

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE A CERTAIN PRIVATE ROAD EASEMENT AGREEMENT WITH WILLIAM PASICH, GEORGE V. VALOIS AND SHERRY R. VALOIS, TRUSTEES, CAROLYN V. COOPER, TRUSTEE, FREDERICA McKAY THOMPSON, TRUSTEE, AND JOEL J. BERTI AND GEORGIA E. BERTI, TRUSTEES, GRANTING AND ACKNOWLEDGING PRIVATE EASEMENTS FOR THE CONTINUING USE AND MAINTENANCE OF SPYGLASS RIDGE ROAD, INCLUDING PUBLIC UTILITIES, LOCATED ON A PORTION OF THE TUNNEL TRAIL PROPERTY, SOMETIMES KNOWN AS TUNNEL RESERVOIR PROPERTY, OWNED BY THE CITY OF SANTA BARBARA, FOR INGRESS AND EGRESS TO PROPERTIES LOCATED IN THE COUNTY OF SANTA BARBARA KNOWN AS 2825, 2845, 2875, 2885, AND 2895 SPYGLASS RIDGE ROAD

WHEREAS, the City of Santa Barbara owns certain real property in the County of Santa Barbara, State of California, sometimes commonly known as "Tunnel Trail property," a portion of which is also referred to as "Tunnel Reservoir Property;"

WHEREAS, William Pasich owns certain real property in the County of Santa Barbara commonly known as 2825 Spyglass Ridge Road;

WHEREAS, George V. Valois and Sherry R. Valois, Trustees U/D/T March 7, 1991, F/BO the Valois Family Trust, own certain real property in the County of Santa Barbara commonly known as 2845 Spyglass Ridge Road;

WHEREAS, Carolyn V. Cooper, Trustee of the Carolyn Cooper-Griffith Living Trust dated October 6, 1989, owns certain real property in the County of Santa Barbara commonly known as 2875 Spyglass Ridge Road;

WHEREAS, Frederica McKay Thompson, Trustee of the Frederica McKay Thompson Living Trust, dated July 7, 2003, owns certain real property in the County of Santa Barbara commonly known as 2885 Spyglass Ridge Road;

WHEREAS, Joel J. Berti and Georgia E. Berti, Trustees of The J & G Berti Family Trust, own certain real property in the County of Santa Barbara commonly known as 2895 Spyglass Ridge Road;

WHEREAS, a portion of the Tunnel Reservoir Property has long been improved with a private road, sometimes known as Spyglass Ridge Road, which has provided vehicle, pedestrian and utility ingress and egress to the above mentioned real properties;

WHEREAS, the City previously granted easements for private road access through the Tunnel Reservoir Property to real properties now along Spyglass Ridge Road, which were recorded in Official Records of Santa Barbara County on August 19, 1965, as Instrument No. 29505, in Book 2117 at Page 959, and on June 13, 1979, as Instrument No. 79-26451, and on February 14, 1983, as Instrument No. 83-7190, respectively, although such private road easements are not described with specificity;

WHEREAS, the above referenced owners intend to construct a private water main project, referred to the Spyglass Ridge Road Private Water Main project, as depicted on City Plan No. C-1-4632;

WHEREAS, City desires to grant easements described with specificity to the above referenced owners to acknowledge their joint use of Spyglass Ridge Road on the Tunnel Reservoir property, and acknowledge placement of the Spyglass Ridge Road Private Water Main project, and acknowledge the existence of public utilities, in concert with existing recorded easements mentioned above;

WHEREAS, Charter Section 520 in pertinent part provides that no land owned by the City, unless the value thereof is less than five thousand dollars (\$5,000.00), shall be sold, transferred or disposed of or encumbered, unless such sale, transfer, disposition or encumbrance be made or approved by ordinance; and

WHEREAS, this Ordinance upon its adoption by Council will provide authorization for the Public Works Director to execute a Private Road Easement Agreement relating to the joint use and maintenance of Spyglass Ridge Road, including public utilities.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. That, following the effective date of this Ordinance, the Private Road Easement Agreement dated October 19, 2011, between the City of Santa Barbara and William Pasich, George V. Valois and Sherry R. Valois, Trustees, Carolyn V. Cooper, Trustee, Frederica McKay Thompson, Trustee, and Joel J. Berti and Georgia E. Berti, Trustees, which grants a non-exclusive easement to allow their joint use and maintenance of Spyglass Ridge Road on the Tunnel Reservoir property, is hereby approved, and the Public Works Director is authorized to execute the agreement.

SECTION 2. That, following the effective date of this Ordinance, the City Clerk is authorized to deliver, or to cause to deliver, the said Private Road Easement Agreement to the County Recorder of Santa Barbara County for recordation in the Official Records of said County.