

Recorded at the request of
and when recorded mail to:
COUNTY OF SANTA BARBARA
Department of General Services
Office of Real Estate Services
WILL CALL

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

No Fee Pursuant to Government Code §6103
No Tax Due

SPACE ABOVE THIS LINE FOR RECORDER'S USE
APN: 029-202-001

**LOWENA DRIVE
EASEMENT DEED
(Permanent Easement)**

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, owner of all that real property in County of Santa Barbara, State of California, commonly referred to as Assessor's Parcel No. 029-202-001, referred to as GRANTOR herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

CITY OF SANTA BARBARA, a municipal corporation of the State of California, its successors and assigns (hereinafter referred to as "Grantee"), a permanent right-of-way and water utility easement for the present and future construction, reconstruction, operation, repair, and maintenance of roadway improvements and to construct, reconstruct, alter, replace, use, operate, inspect, maintain, repair, and remove water pipelines including structures and appurtenances with all connections thereto and any such related public improvements, including access thereto for maintenance and construction required by GRANTEE for GRANTEE'S operations including, but not limited to, roadway and pipeline extension, roadway and pipeline repair, erosion protection, landscaping and related public improvements in such number and size, and with such accessory parts and structures, and with all surface and subsurface appurtenances incidental thereto, as the GRANTEE, or its successors in interest, may from time to time deem necessary to install within the easement, together with the necessary rights of ingress and egress to the easement for the above-referenced purposes, in, on, over, along, under and through that certain land situated in the County of Santa Barbara, State of California, legally described in Exhibit A and shown on map depicted on Exhibit B, attached hereto and incorporated herein by reference. This easement is granted to allow for the construction of cul-de-sac and domestic water improvements to Lowena Drive.

GRANTEE shall defend, indemnify and hold harmless GRANTOR, its agents, employees, officers, successors and assigns from and against any and all claims, liabilities, demands, costs (including reasonable attorney fees), and causes of action of all kinds arising from GRANTEE'S use of the easement area, or any obligations arising there from, including but not limited to contamination by harmful, hazardous and/or toxic materials; except for any such claim arising solely out of the negligence or willful misconduct of GRANTOR, its agents, employees or officers.

In the event the indemnity hereunder exceeds that permitted by applicable law, such indemnity shall be construed as the maximum permitted by law. This indemnity shall not apply to any contamination which may occur on the easement area as a result of the operations of GRANTOR subsequent to the effective date of this easement.

IN WITNESS WHEREOF, GRANTOR and GRANTEE have executed this Easement Deed by the respective authorized officers as set forth below.

GRANTOR
COUNTY OF SANTA BARBARA

By: 
Chair, Board of Supervisors

Date: 5-14-13

State of California
County of Santa Barbara

On 5-7-13 before me, Russ Barker, a Deputy Clerk, personally appeared Salud Carbajal, Chair, who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose names(~~s~~) is/are subscribed to the within instrument, and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Russ Barker
Deputy Clerk
(Seal)

California Civil Code section 1189

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in the real property conveyed by the Easement Deed (Permanent Easement) dated _____, 2013 from the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, to the CITY OF SANTA BARBARA, a municipal corporation of the State of California, is hereby accepted by consent of Grantee as authorized by the City Council, pursuant to Resolution No. _____ dated _____, 2013, and consents to recordation thereof by its duly authorized officer.

Dated this _____ day of _____, 2013

CITY OF SANTA BARBARA
CITY CLERK

By: _____
Deputy Clerk

APPROVED AS TO FORM:
DENNIS MARSHALL
COUNTY COUNSEL

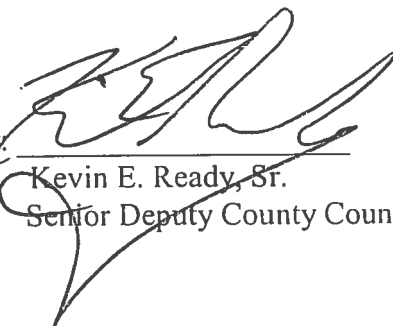
By: 
Kevin E. Ready, Sr.
Senior Deputy County Counsel

EXHIBIT A

Parcel One:

Legal Description for Right of Way easement in favor of the City of Santa Barbara:

Over a portion of the real property conveyed in the Grant Deed to the County of Santa Barbara recorded on July 13, 1936 in Book 364, Page 461 through 463, inclusive, of Official Records of the County of Santa Barbara, State of California, described as follows:

