

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT A TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 10 STATE STREET (APN: 033-111-006) AND AUTHORIZE THE PAYMENT OF COMPENSATION FOR TEMPORARY USE OF REAL PROPERTY ENCUMBERED BY A PRIVATE PARKING LOT EASEMENT AT THE PROPERTY LOCATED AT 6 STATE STREET (APN: 033-111-011) NECESSARY FOR CONSTRUCTION OF THE CABRILLO BRIDGE REPLACEMENT PROJECT, AND AUTHORIZE THE ACTING PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT FOR ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENT AND COMPENSATION FOR TEMPORARY USE OF A PARKING LOT EASEMENT, INCLUDING ANY OTHER REQUIRED DOCUMENTS, AND CONSENTING TO THE RECORDATION OF THE RELATED DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

WHEREAS, the bridge replacement project requires the purchase by the City of a temporary construction easement on a portion of the real property commonly known as 10 State Street (APN: 033-111-006), and requires the City to provide just compensation for the temporary use of a parking lot easement over a portion of the real property commonly known as 6 State Street (APN: 033-111-011) owned by Above Mission Creek, LLC, because of the properties' location immediately adjacent to the existing bridge and the proposed new Cabrillo Boulevard bridge at Mission Creek, in the amount of \$33,000, plus related escrow and closing costs; and

WHEREAS, as authorized by FHWA and Caltrans, the respective temporary construction easement and compensation for temporary use of a parking lot easement have been valued, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, a written offer and required valuation summaries and agreement have been delivered to the Property Owner; and

WHEREAS, the written purchase offer has been accepted by Above Mission Creek, LLC, and the agreement has been signed voluntarily to allow the City to purchase the temporary construction easement and compensate for the temporary use of a parking lot easement, subject to final approval by the Council of the City of Santa Barbara; and

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Acting Public Works Director to accept and execute the Agreement for Acquisition of Temporary Construction Easement and Compensation for Temporary Use of a Parking Lot Easement with Above Mission Creek, LLC; and

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Acting Public Works Director to subsequently execute any other documents that may become necessary to accomplish such acceptance and execution of the Right of Entry and to accomplish such purchase by the City of the temporary construction easement and compensate for the temporary use of a parking lot easement in the real properties, which may include among others, but not limited to, escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept and execute the Right of Entry and to accept the temporary construction easement interest particularly described in the respective documents delivered for such purposes, 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 Acting Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Agreement for Acquisition of Temporary Construction Easement and Compensation for Temporary Use of a Parking Lot Easement and any related documents with Above Mission Creek, LLC, necessary to accomplish the purchase by the City of the 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 10 State Street, APN: 033-111-006, for total compensation in the amount of \$33,000, plus related escrow and closing costs.

SECTION 2. The City of Santa Barbara hereby accepts the temporary construction easement mentioned above, as more particularly described in the Temporary Construction Easement Deed signed by Above Mission Creek, LLC, which has been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation by Chicago Title Company, 3700 State Street, Suite 100, Santa Barbara, CA 93105, under title number 07-77500858, of the Cabrillo Boulevard Bridge Replacement Temporary Construction Easement Deed, in the Official Records, County of Santa Barbara, at the close of escrow.

SECTION 6. This Resolution shall become effective immediately upon its adoption.