

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND RECORD A NON-EXCLUSIVE DRIVEWAY EASEMENT, IN A FORM OF AGREEMENT APPROVED BY THE CITY ATTORNEY, OVER AN UNUSED PORTION OF CITY PROPERTY KNOWN AS GOULD PARK, ASSESSOR'S PARCEL NUMBER (APN) 011-010-002, FOR ROADWAY ACCESS, MAINTENANCE OF ROADWAY IMPROVEMENTS, SUBSURFACE UTILITIES, AND RELATED PURPOSES BENEFITTING THE PROPERTY KNOWN AS 960 EAST MOUNTAIN DRIVE, APN 011-250-023, BOTH PARCELS BEING LOCATED IN THE COUNTY OF SANTA BARBARA.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with City Charter Section 520, the City Council hereby finds and determines as follows:

- a. The public safety and public fire protection benefits afforded by the continued maintenance of a driveway access over a small unused portion of the City's Gould Park to provide access to the Montecito Fire District fire hydrant located on the private real property located at 960 East Mountain Drive – a driveway and hydrant which has been in place since 1965 - is of considerable public benefit to the City, as well as of benefit to the public and private lands adjacent to the area;
- b. The City's Gould Park is located outside of the City and is undeveloped and little used, if at all, by members of the public for any park or recreational purpose, primarily due to its extremely steep topography and the lack of any sort of feasible or usable trail access.
- c. It appears that the City accepted the gift of Gould Park in 1926 as a bequest from Clara Hinton Gould and Charles W. Gould merely to preserve the land from development and for conservation purposes; as a result, the City has never developed Gould Park with any form of public access or trail system nor has it posted any signs notifying the public that Gould Park is available for public access or any form of public use;
- d. With the construction of the Roderick White residence at 960 East Mountain in 1965, the City Council granted Mr. and Mrs. White a driveway license over a small corner of the Gould Park property with the understanding that the Whites would be installing a public water main (to be owned and maintained by the Montecito Water District) and a fire hydrant which could serve to provide fire protection by the Montecito Fire District to both the White residence and the adjacent areas of Gould Park and the Los Padres National Forest.

e. The Montecito Fire District utilizes the White driveway (which includes that portion of the driveway over Gould Park) to provide a fire lookout location for the area and, without a driveway easement over Gould Park, such a fire lookout area protecting Gould Park would not be available.

SECTION 2. In light of the above-stated findings as well as the facts stated in the Council Agenda Report dated July 16, 2013, the City Council finds a proposed non-exclusive driveway/subsurface utility easement over a small portion of the City-owned property known as Gould Park (APN 011-010-002) which benefits the real property known as 960 East Mountain Drive (APN 011-250-023) to be fully accessory to and compatible with the sort of park purposes to which Gould Park has been dedicated. As a result, this easement is granted in accordance with Section 520 of the City Charter of the City of Santa Barbara and this non-exclusive easement does not constitute an encumbrance of City park property which needs to be submitted to the City voters for approval pursuant to Charter Section 520 provided it is authorized by an ordinance of the City Council.

SECTION 3. The City Administrator is hereby authorized to execute a non-exclusive driveway easement, in a form of easement acceptable to the City Attorney, granting an driveway and subsurface utility easement to Robert A. White and Michael N. White, Successor Trustees of the Roderick A. White Trust created by Declaration of Trust dated October 18, 1989, over a portion of the City-owned property known as Gould Park (APN 011-010-002) for vehicular access purposes, subsurface utilities, and for maintenance of related access and utility improvements, and other related purposes benefitting the real property known as 960 East Mountain Drive (APN 011-250-023), both parcels being within the County of Santa Barbara.

SECTION 4. That upon the effective date of this Ordinance, the Santa Barbara City Clerk is authorized to record said easement in the Official Records, in the Office of the County Recorder, Santa Barbara County.