

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT A PERMANENT EASEMENT AND VARIOUS TEMPORARY CONSTRUCTION EASEMENT INTERESTS LOCATED AT 134 CHAPALA STREET, 203 CHAPALA STREET, AND 104 LOS AQUAJES AVENUE RELATING TO THE CHAPALA STREET BRIDGE REPLACEMENT PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE SUCH AGREEMENTS AND RELATED DOCUMENTS AS NECESSARY FOR THE ACQUISITION AND ACCEPTANCE OF SAID PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS, AND RECORD SAID PERMANENT EASEMENT DEED AND MEMORANDUMS OF AGREEMENT FOR THE TEMPORARY CONSTRUCTION EASEMENTS IN THE OFFICIAL RECORDS OF THE COUNTY OF SANTA BARBARA

WHEREAS, a proposed project is currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing Chapala Street Bridge at Mission Creek under the Chapala Street Bridge Replacement Project (Project) due to the bridge's age, increasingly deteriorated condition, and limited flood control capacity;

WHEREAS, it is anticipated that a significant portion of the City's associated costs for the Project will be reimbursed through funding provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the Project requires the purchase by the City of a permanent easement for street, bridge, and flood control purposes, along with a temporary construction easement, on a portion of the real property commonly known as 134 Chapala Street, Santa Barbara County Assessor's Parcel Number (APN) 033-074-001, owned by John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, due to the property's location immediately adjacent to the existing bridge and the proposed new Chapala Street Bridge at Mission Creek, for total compensation in the amount of \$1,300, plus related escrow and title costs;

WHEREAS, the Project also requires the purchase by the City of a temporary construction easement, on a portion of the real property commonly known as 203 Chapala Street, APN: 033-041-001, owned by Urban Pacific, LLC, a California limited liability company, due to the property's location immediately adjacent to the existing bridge and the proposed new Chapala Street Bridge at Mission Creek, for total compensation in the amount of \$5,875;

WHEREAS, the Project also requires the purchase by the City of a temporary construction easement on a portion of the real property commonly known as 104 Los Aquajes Avenue, APN: 033-041-002, owned by Dario Pini, due to the property's location immediately adjacent to the existing bridge and the proposed new Chapala Street Bridge at Mission Creek, for total compensation in the amount of \$500;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent easement and temporary construction easements have been valued, and in accordance with applicable laws and guidelines, and subject to final approval by Council, written offers and required valuation summaries and agreements have been delivered to the respective owners;

WHEREAS, the written purchase offers have been accepted by the respective owners and agreements have been signed voluntarily to allow the City to purchase the real property interests, subject to final approval by Council;

WHEREAS, this Resolution will provide authorization from the Santa Barbara City Council to the Public Works Director to execute the purchase agreements with the affected property owners at 134 Chapala Street, 203 Chapala Street, and 104 Los Aquajes Avenue, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by Council to the Public Works Director to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the various interests in the real properties, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, Memorandums of Agreement and escrow and title instructions; and

WHEREAS, this Resolution will demonstrate intent by Council to accept the permanent easement and temporary construction easement interests particularly described in the respective documents delivered for such purpose, without further action or subsequent Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes, along with the purchase of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 134 Chapala Street, Santa Barbara County Assessor's Parcel Number 033-074-001, for total compensation in the amount of \$1,300, plus related escrow and title costs.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement with Urban Pacific, LLC, a California limited liability company, and its related Memorandum of Agreement for Temporary Construction Easement, to accomplish the purchase by the City of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 203 Chapala Street, Santa Barbara County Assessor's Parcel Number 033-041-001, for total compensation in the amount of \$5,875.

SECTION 3. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement with Dario Pini and its related Memorandum of Agreement for Temporary Construction Easement, to accomplish the purchase by the City of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 104 Los Aquajes Avenue, Santa Barbara County Assessor's Parcel Number 033-041-002, for total compensation in the amount of \$500.

SECTION 4. The City of Santa Barbara hereby accepts the interests on the real property mentioned above, as more particularly described in the Chapala Street Bridge Permanent Easement and Temporary Construction Easement Deed signed by John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, and as particularly described in the Easement Purchase Agreement and Joint Escrow Instructions with John Celmins and Emily K. Celmins, as Trustee of the Emily Celmins Trust dated February 29, 2000, which has been executed and delivered hereunder.

SECTION 5. The City of Santa Barbara hereby accepts the interest on the real property mentioned above, as more particularly described in the Easement Purchase Agreement with Urban Pacific, LLC, a California limited liability company, which has been executed and delivered hereunder.

SECTION 6. The City of Santa Barbara hereby accepts the interest on the real property mentioned above, as more particularly described in the Easement Purchase Agreement with Dario Pini, which has been executed and delivered hereunder.

SECTION 7. The City of Santa Barbara hereby consents to the recordation by the City Clerk of the Chapala Street Bridge Permanent Easement and Temporary Construction Easement Deed and the two Memorandums of Agreement for Temporary Construction Easement, in the Official Records, County of Santa Barbara.

SECTION 8. This Resolution shall become effective immediately upon its adoption.