



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 10, 2014

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Resolution To Accept Permanent Easement Interests At Lowena Drive

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Accept Permanent Easement Interests Located at 1122 and 1130 North Milpas Street, and Consenting to the Recordation of the Lowena Drive Easement Deeds in the Official Records, County of Santa Barbara.

DISCUSSION:

As part of the construction of Santa Barbara Bowl Foundation's (SBBF) new box office, administration building, and pedestrian plaza (Project), a portion of the City Street Easement known as Lowena Drive was conditionally vacated by the adoption of Council Resolution No. 12-085 on December 4, 2012 (Attachment 1).

Prior to vacation of a portion of Lowena Drive by the City, and as part of the Conditions of Approval for the Project, SBBF was required to complete street improvements to the portion of Lowena Drive that was to remain a public street. The public improvements to the portion of Lowena Drive remaining as a public street were collectively determined by the City's traffic engineering, transportation planning, fire and police staff. The improvements included a cul-de-sac with sufficient area for vehicular turnaround, curbs, sidewalk and gutters, a vehicle gate with an attached Fire Department Knox Box (for emergency access), a new street light and pedestrian gate at the point of termination of the remaining portion of public street.

As part of the process necessary to complete the improvements described above, SBBF has dedicated to the City a portion of their adjacent property for street easement purposes to accommodate the configuration of the cul-de-sac at the end of the public street portion of Lowena Drive (Attachment 2). Additionally, the County of Santa Barbara has granted the City easement rights for public right of way purposes, and for maintenance and access on its adjacent property (Attachment 3). The recordation of these easements was deferred until completion of the public improvements and the subsequent recordation of

the Lowena Drive Order to Vacate by City Resolution 12-085 (Resolution to Vacate), per the conditions placed on the vacation.

The improvements to the remaining public street portion of Lowena Drive are now complete, as evidenced by Public Works inspection and approval. Since the conditions placed on the vacated portion of Lowena Drive have been satisfied, the Resolution to Vacate was recorded on May 22, 2014. As such, the City can now accept the proffered permanent easement interests.

Having met the conditions of the Resolution to Vacate, staff recommends that Council adopt the Resolution to accept the permanent easements as described, and consent to their recordation in the Official Records, County of Santa Barbara.

ATTACHMENT(S):

1. Resolution No. 12-085
2. Street Easement Deed from Santa Barbara Bowl Foundation
3. Lowena Drive Easement Deed from County of Santa Barbara

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DT/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

RECORDING REQUESTED BY)
 AND WHEN RECORDED MAIL TO:)
)
 City of Santa Barbara)
 City Clerk)
 P.O. Box 1990)
 Santa Barbara, CA 93102-1990)
)
) No fee per STS & HWY CODE 8325
 _____)
 Space above line for Recorder's Use

RESOLUTION NO. 12-085

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ORDERING THE VACATION OF THE PORTION OF LOWENA DRIVE LOCATED ADJACENT TO ASSESSOR'S PARCEL NOS. 029-202-001 AND 029-201-004 AS HEREINAFTER DESCRIBED, AND PROVIDING FOR THE RECORDATION OF THIS RESOLUTION UPON SUCCESSFUL COMPLETION OF CONDITIONS CONTAINED HEREIN

WHEREAS, the Council of the City of Santa Barbara, by Resolution No. 12-076, has declared its intention to vacate a certain portion of Lowena Drive between Assessor's Parcel Nos. 029-202-001 and 029-201-004, on the premises commonly known as the Santa Barbara Bowl, within the City Limits of said City, which portion of Lowena Drive is hereinafter referred to as the "Street Easement";

WHEREAS, on December 4, 2012, at 2:00pm, during the regularly scheduled Council meeting, the Santa Barbara City Council held a hearing upon the proposed vacation of the Street Easement for all persons interested in or objecting to the vacation;

WHEREAS, the above referenced hearing was duly noticed and held pursuant to Division 9, Part 3, Chapter 3 (Sections 8320-8325) of the Streets and Highways Code of the State of California as amended;

