



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Resolution To Accept A Waterline Easement And To Vacate The Superseded Waterline Easements At 182 And 202 La Vista Grande

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Accepting an Easement for a Public Waterline on a Portion of the Real Property Commonly Known as 202 La Vista Grande, Santa Barbara County Assessor's APN 015-130-002, and Adopting an Order Summarily Vacating and Abandoning Certain Superseded Portions of the Existing Easement for Water Pipelines at 182 and 202 La Vista Grande, Both Within the Limits of Said City.

DISCUSSION:

The attached resolution is proposed for adoption by Council to accept a new public easement for a waterline relocated to a new alignment on the property at 202 La Vista Grande, owned by Timothy I. Wilde and Caro E. Creighton. The resolution will also accomplish Council's summary vacation of superseded portions of an easement for the old waterline, located on and across the real properties at 182 and 202 La Vista Grande.

The alignment of the new waterline easement proposed for acceptance, and the superseded portions of the old easement proposed for summary vacation, are depicted on the Attachment.

The City's original waterline was constructed within a City easement, filed on July 30, 1924 as Torrens Document No. 159, before hillside properties in that area were subdivided and developed. Subsequently, the lots now known as 182 and 202 La Vista Grande were shown on a map of the Ashley Knolls Tract, recorded in 1948, which failed to depict the location of the City's existing easement. Due to the map omission of the City's easement, the homes at 182 and 202 La Vista Grande were built over portions of the City's waterline and within the City's easement.

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Following discovery of the City's old waterline by David C. Nordahl, the owner of the home at 182 La Vista Grande, which was exposed during the construction of onsite improvements, an action (the Action) entitled David C. Nordahl, et al., v. City of Santa Barbara, et al., was filed in order to initiate solutions to various issues caused by non-disclosure of the City's easement by the affected owners' respective title insurance companies. In particular, the issues included concern caused by the incompatible location of the City's aging waterline which was located under portions of the neighbors' homes, yard improvements, and hillside areas.

Following mediation to consider possible resolution of the Action, an acceptable agreement was outlined, as set forth in a Settlement Agreement (Settlement) executed by the City Administrator, and by David C. Nordahl and Alexandra Nordahl, the owners of the property at 182 La Vista Grande, and by Timothy I. Wilde and Caro E. Creighton, the owners of 202 La Vista Grande, and their respective title insurance companies. Among other mediated elements, the Settlement generally provided as follows:

- Design and relocation of the portion of the City's waterline into an alignment located entirely on the property at 202 La Vista Grande;
- Grant to the City by the owners of the property at 202 La Vista Grande a new easement for the relocated waterline;
- Vacation and abandonment by the City of the old waterline easement upon completion of the project to relocate the waterline;
- Abandonment in place of the old waterline, following standards of practice necessary to ensure continued safety and stability of the hillside;
- Waiver by the City of typical charges and fees associated with the review of design plans by City staff;
- Contribution of \$25,000 by the City towards the costs of relocating the waterline to a more compatible and appropriate alignment;
- Sharing by the owners' respective title insurance companies of costs necessary to relocate the waterline;
- Restoration of the site as part of the waterline relocation project;
- Preparation and execution by all parties of necessary documents to establish the new waterline easement and to vacate the superseded portions of the old easement; and
- Dismissal of the Action mentioned above.

The City's contribution of \$25,000 towards the waterline relocation project has been paid, and the relocation project was recently completed. The adoption by Council of the proposed Resolution to accept the new waterline easement at 202 La Vista Grande, and to summarily vacate the superseded portions of the old easement affecting both 182 and 202 La Vista Grande, will finalize the actions set forth in the Settlement. Following such adoption by Council of the Resolution, the Waterline Easement Deed, along with a copy of the resolution certified by the City Clerk, will be released to the First American Title Insurance Company for recordation in the Official Records of Santa Barbara County.