Beginning on the Southeasterly line of Lowena Drive at the Westerly commencement of the curve described in the 7th course of Parcel Three per the Grant Deed to the Santa Barbara Bowl Foundation recorded on April 15, 2005 as Instrument No. 2005-0034322 of Official Records of the County of Santa Barbara, State of California said point also being the Westerly commencement of the curve described as "to the right with a radius of 13.21 feet and a delta of 109°36'" per said Grant Deed to the County of Santa Barbara;

- Thence 1st leaving the Southeasterly line of Lowena Drive North 44°44'21" West 43.78 feet to the Northwesterly line of Lowena Drive;
- Thence 2nd along the Northwesterly line of Lowena Drive North 30°16'30" East 1.29 feet to the Northerly line of Lowena Drive;
- Thence 3rd leaving the Northwesterly line of Lowena Drive South 62°25'39" East 22.12 feet to the beginning of a non-tangent curve to the right, concave Southwesterly with a radial bearing of South 28°49'57" West, a radius of 27.00 feet and a delta angle of 52°56'47";
- Thence 4th along the arc of the last described curve 24.95 feet to the Southeasterly line of Lowena Drive and the Northwesterly line of the above described Parcel Three (same line) to the beginning of a non-tangent curve to the left, concave Southeasterly with a radial bearing of South 26°17'03" East with a radius of 13.21 feet and a delta angle of 16°38'57";
- Thence 5th Southwesterly along the arc of the last described curve 3.84 feet to the Point of Beginning.

End of Description

Containing 280 square feet, 0.006 acres

(The above described easement lies within an abandoned portion of Lowena Drive.)

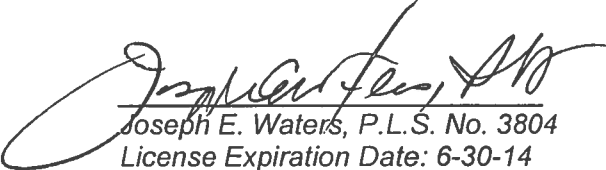

Joseph E. Waters, P.L.S. No. 3804
License Expiration Date: 6-30-14



EXHIBIT A

Parcel Two:

Legal Description for Maintenance easement in favor of the City of Santa Barbara

Over a portion of the real property conveyed in the Grant Deed to the County of Santa Barbara recorded on July 13, 1936 in Book 364, Page 461 through 463, inclusive, of Official Records of the County of Santa Barbara, State of California, described as follows:

Beginning at the intersection of the Pueblo Line and the Northwesterly line of Lowena Drive as described in said Grant Deed to the County of Santa Barbara;

Thence 1st along the Northwesterly line of Lowena Drive South 30°16'30" West 13.21 feet;

Thence 2nd leaving the Northwesterly line of Lowena Drive South 62°35'29" East 16.12 feet

Thence 3rd North 11°10'57" East 18.97 feet to a point in the Pueblo Line (said line also being the Northerly line of the abandoned Lowena Drive);

Thence 4th along the Pueblo Line North 88°39'50" West 11.31 feet to the Point of Beginning.

End of Description

Containing 212 square feet, 0.005 acres

(The above described easement lies within an abandoned portion of Lowena Drive.)

