

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING THE INTENTION OF THE COUNCIL OF SAID CITY TO VACATE A CERTAIN PORTION OF LOWENA DRIVE LOCATED ADJACENT TO ASSESSOR'S PARCEL NOS. 029-202-001 and 029-201-004 AS HEREINAFTER DESCRIBED, AND PROVIDING FOR THE HOLDING OF A PUBLIC HEARING, THE POSTING OF REQUIRED NOTICES, AND THE PUBLICATION OF THIS RESOLUTION

WHEREAS, the public Streets, Highways and Service Easements Vacation Law (herein referred to as "General Vacation Procedure"), as set forth in Part 3 of Division 9 (Sections 8300et seq.) of the Streets and Highways Code of the State of California, as amended, provides both for the power and method for the vacation of all or part of any City street or public service easement;

WHEREAS, The Santa Barbara Bowl Foundation (SBBF), Lessee of the Real Property owned by the County of Santa Barbara (County) commonly known as 1122 and 1130 North Milpas Street, Assessor's Parcel Numbers (APNs) 029-202-001, 029-110-023 respectively, and the County have jointly requested the vacation by the Council of a portion of Lowena Drive;

WHEREAS, at its meeting on January 31, 2012, the City Council conceptually reviewed the SBBF Box Office Plaza Project (Project) and proposed vacation of Lowena Drive, and conceptually approved the project and street vacation;

WHEREAS, on November 1, 2012, at a regularly scheduled hearing the City of Santa Barbara Planning Commission approved the Project, subject to the City Council final approval of an Order to Vacate Lowena Drive;

WHEREAS, by way of this Resolution the City Council hereby approves the initiation of proceedings to vacate that certain portion of Lowena Drive that is presently open for street purposes but is not necessary for present or prospective public street purposes;

WHEREAS, the City makes no claim as to the underlying fee ownership of the portion of Lowena Drive as described;

WHEREAS, the City additionally makes no claim as to any underlying fee ownership, or any easement rights related to what is commonly known as Cove Mound Drive on the County property; and

WHEREAS, said portion of Lowena Drive is not necessary for a non-motorized transportation facility.

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

SECTION 1. The City Council hereby elects to proceed herein under the General Vacation Procedure as amended.

SECTION 2. It is the intention of the City Council to vacate that certain street easement underlying the portion of Lowena Drive, said portion of Lowena Drive being more particularly described as follows:

DESCRIPTION

Those certain portions of street easement known as Lowena Drive, in the City of Santa Barbara, County of Santa Barbara, State of California, more particularly described on Exhibit "A", and generally depicted on Exhibit Map "B" attached hereto.

SECTION 3. The proposed street vacation is subject to the City Council's reserving and excepting from said vacation a public service easement for existing utilities, consisting of water mains, sewer mains, gas pipelines, electrical transmission lines, communication lines, cable television conduits, storm drain facilities, and other limited-use public easements other than for street or highway purposes.

SECTION 4. The time and place for hearing all persons interested in or objecting to the proposed street vacation shall be on December 4, 2012 at 2:00 p.m. at the regular meeting of the City Council to be held in the Council Chambers, City Hall, Santa Barbara, California, said date being not less than fifteen (15) days from and after the adoption of this Resolution of Intention.

SECTION 5. The Public Works Director of said City is hereby directed, upon and after publication of this Resolution as hereinafter provide, and in any events, not less than two (2) weeks prior to the aforementioned hearing, to cause notices of vacation to be conspicuously posted along that easement hereinabove proposed to be vacated. Such notices shall:

- a. Be posted not more than three hundred (300) feet apart, but at least three (3) such notices shall be posted;
- b. Describe the portion of the street proposed to be vacated and include its lawful or official name by which it is commonly known;
- c. State the time and place for the hearing of all persons interested in or objecting to the vacation; and
- d. Refer to the adoption of this Resolution of Intention.

SECTION 6. The City Clerk is hereby directed, at least two (2) successive weeks prior to the hearing, to cause such Resolution to be published twice in the Montecito Journal, a daily newspaper of general circulations, published and circulated in said City, and hereby designated for that purpose.