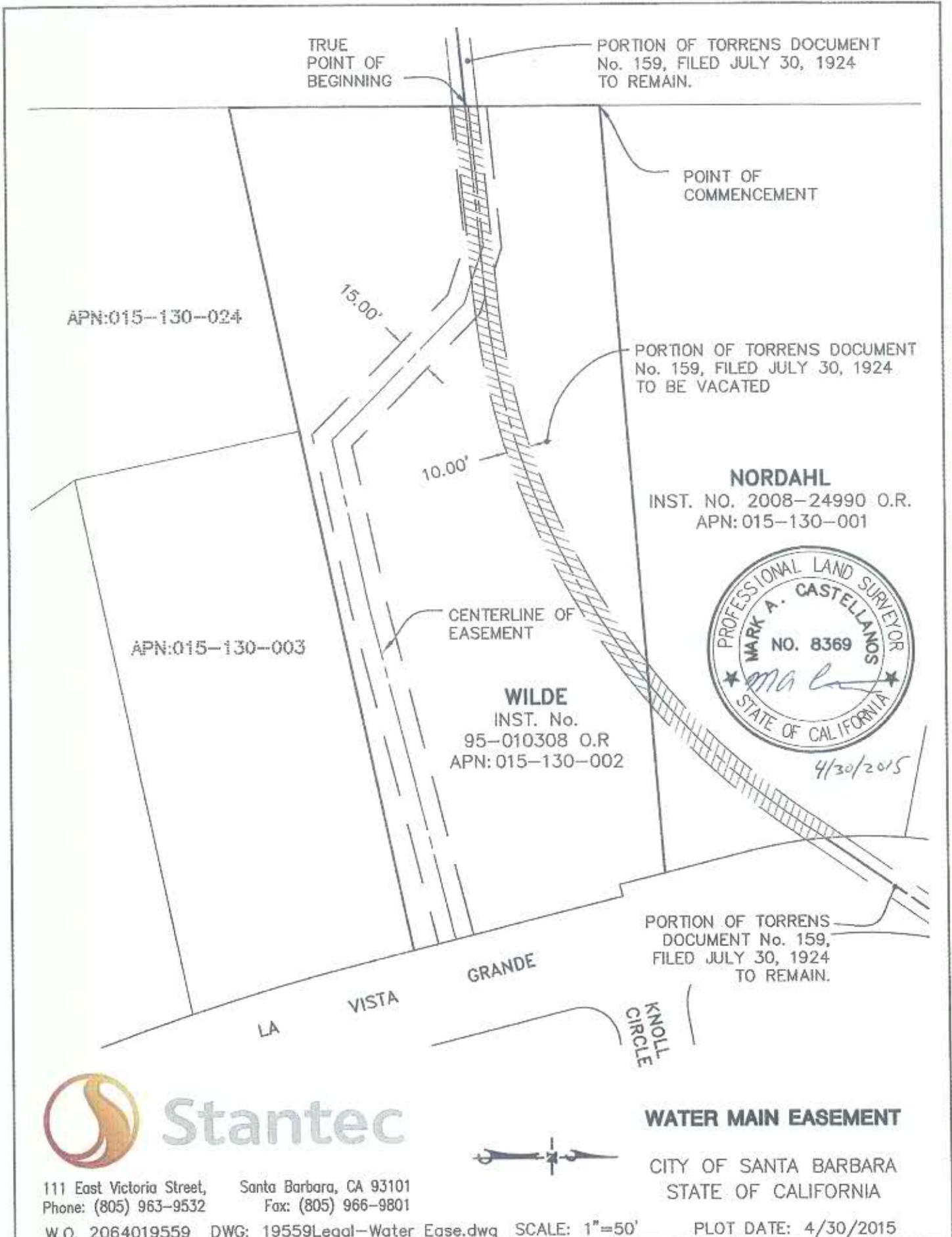
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ATTACHMENT: Plat of New and Old Easements

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DI/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



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W.O. 2064019559 DWG: 19559Legal-Water Ease.dwg SCALE: 1"=50'

WATER MAIN EASEMENT

CITY OF SANTA BARBARA
 STATE OF CALIFORNIA

PLOT DATE: 4/30/2015