WHEREAS, the City Council caused Notices of Vacation to be posted in the manner and during the time required by Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California;

WHEREAS, the Council of said City caused the City Clerk to publish the notice of the hearing on the proposed vacation of the Street Easement in a weekly newspaper of general circulation, published and circulated in the City of Santa Barbara as required by Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California;

WHEREAS, the City Council, having heard and considered the evidence offered by all interested persons appearing at the hearing, finds that the Street Easement is not necessary for present or prospective public use purposes, but is needed for existing public utilities service easement which shall herein be reserved for rights that are or may be necessary for the use and maintenance of various public utility services other than for a public street;

WHEREAS, the Street Easement hereinafter described is not necessary or useful for a non-motorized transportation facility;

WHEREAS, the City claims no interest in the underlying fee ownership of the subject portion of Lowena Drive;

WHEREAS, the City additionally makes no claim as to any underlying fee ownership, or any easement rights related to what is commonly known as Cove Mound Drive on the County of Santa Barbara property;

WHEREAS, Lowena Drive in part runs over land owned by the County of Santa Barbara and upon which the large outdoor amphitheater known as the Santa Barbara Bowl is located;

WHEREAS, the Santa Barbara Bowl Foundation, the operators of the Santa Barbara Bowl, own land adjacent to the Santa Barbara Bowl and lease the land upon which the Santa Barbara Bowl is located from the County of Santa Barbara;

WHEREAS, the Santa Barbara Bowl Foundation desires to renovate the existing box office and construct a new 2,210 square-foot administration building with box office and public restrooms at the Santa Barbara Bowl, and improve pedestrian and shuttle routes from the box office to the amphitheater (hereinafter the "Bowl Renovation Project");

WHEREAS, part of the Bowl Renovation Project the Santa Barbara Bowl Foundation has agreed to construct certain street improvements on a portion of Lowena Drive which is not subject to the proposed street vacation;

WHEREAS, the recordation of the Resolution vacating Lowena Drive is conditioned upon construction of certain public street improvements made to Lowena Drive, which are more particularly described in the C-1 drawings prepared in conjunction with the Bowl Renovation Project identified as City Master Planning Permit No. MST2009-00551, not later than three (3) years from adoption of this Resolution; and

WHEREAS, the City Council authorizes the City Clerk to record this Resolution only upon receipt of an approved final inspection by the City of Santa Barbara of the Lowena Drive cul-de-sac street improvements set forth in the C-1 drawings prepared in conjunction with the Bowl Renovation Project

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

The City Council finds and determines as follows:

SECTION 1. That, upon completion of the duly noticed December 4, 2012 public hearing regarding this vacation, the City Council approves the proposed street easement vacation of the portion of Lowena Drive as described hereinafter for the following reasons:

1. The above findings are true and correct.
2. The street easement for the portion of Lowena Drive described is not necessary for the present or prospective public street purposes or City of Santa Barbara waterline utility use purposes, with the exception of the reservation for public utilities services use, other than for a public street.

SECTION 2. The vacation of Lowena Drive is conditioned upon the prior construction of certain public street improvements made to Lowena Drive which are more particularly described in the C-1 drawings prepared in conjunction with the Bowl Renovation Project identified as City Master Planning Permit No. MST2009-00551 not later than three (3) years after the adoption of this Resolution.

SECTION 3. Upon receipt of an approved final inspection by the City of Santa Barbara of the Lowena Drive cul-de-sac street improvements, as set forth in the C-1 drawings prepared in conjunction with the Bowl Renovation Project, the City Clerk shall cause a certified copy of this Resolution to be duly attested and recorded in the Office of the County Recorder of the County of Santa Barbara.

SECTION 4. Upon issuance by the City of the permit to construct the Santa Barbara Bowl Box Office Renovation project, as identified under City Master Planning Permit No. MST2009-00551 the Santa Barbara Bowl Foundation is hereby granted a temporary construction right of entry to use and occupy that portion of Lowena Drive that is subject to the conditional vacation in order to construct the Santa Barbara Bowl Box Office Renovation Project.

