

RECORDING REQUESTED BY)
 AND WHEN RECORDED MAIL TO:)
)
 City of Santa Barbara)
 City Clerk)
 P.O. Box 1990)
 Santa Barbara, CA 93102-1990)
)
) No fee per STS & HWY CODE 8325
 _____)
 Space above line for Recorder's Use

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
 SANTA BARBARA, CALIFORNIA, ORDERING THE
 NON-SUMMARY VACATION AND ABANDONMENT
 OF THE PORTION OF EALAND PLACE MOST
 SEVERELY DAMAGED BY THE CONEJO AREA
 LANDSLIDE WITHIN THE CITY LIMITS OF SAID
 CITY, AND PROVIDING FOR THE RECORDATION
 OF THIS RESOLUTION

RECITALS

A. The City of Santa Barbara has caused the publication of a Notice of Non-Summary Vacation of a Public Street in the Vicinity of Ealand Place, hereinafter referred to as the "Notice of Vacation," stating its intention to vacate and abandon a certain portion of Ealand Place, a public street, within the City Limits of said City, which portion of Ealand Place has been severely damaged by the Conejo Area Landslide, and is hereinafter referred to as the "Damaged Street"; and

B. Said Council on June 26, 2012, during the regular Council meeting held at 2:00 p.m. of said day, held a hearing upon said proposed vacation and abandonment of the Damaged Street for all persons interested in or objecting to the same, which said hearing was duly noticed and held pursuant to Division 9, Part 3 (Sections 8300 et seq.) of the Streets and Highways Code of the State of California as amended;

C. The Council of said City has heretofore caused copies of the Notice of Vacation to be posted conspicuously at and near the entrance to said Damaged Street proposed to be vacated and abandoned in the manner and during the time required by the above Division, Chapter and Sections of said Streets and Highways Code;

D. The Council of said City has heretofore caused the aforementioned Notice of Vacation to be published in a weekly newspaper of general circulation, published and circulated in said City as required by the above Division, Chapter and Sections of said Streets and Highways Code;

E. The City Council has heard and considered all evidence and materials, oral and written, presented and offered by all interested persons at the public hearing before it, and finds from all evidence submitted that the Damaged Street is not necessary for present or prospective public street purposes, and that it is in the public interest to vacate the Damaged Street, but reserving therefrom rights that are or may be necessary for the use and maintenance of various public utility services, other than for public street;

F. The Damaged Street hereinafter described is not necessary for a non-motorized transportation facility; and

G. The City makes no claim as to the current fee ownership of the land underlying the Damaged Street.

NOW, THEREFORE, be it resolved by the Council of the City of Santa Barbara as follows:

1. The above recitals are true and correct.
2. The Damaged Street is found not to be necessary for present or prospective public

street purposes, except for reserving such public utility service easements described below, and that it is in the public interest to vacate the Damaged Street.

3. That the Damaged Street hereinafter described is ordered vacated and abandoned and all lands covered by any of said public street interest shall no longer be subject to a public street interest, namely:

DESCRIPTION

A portion of Ealand Place in the City of Santa Barbara, County of Santa Barbara, State of California, as shown on the map of Sycamore Terrace Tract filed on March 21, 1931, in Map Book 15, at Pages 226 and 227, in the Office of the County Recorder, County of Santa Barbara; said Ealand Place being a portion of Parcel A depicted on said map of Sycamore Terrace Tract, constituting roads originally "not offered for dedication nor dedicated for public use," namely roads now known as a portion of Conejo Road (including the portion formerly known as Flores Drive), all of Ealand Place and a portion of Sherman Road; said Ealand Place also being depicted and referred to subsequent to the recordation of the map of Sycamore Terrace Tract to be one of those many streets in use by the general public in Resolution No. 2737 of the Council of the City of Santa Barbara, adopted on February 24, 1955, which adopted "Official Map No. 1955-1 of Undedicated Streets in the City of Santa Barbara," which includes Ealand Place as depicted on Sheet 40 of Official Map No. 1955-1 of Undedicated Streets, an unrecorded copy of which is filed for convenient reference in the office of the City Engineer of the City of Santa Barbara;

