

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT THE REAL PROPERTY INTERESTS LOCATED AT 135 KIMBERLY AVENUE, 16 W. MASON STREET, AND 28 W. CABRILLO BOULEVARD, RELATING TO THE MASON STREET BRIDGE REPLACEMENT PROJECT, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE SUCH AGREEMENTS AND DOCUMENTS AS NECESSARY FOR THE ACQUISITION AND ACCEPTANCE OF SAID REAL PROPERTY INTERESTS, SUBJECT TO THE APPROVAL OF THE FORM OF THE AGREEMENT BY THE CITY ATTORNEY, AND RECORD SAID REAL PROPERTY INTERESTS IN THE OFFICIAL RECORDS OF THE COUNTY OF SANT BARBARA

WHEREAS, a proposed project is currently undergoing final design review for the City of Santa Barbara (City) to replace the existing bridge on Mason Street at Mission Creek due to its age, increasingly deteriorated condition, and limited flood control capacity, with anticipated reimbursement of 100 percent of the City's associated costs using funding provided by the Federal Highway Administration;

WHEREAS, the bridge replacement project requires the purchase by the City of the real property commonly known as 135 Kimberly Avenue, County of Santa Barbara, Assessor's Parcel No. 033-074-019, owned by Alex Funke, a married man, as his sole and separate property, and Erik Funke, a widower, as joint tenants, due to the property's location adjacent to the existing Mason Street bridge and Mission Creek channel, for a total just compensation in the amount of \$131,840;

WHEREAS, the bridge replacement project also requires the purchase by the City of a portion of the real property commonly known as 16 W. Mason Street, County of Santa Barbara Assessor's Parcel No. 033-075-006, owned by Antonio R. Romasanta, as trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003, due to the property's location adjacent to Kimberly Avenue that will be re-aligned due to the bridge project, for just compensation in the amount of \$214,000, and the project also requires the purchase of a temporary construction easement on the same property as identified above for the re-alignment of Kimberly Avenue and associated construction work, for just compensation in the amount of \$3,000, for total compensation in the amount of \$217,000;

WHEREAS, the bridge replacement project also requires the purchase by the City of a permanent easement for access, construction, and maintenance on the property commonly known as 28 W. Cabrillo Boulevard, Santa Barbara County Assessor's Parcel No. 033-102-002, owned by Antonio R. Romasanta, General Partner of Beach Motel Partners, a California General Partnership, due to the property's location adjacent to the Mason Street bridge and Mission Creek channel, for total just compensation in the amount of \$2,600;

WHEREAS, the real property interests have been valued, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, 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 their agreements have been signed voluntarily to allow the City to purchase the real property interests, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the agreements with the affected owners, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Public Works Director to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the 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, escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the real property 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 agreements necessary for the acquisition of said real property interests (subject to the City Attorney's approval of the form of the Agreement) with Erik and Alex Funke, as joint tenants, to accomplish the purchase by the City of the real property fee interest for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on and adjacent to the real property commonly known as 135 Kimberly Avenue, Santa Barbara County Assessor's Parcel No. 033-074-019, for total compensation in the amount of \$131,840, and with Antonio R.

Romasanta, trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003, for like purposes on and adjacent to the real property commonly known as 16 W. Mason Street, County of Santa Barbara Assessor's Parcel No. 033-075-006, for total compensation of \$217,000 that includes the amount of \$3,000 dollars for the temporary construction easement on this property as described above, and with Antonio R. Romasanta, General Partner of Beach Motel Partners, a California General Partnership, for like purposes on the real property commonly known as 28 W. Cabrillo Boulevard, Santa Barbara County Assessor's Parcel No. 033-102-002, for total compensation of \$2,600.

SECTION 2. The City of Santa Barbara hereby accepts the interests on the real properties mentioned above, as more particularly described in the Mason Street Grant Deeds signed by Erik and Alex Funke, joint tenants, and by Antonio R. Romasanta, as trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003, and Antonio R. Romasanta, General Partner for Beach Motel Partners, a California General Partnership, which have been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation of the Mason Street Grant Deeds, in the Official Records, County of Santa Barbara.

SECTION 4. This Resolution shall become effective immediately upon its adoption.