Section 5. In view of the above, and only upon satisfaction of SECTIONS 2 and 3 above, it is resolved that the Lowena Drive Street Easement described below is ordered vacated and all lands covered by any of said public street easement shall no longer be subject to a public street easement, namely;

DESCRIPTION

Those certain portions of street easement known as Lowena Drive, in the City of Santa Barbara, County of Santa Barbara, State of California, more particularly described on Exhibit "A", and generally depicted on Exhibit Map "B" attached hereto.

RESERVING THEREFROM said vacation to the City of Santa Barbara, a non-exclusive public service easement for all public utilities to use, maintain, operate, alter, repair, relocate and/or remove, at any time and from time to time, public facilities consisting of gas pipelines, electrical transmission lines and appurtenances, communication lines, cable television conduits, and other public utilities easement use other than for street or highway purposes, upon, over, in, under, along, through and across that entire certain portion of Lowena Drive herein described per Exhibits "A" and "B" as referred to above.

EXHIBIT "A"

LEGAL DESCRIPTION:

Abandonment of a portion of the City of Santa Barbara's Easement known as "Lowena Drive"

All that portion of "Lowena Drive" granted in the Deed to the County of Santa Barbara, recorded July 13, 1936, in Book 364, Page 461 of Official Records in the office of the Santa Barbara County Recorder, and accepted as an Easement for "Street Purposes" by the City of Santa Barbara per City Resolution Nos. 2736 and 2737 adopted February 24, 1955, that portion to be abandoned is described as follows:

Beginning at a point on the Northeasterly line of Milpas Street, said point bears South 50°19'00" East 177.08 feet from the intersection of said Northeasterly line of Milpas Street with the Northwesterly line of Anapamu Street;

Thence	North 36°04'00" East, 127.79 to the beginning of a curve to the left with a radius of 245.75 feet and a delta of 14°54'40";
Thence	Along the arc of said curve a distance of 63.96 feet to the end of said curve;
Thence	North 21°09'20" East 35.35 feet to the beginning of a curve to the right with a radius of 41.74 feet and a delta of 45°19'40";
Thence	Along the arc of said curve a distance of 33.02 feet to the end of said curve;
Thence	North 66°30'00" East 49.97 feet to a point;
Thence	North 23°30'00" West 30.00 feet to a point;
Thence	South 66°30'00" West 28.26 feet to the beginning of a curve to the right with a radius of 11.00 feet and a delta of 107°10';
Thence	Along the arc of said curve a distance of 20.57 feet to the end of said curve and the beginning of a reverse curve to the left with a radius of 96.81 feet and a delta of 17°00';
Thence	Along the arc of said curve a distance of 28.72 feet to the end of said curve;
Thence	North 23°20'00" West 88.85 feet to the beginning of a curve to the left with a radius of 43.21 feet and a delta of 91°13'40";
Thence	Along the arc of said curve a distance of 68.80 feet to the end of said curve;
Thence	North 3°51'00" West 13.45 feet more or less to a intersect the Pueblo Line of the City of Santa Barbara and the monument line shown on Record of Survey Book 49, Page 40 Santa Barbara County Records;
Thence	Along the Pueblo Line North 88°39' 50" West 13.95 feet to a point on the Northwesterly line of Lowena Drive as shown on said map;

Thence South 30°16'30" West along said Northwesterly line 14.50 feet to a point;

Thence South 44°44'21" East 43.78 feet to a point on the Southeasterly line of Lowena Drive, said point being the beginning of a curve to the right having a radius of 13.21 feet and a delta of 109°36';

Thence Along the arc of said curve a distance of 25.27 feet to the end of said curve;

Thence South 23°20'00" East 88.85 feet to the beginning of a curve to the right with a radius of 66.81 feet and a delta of 44°29'50";

Thence Along the arc of said curve a distance of 51.89 feet to the end of said curve;

Thence South 21°09'20" West 59.35 feet to the beginning of a curve to the right with a radius of 215.75 feet and a delta of 14°54'40";

Thence Along the arc of said curve a distance of 56.15 feet to the end of said curve;

Thence South 36°04'00" West 125.90 feet to intersect the Northeasterly line of Milpas Street;

Thence South 50°19'00" East along said Northeasterly line 30.06 feet to the Point of Beginning.

