curve,

Easterly 53.74 feet through a central angle of 9°19'48" to the True Point of Beginning; thence, continuing along said curve,

1st: Easterly 13.07 feet through a central angle of 2°16'08"; thence, leaving said southerly line of Parcel 2,

2nd: North 32°15'57" East 1.94 feet to the beginning of a curve concave westerly and having a radius of 1.50 feet; thence, along said curve,

3rd: Northerly 0.83 feet through a central angle of 31°31'40" to the northerly line of said strip 2.00 feet wide, being the beginning of a nontangent curve concave southerly, having a radius of 332.00 feet, and whose radius point bears South 15°12'20" East; thence, along said curve,

4th: Westerly 16.04 feet through a central angle of 2°46'02" to the beginning of a curve concave easterly, having a radius of 4.50 feet, and whose radius point bears North 59°38'42" East; thence, along said curve,

5th: Southerly 2.27 feet through a central angle of 28°51'30" to the True Point of Beginning.

**CONTINUED ON PAGE 2**

## EXHIBIT "A" LEGAL DESCRIPTION CONTINUED

Parcel 2

Beginning at the southerly end of the 2nd course above, being the beginning of a curve concave southerly, having a radius of 330.00 feet, and whose radius point bears S15°31'42"E, thence, along said curve, Easterly 59.34 feet through a central angle of 10°18'12" to the True Point of Beginning; thence, continuing along said curve,

1st: Easterly 12.11 feet through a central angle of 2°06'10" to the beginning of a curve concave westerly, having a radius of 4.50 feet, and whose radius point bears North 50°56'21" West; thence, along said curve,

2nd: Northerly 2.28 feet through a central angle of 29°02'23" to the northerly line of said strip 2.00 feet wide, being the beginning of a nontangent curve concave southerly, having a radius of 332.00 feet, and whose radius point bears South 2°56'29" East; thence, along said curve,

3rd: Westerly 15.66 feet through a central angle of 2°42'08"; thence,

4th: South 50°01'58" East 0.34 feet; thence,

5th: South 56°33'17" East 2.80 feet to the True Point of Beginning.

April 26, 2021

End of Description



# EXHIBIT "B"

## MAP TO ACCOMPANY LEGAL DESCRIPTION

PAGE 1 OF 1

April 26, 2021

Prepared by: Right Angle Land Survey  
6 Harbor Way Suite 230  
Santa Barbara, CA 93009

NORTH



1"=30'

### LEGEND

- # Number corresponds to course number in legal description

R.S. = Record of Survey filed in the County Recorder's Office

POB = Point of Beginning

TPOB = True Point of Beginning

PARCEL 2

R. S. 118 - 88

OVERVIEW:

1"=400'

PARCEL 2

R.S. 118 -88

N 27°15'31" W 199.91'  
R.S. 213-60

SUBJECT  
AREA

THE HATCHED AREAS ARE THE LAND  
BEING DESCRIBED IN EXHIBIT "A" &  
TOTAL 338.38 SQ. FT., MORE OR LESS.

N 27°15'31" W  
199.91'  
R.S. 213-60

EXCEPTION  
PARCEL 1

S 15°12'20" E  
332.00' Radial

N 59°38'42" E  
4.50' Radial

TPOB  
PARCEL 1  
& POB  
PARCEL 2

S 15°31'42" E  
330.00' Radial

POB  
PARCEL 1

DETAILS:

1"=5'

N 59°38'42" E  
Radial 4.50'

EXCEPTION PARCEL 1

N 50°56'21" W  
4.50' Radial

S 15°31'42" E  
330.00' Radial

EXCEPTION PARCEL 2

S 2°56'29" E  
332.00' Radial

TPOB  
PARCEL 2

EXCEPTION  
PARCEL 2

TPOB  
PARCEL 2

Total curve:  
R=330.00'  
D=27°06'26"  
L=156.12'  
R.S. 213-60

CORTONA DRIVE  
60.00' WIDE





CERTIFICATE OF ACCEPTANCE  
AND CONSENT TO RECORDATION OF  
DEED OF EASEMENT

This is to certify that the interest in real property conveyed by the Deed of Easement dated \_\_\_\_\_, 20\_\_\_\_ from **Cortona Corner Apartments LLC, a Delaware limited liability company** to the City of Goleta, a municipal corporation of the State of California, is hereby accepted by the undersigned City Clerk on behalf of the City of Goleta pursuant to the authority conferred by Resolution No. \_\_\_\_\_ of the Goleta City Council adopted on \_\_\_\_\_, 20\_\_\_\_, and the GRANTEE consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

City of Goleta

by \_\_\_\_\_  
Deborah Lopez, City Clerk