SECTION 7. The above set forth determinations, statements, descriptions, public hearings and directives are all to be in compliance with the provisions of the General Vacation Procedure.

EXHIBIT "A"

LEGAL DESCRIPTION:

Abandonment of a portion of the City of Santa Barbara's Easement known as "Lowena Drive"

All that portion of "Lowena Drive" granted in the Deed to the County of Santa Barbara, recorded July 13, 1936, in Book 364, Page 461 of Official Records in the office of the Santa Barbara County Recorder, and accepted as an Easement for "Street Purposes" by the City of Santa Barbara per City Resolution Nos. 2736 and 2737 adopted February 24, 1955, that portion to be abandoned is described as follows:

Beginning at a point on the Northeasterly line of Milpas Street, said point bears South 50°19'00" East 177.08 feet from the intersection of said Northeasterly line of Milpas Street with the Northwesterly line of Anapamu Street;

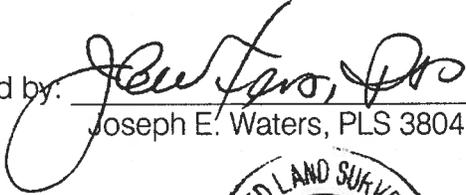
- Thence North 36°04'00" East, 127.79 to the beginning of a curve to the left with a radius of 245.75 feet and a delta of 14°54'40";
- Thence Along the arc of said curve a distance of 63.96 feet to the end of said curve;
- Thence North 21°09'20" East 35.35 feet to the beginning of a curve to the right with a radius of 41.74 feet and a delta of 45°19'40";
- Thence Along the arc of said curve a distance of 33.02 feet to the end of said curve;
- Thence North 66°30'00" East 49.97 feet to a point;
- Thence North 23°30'00" West 30.00 feet to a point;
- Thence South 66°30'00" West 28.26 feet to the beginning of a curve to the right with a radius of 11.00 feet and a delta of 107°10';
- Thence Along the arc of said curve a distance of 20.57 feet to the end of said curve and the beginning of a reverse curve to the left with a radius of 96.81 feet and a delta of 17°00';
- Thence Along the arc of said curve a distance of 28.72 feet to the end of said curve;
- Thence North 23°20'00" West 88.85 feet to the beginning of a curve to the left with a radius of 43.21 feet and a delta of 91°13'40";
- Thence Along the arc of said curve a distance of 68.80 feet to the end of said curve;
- Thence North 3°51'00" West 13.45 feet more or less to intersect the Pueblo Line of the City of Santa Barbara and the monument line shown on Record of Survey Book 49, Page 40 Santa Barbara County Records;
- Thence Along the Pueblo Line North 88°39' 50" West 13.95 feet to a point on the Northwesterly line of Lowena Drive as shown on said map;

Thence South 30°16'30" West along said Northwesterly line 14.50 feet to a point;
Thence South 44°44'21" East 43.78 feet to a point on the Southeasterly line of Lowena Drive, said point being the beginning of a curve to the right having a radius of 13.21 feet and a delta of 109°36';
Thence Along the arc of said curve a distance of 25.27 feet to the end of said curve;
Thence South 23°20'00" East 88.85 feet to the beginning of a curve to the right with a radius of 66.81 feet and a delta of 44°29'50";
Thence Along the arc of said curve a distance of 51.89 feet to the end of said curve;
Thence South 21°09'20" West 59.35 feet to the beginning of a curve to the right with a radius of 215.75 feet and a delta of 14°54'40";
Thence Along the arc of said curve a distance of 56.15 feet to the end of said curve;
Thence South 36°04'00" West 125.90 feet to intersect the Northeasterly line of Milpas Street;
Thence South 50°19'00" East along said Northeasterly line 30.06 feet to the Point of Beginning.

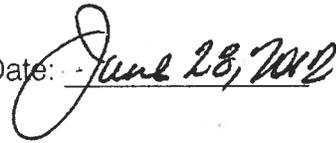
End of Description

Calculated Area: 15,733 Sq. Ft. / 0.36 Acres

Prepared by:


Joseph E. Waters, PLS 3804

Date:


June 28, 2012