End of Description

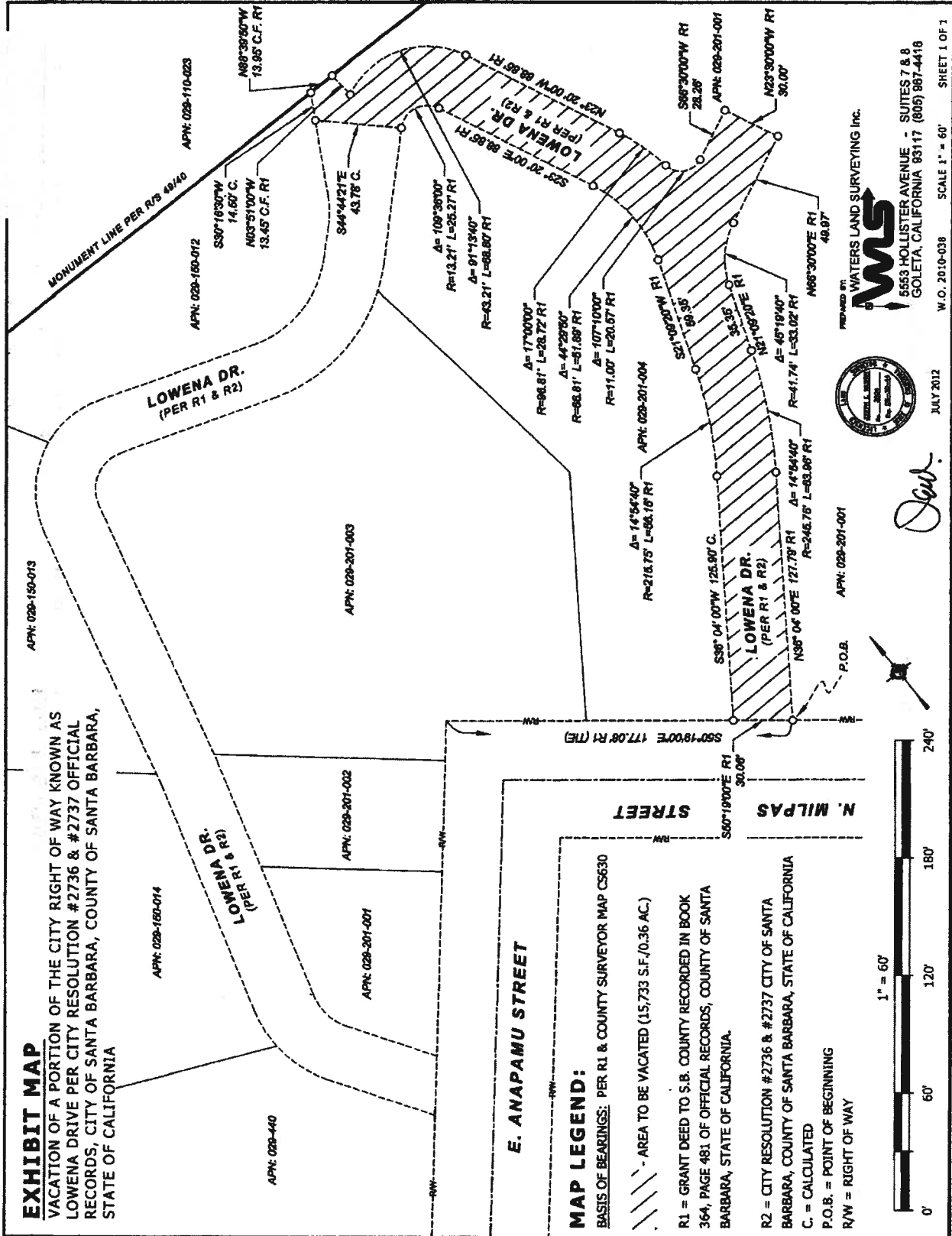
Calculated Area: 15,733 Sq. Ft. / 0.36 Acres

