

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

A RESOLUTION OF NECESSITY BY THE COUNCIL OF  
THE CITY OF SANTA BARBARA TO ACQUIRE THE REAL  
PROPERTY COMMONLY KNOWN AS 230 W. COTA  
STREET

WHEREAS, the Council of the City of Santa Barbara authorizes the acquisition of property rights for the purposes of replacing the existing structurally deficient Cota Bridge;

WHEREAS, the real property described herein is required for the replacement and construction of the Cota Bridge; and

WHEREAS, the Council of the City of Santa Barbara finds and determines that notice of its intention to adopt this resolution was duly given as required by law, and on the date and at the time and place fixed for hearing the Council did hear and consider all of the evidence presented.

NOW THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. That, on May 7, 2013, after fifteen days written notice to the owner of the property described hereafter, as appeared on the last equalized County Assessment Roll, the City Council held a hearing for the purpose of allowing the owners thereof and other persons a reasonable opportunity to appear and be heard on the following matters:

- a. That the public interest and necessity require the proposed project;
- b. That the proposed project (as depicted on City Plan No. C-1-4702, a copy of which is permanently on file at the Public Works Department of the City of Santa Barbara) is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury;
- c. That the property described in the resolution is necessary for the proposed project;
- d. That the offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record;
- e. That the proposed project has been determined to be categorically exempt from further environmental review pursuant to California Environmental Quality Act regulations 15301 and 15320; and,
- f. Such other and further matters as may be referred to in California Code of Civil Procedure Section 1245.230.

SECTION 2. That the Council of the City of Santa Barbara does hereby find, determine and declare that:

- a. The public interest and necessity require the proposed project;
- b. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury;
- c. All the property described in this resolution is necessary for the proposed project;
- d. The offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record (or the offer has not been made because the owner cannot be located with reasonable diligence); and
- e. The proposed project was evaluated in the certified Lower Mission Creek Flood Control (LMCFC) Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse No. 1998101061) and an Addendum to the LMCFC Project EIS/EIR dated November, 2011, pursuant to California Environmental Quality Act (CEQA). The certified EIS/EIR determined that there would be unavoidable impacts associated with the project. The Addendum indicates that no new significant impacts or changes in circumstances or regulations would be anticipated since the original EIS/EIR was certified.

The Council of the City of Santa Barbara, as a result of said hearing, has determined that the public interest and necessity require the acquisition by the City of real property described below for all activities necessary for the construction of the Cota Street bridge and Mission Creek improvements, and for all related surface and subsurface foundation improvements, and ingress and egress required for the removal, replacement and reconstruction of the Cota Street Bridge and appurtenant facilities within Mission Creek.

The taking of the properties described herein is authorized by Section 19 of Article I of the California Constitution, Section 37350.5 of the California Government Code, and Sections 1240.010 through 1240.125 of the California Code of Civil Procedure.

SECTION 3. That the Council of the City of Santa Barbara does hereby declare that it is the intention of said City to acquire said certain real property described herein in its name in accordance with the provisions of the laws of the State of California with reference to condemnation procedures.

SECTION 4. That the said certain real property is located in the City of Santa Barbara, County of Santa Barbara, State of California, and is more particularly described as follows:

I. 230 W. COTA STREET PROPERTY (APN 037-121-018)

THE PORTION OF BLOCK 213 IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID BLOCK 213; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF COTA STREET, 143.34 FEET TO THE MOST SOUTHERLY CORNER OF THE TRACT OF LAND DESCRIBED IN THE DEED TO FRED H. SYDNESS, ET UX., RECORDED IN BOOK 451 AT PAGE 448 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY; THENCE AT RIGHT ANGLES NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID SYDNESS TRACT, 90.00 FEET; THENCE AT RIGHT ANGLES SOUTHWESTERLY 143.34 FEET TO THE NORTHEASTERLY LINE OF BATH STREET; THENCE SOUTHEASTERLY ALONG SAID LINE OF BATH STREET, 90.00 FEET TO THE POINT OF BEGINNING.

SECTION 5. That the City Attorney is hereby authorized and directed to prepare, institute and prosecute in the name of the City, and is authorized to retain a law firm as Special Counsel for such proceedings, if necessary, in the proper Court having jurisdiction thereof, as may be necessary for the acquisition of the interests to said certain real property. Said counsel is also authorized and directed to obtain a necessary order of court granting to said City the right of immediate possession and occupancy of said certain real property and, at the discretion of the City Attorney, to approve and execute a settlement agreement or stipulated judgment vesting title to the real property described herein on terms and conditions approved by the City Attorney for the best interests of the City.

SECTION 6. That the Environmental Quality Control Act of 1970, as amended, and guidelines adopted pursuant thereto, have been complied with insofar as the above project is concerned by the evaluation of the Lower Mission Creek Flood Control Project Environmental Impact Statement/Environmental Impact Report State Clearinghouse No. 1998101061, certified in 2001 and subsequent Addendum dated November, 2011), which is hereby approved and directed to be filed with the City Clerk.