Said portion of Ealand Place being described as all that portion of Ealand Place lying southerly of the following described line:

Beginning at the northeast corner of Lot 26 of Sycamore Terrace Tract, said corner being a point on the westerly line of Ealand Place, and being the beginning of a curve on the westerly line of Ealand Place concave to the west having a radius of 235.00 feet; thence southerly 15.00 feet along said westerly line of Ealand Place and along said curve through a central angle of 3°29'26" to another point on the westerly line of Ealand Place, said point being the True Point of Beginning;

Thence, North 67°03'38" East a distance of 32.44 feet to a point located on the easterly line of Ealand Place, said point being the point of intersection of the southeasterly extension of the northerly line of said Lot 26 of Sycamore Terrace Tract.

RESERVING THEREFROM, on behalf of the City of Santa Barbara, Cox Cable Santa Barbara, Verizon, and Southern California Edison Company, as applicable, interests and rights, but without specific obligation, established for the placement, construction, use, operation, maintenance, repair, rehabilitation, replacement, enlargement, removal or renewal of various public service facilities, including all appurtenant and necessary underground and aboveground facilities and utility improvements, generally comprised of water pipelines,

sanitary sewer pipelines, storm drain systems, communication conduits, cables, wires, poles, and other necessary facilities, equipment and fixtures, electrical energy and electrical intelligence transmission lines, and any other required public service improvements, other than for public street or public highway purposes in, upon, over, under, along, through and across all that certain portion of Ealand Place described above, including access as necessary to protect all such public service facilities and improvements from all hazards in, upon, over, under, along, through and across all that portion of Ealand Place described above.

ALSO RESERVING THEREFROM, on behalf of Southern California Gas Company, The Gas Company, as applicable, interests and rights, but without specific obligation, a permanent non-exclusive Easement established for the placement, construction, use, operation, maintenance, repair, relocation, replacement, enlargement, and from time to time removal or renewal of all appurtenant and necessary underground and aboveground facilities and utility improvements, generally comprised of one or more natural gas pipelines and conduits, and other necessary facilities including but not limited to equipment and fixtures, together with metering, measuring, regulating, cathodic protection, and other appurtenances (all hereinafter referred to as the "Facilities"), for the transportation of natural gas over, under, through, along, and for all other purposes connected therewith, and together with the reasonable right of ingress and egress to and from the Easement to access Facilities and the right to use Grantor's abutting property during construction and maintenance of the Facilities and any other required public service improvements, other than for public street or public highway purposes in, upon, over, under, along, through and across all that certain portion of Ealand Place described above, including access as necessary to protect all such public service facilities and improvements from all hazards in, upon, over, under, along, through and across all that portion of Ealand Place described above.

For convenient reference purposes only, the above described Damaged Street is depicted on attached Exhibit A.

4. That this order of vacation is subject to the reservation by the Council of the City of Santa Barbara, on its behalf, and on behalf of Cox Cable Santa Barbara, Verizon, Southern California Edison Company, and Southern California Gas Company, The Gas Company, established for the placement, use, maintenance, repair, replacement, removal or renewal of public service facilities, including any necessary underground and aboveground facilities, generally comprised of water pipelines, sanitary sewer pipelines, storm drain systems, natural gas pipelines, communication conduits, electrical transmission lines, other than for public street purposes in, upon, over, under, along, through and across the Damaged Street

described above, including access as necessary to protect any public service facilities from all hazards in, upon, over, under, along, through and across the Damaged Street.

5. That the City Clerk shall cause a certified copy of this order attested by the Clerk under the seal of the City of Santa Barbara to be recorded in the Official Records, in the Office of the County Recorder of the County of Santa Barbara.