Prepared by: Joseph E. Waters, PLS 3804

Date: June 28, 2012



EXHIBIT MAP "B"



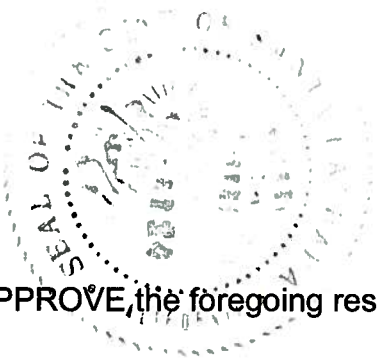
RESOLUTION NO. 12-085

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on December 4, 2012, by the following roll call vote:

- AYES: Councilmembers Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse; Bendy White, Mayor Helene Schneider
- NOES: None
- ABSENT: Dale Francisco
- ABSTENTIONS: None

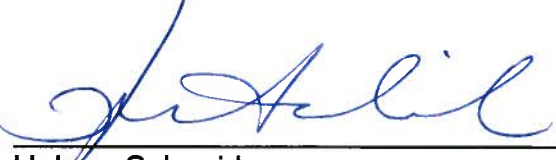
IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on December 5, 2012.





Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on December 5, 2012.



Helene Schneider
Mayor

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
City Clerk)
City of Santa Barbara)
P.O. Box 1990)
Santa Barbara, CA 93102-1990)
)

No fee per GOVT CODE 6103
Space above line for Recorder's Use

APN 029-201-004

STREET EASEMENT DEED

Resolution No _____

For consideration, THE SANTA BARBARA BOWL FOUNDATION, a California Nonprofit Public Benefit Corporation, does hereby grant to the CITY OF SANTA BARBARA, a municipal corporation, an easement for public street and all related purposes and uses in, on, over, under, along, through and across a portion of that certain tract of land in the City of Santa Barbara, County of Santa Barbara, State of California, described in the Grant Deed to the Santa Barbara Bowl Foundation recorded April 15, 2005, as Instrument No. 2005-0034322 of Official Records of the Office of the County Recorder of said County, said street easement being more particularly described as follows:

As described in the Attached *Exhibit A*;

Said street easement described herein being an additional portion of Lowena Drive, and containing approximately 463 square feet of land area as generally depicted on attached *Exhibit B*.

APPROVED AS TO CONTENT:

GRANTOR: Santa Barbara Bowl Foundation, a California Nonprofit Public Benefit Corporation

Christine F. Andersen
Public Works Director

By: 
Paul Dore, President of the Santa Barbara Bowl Foundation

APPROVED AS TO FORM:
Stephen P. Wiley
City Attorney

By: 
Eric Lassen, Chairman of the Santa Barbara Bowl Facilities Committee

EXHIBIT A

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 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, 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 as described in said Grant Deed;

Thence 1st along the boundary of said Parcel Three and the Southeasterly line of Lowena Drive South 46°48'00" West 60.76 feet to the beginning of a non-tangent curve to the right, concave Southeasterly with a radial bearing of South 29°57'09" East, a radius of 194.19 feet and a delta angle of 02°43'29";

Thence 2nd leaving the boundary of Parcel Three and the Southeasterly line of Lowena Drive Northeasterly along the arc of the last described curve 9.23 feet to a point;

Thence 3rd North 65°20'53" East 26.86 feet to the beginning of a non-tangent curve to the left, concave Northwesterly with a radial bearing of North 25°54'38" West, a radius of 27.00 feet and a delta angle of 72°18'38";

Thence 4th Northeasterly and Northerly along the arc of the last described curve 34.08 feet to the beginning of a non-tangent curve to the left, concave Southeasterly with a radial bearing of South 26°17'03" East, a radius of 13.21 feet and a delta angle of 16°38'57";