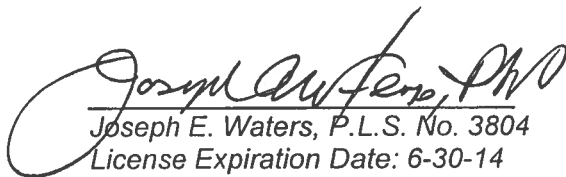
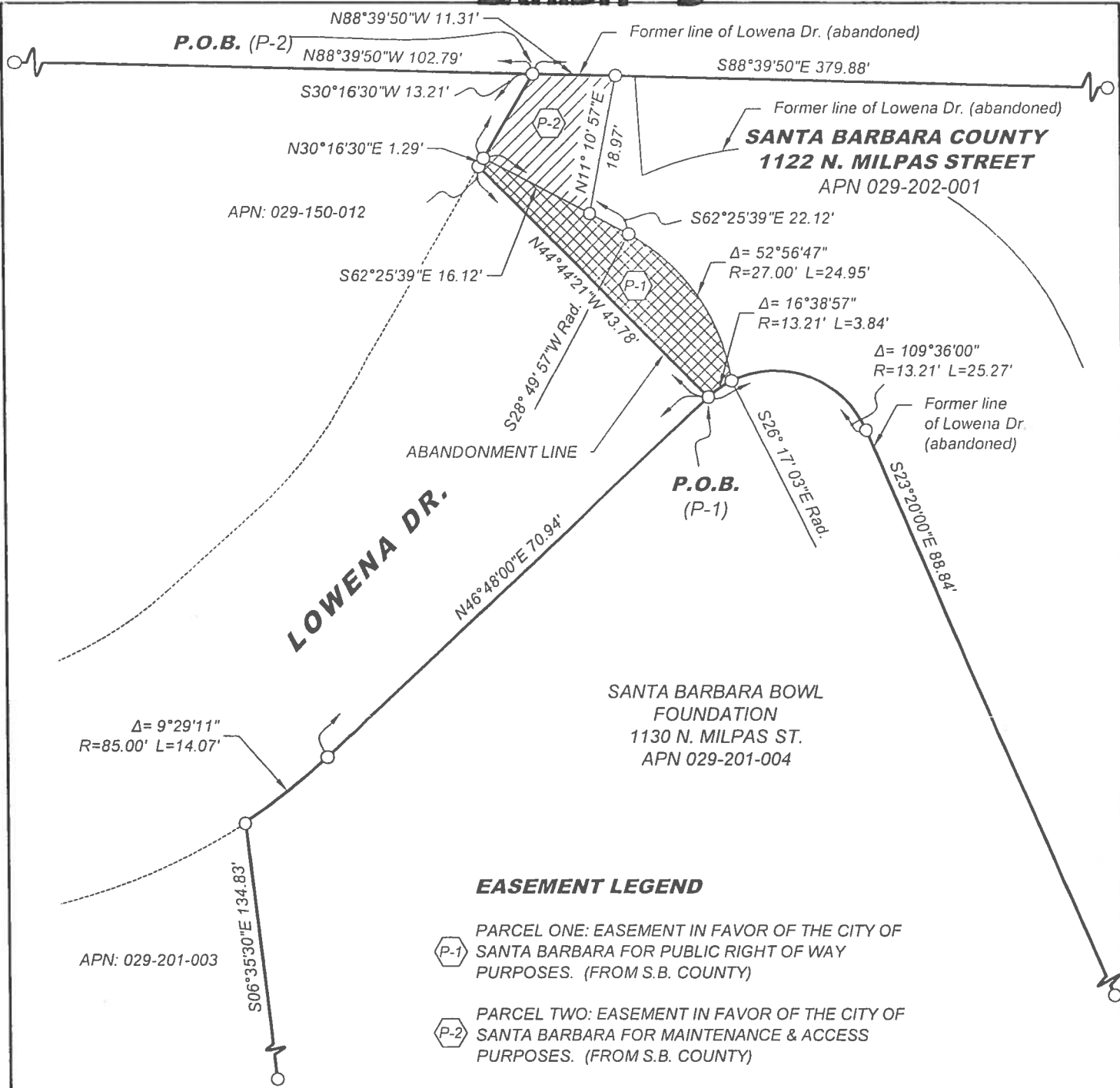



Joseph E. Waters, P.L.S. No. 3804
License Expiration Date: 6-30-14



EXHIBIT B



EASEMENT LEGEND

-  **PARCEL ONE: EASEMENT IN FAVOR OF THE CITY OF SANTA BARBARA FOR PUBLIC RIGHT OF WAY PURPOSES. (FROM S.B. COUNTY)**
-  **PARCEL TWO: EASEMENT IN FAVOR OF THE CITY OF SANTA BARBARA FOR MAINTENANCE & ACCESS PURPOSES. (FROM S.B. COUNTY)**

MAP LEGEND

P.O.B. = POINT OF BEGINNING

 = NO MONUMENT FOUND OR SET UNLESS OTHERWISE NOTED

 = PARCEL BOUNDARY



EASEMENT EXHIBIT
SANTA BARBARA BOWL PROPERTY
1122 N. MILPAS STREET
SANTA BARBARA, STATE OF CALIFORNIA



1" = 20'



MARCH 25, 2013
W.O. 2010-038

PREPARED BY:
WATERS LAND SURVEYING Inc.

5553 HOLLISTER AVENUE - SUITES 7 & 8
GOLETA, CALIFORNIA 93117 (805) 967-4416