Thence 5th along the arc of the last described curve 3.84 feet to the Point of Beginning;

End of Description

Containing 463 square feet, 0.011 acres


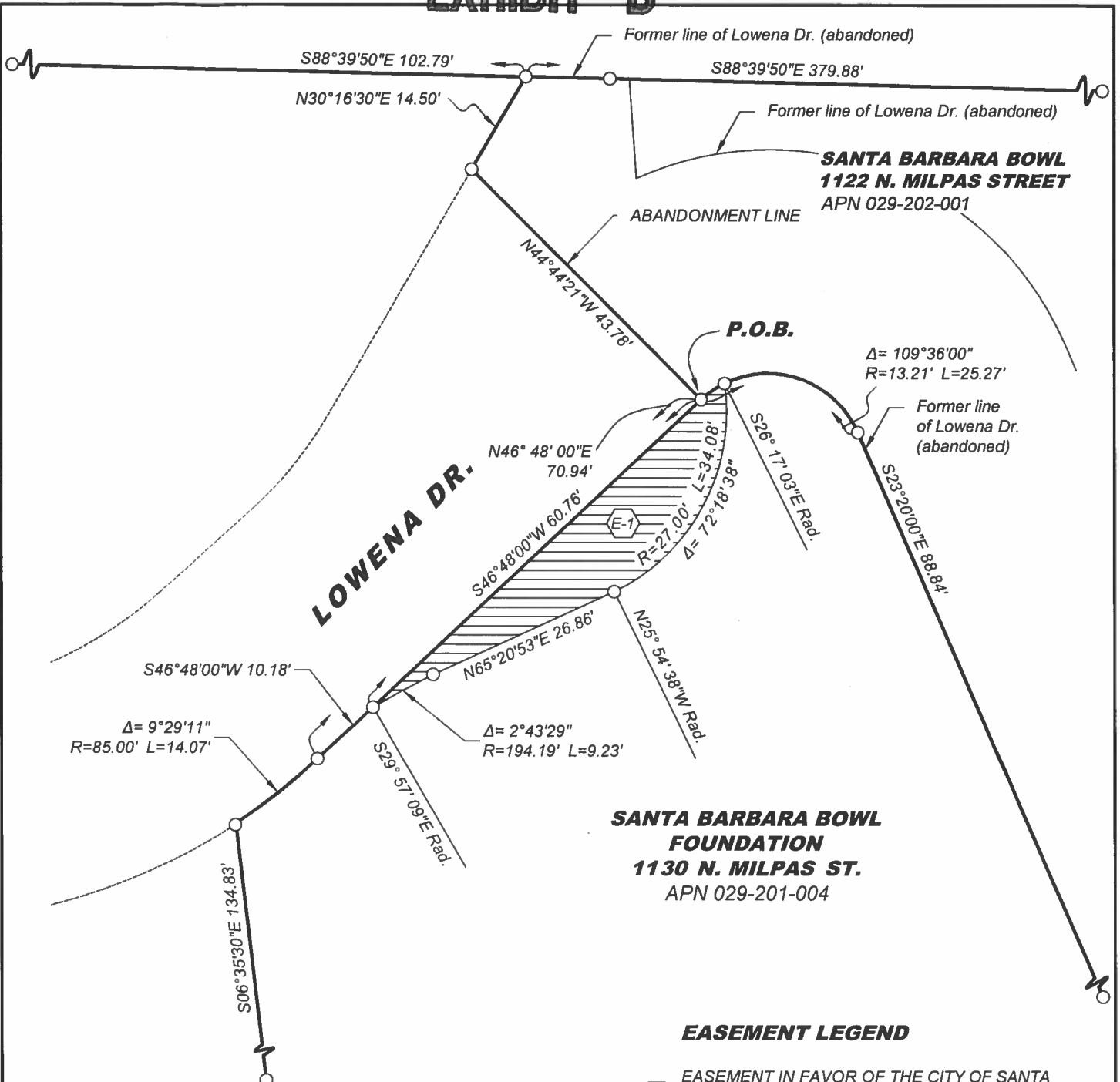

Joseph E. Waters, P.L.S. No. 3804
License Expiration Date: 6-30-14



EXHIBIT B



EASEMENT LEGEND

(E-1) EASEMENT IN FAVOR OF THE CITY OF SANTA BARBARA FOR PUBLIC RIGHT OF WAY PURPOSES. (FROM S.B. BOWL FOUNDATION)

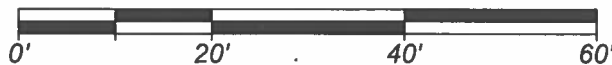
MAP LEGEND

- P.O.B. = POINT OF BEGINNING
- = NO MONUMENT FOUND OR SET UNLESS OTHERWISE NOTED
- = PARCEL BOUNDARY

EXHIBIT B - EASEMENT PLOT
 SANTA BARBARA BOWL FOUNDATION
 1130 N. MILPAS STREET
 SANTA BARBARA, STATE OF CALIFORNIA



1" = 20'



PREPARED BY:
WATERS LAND SURVEYING Inc.
WLS
 5553 HOLLISTER AVENUE - SUITES 7 & 8
 GOLETA, CALIFORNIA 93117 (805) 967-4416

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)SS

On July 29, 2013, before me, Robin P. Lyons,
a notary public,
personally appeared Paul Dore,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(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 the State of California that the foregoing
paragraph is true and correct.

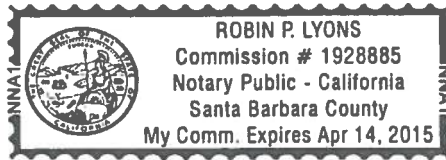
Witness my hand and official seal.

Signature: Robin P. Lyons

Printed: Robin P. Lyons

Commission No.: 192 8885

My Commission Expires: 4/14/15



ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)SS

On July 29, 2013, before me, Robin P. Lyons,
a notary public,
personally appeared Eric Lassen,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(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 the State of California that the foregoing
paragraph is true and correct.

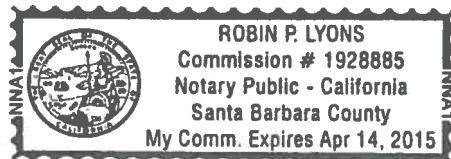
Witness my hand and official seal.

Signature: Robin P. Lyons

Printed: Robin P. Lyons

Commission No.: 192 8885

My Commission Expires: 4/14/15



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

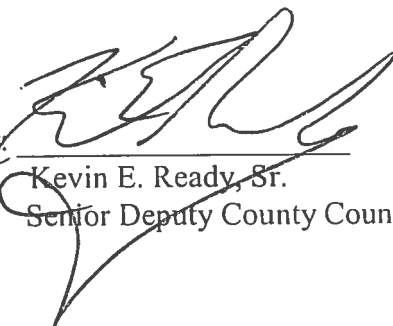
By: 
Kevin E. Ready, Sr.
Senior Deputy County Counsel

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.)

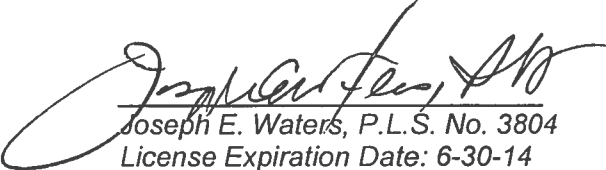

Joseph E. Waters, P.L.S. No. 3804
License Expiration Date: 6-30-14



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:

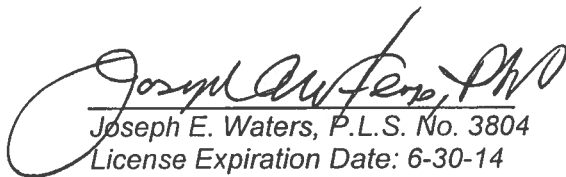
Beginning at the intersection of the Pueblo Line and the Northwesterly line of Lowena Drive as described in said Grant Deed to the County of Santa Barbara;

- 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



