

RESOLUTION NO. _____

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SANTA BARBARA COUNTY ASSESSOR'S APN 015-130-002, AND ADOPTING AN ORDER SUMMARILY VACATING AND ABANDONING CERTAIN SUPERSEDED PORTIONS OF THE EXISTING EASEMENT FOR WATER PIPELINES AT 182 AND 202 LA VISTA GRANDE, BOTH WITHIN THE LIMITS OF SAID CITY

WHEREAS A certain new easement for a realigned public waterline and related facilities, hereinafter the "New Easement," has been offered to the City of Santa Barbara, a municipal corporation, as described in a certain Waterline Easement Deed delivered to the City of Santa Barbara, by Timothy I. Wilde and Caro E. Creighton, husband and wife, as joint tenants, the owners of the real property located at 202 La Vista Grande, Santa Barbara County Assessor's APN 015-130-002;

WHEREAS Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code, hereinafter known as the "Vacation Law," authorizes and establishes the method for the vacation of all or a part of any city street or public service easement;

WHEREAS There is an existing perpetual right of way easement for a water main and incidental purposes granted by Deed by Frank M. Gallaher and Abbie R. Gallaher to the City of Santa Barbara, a municipal corporation, filed on July 30, 1924, as Torrens Document No. 159, in the office of the County Recorder of Santa Barbara County, portions of which right of way easement are being referred to hereinafter as the "Superseded Easement Portions", which upon acceptance by the Council of the City of Santa Barbara of the New Easement offered by Timothy I. Wilde and Caro E. Creighton, shall become no longer necessary for the use, operation and maintenance of water pipelines by the City of Santa Barbara;

WHEREAS Pursuant to Section 8333, subsection c, of the Vacation Law, the City Council finds and declares that the Superseded Easement Portions proposed for summary vacation have been superseded by the relocation of the public water main within the alignment described in the New Easement, and there are no other public service facilities presently located within the Superseded Easement Portions;

WHEREAS The City Council finds that, upon its acceptance of the New Easement, the Superseded Easement Portions should therefore be summarily vacated; and

WHEREAS Pursuant to Section 8335 of the California Streets and Highways Code, the City Council finds and declares:

(1) That the vacation of the Superseded Easement Portions is made under Chapter 4, Part 3, Division 9 of the Streets and Highways Code;

(2) That the waterline easement summarily to be vacated is the Superseded Easement Portions;

(3) That the summary vacation of the Superseded Easement Portions is made and is necessary for the reasons set forth above; and

(4) That after the date of recordation of the Waterline Easement Deed by Timothy I. Wilde and Caro E. Creighton, along with this attached resolution, the Superseded Easement Portions shall no longer constitute a waterline easement.

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

SECTION 1. The City of Santa Barbara hereby accepts that certain New Easement for a public waterline and all related purposes described in the Waterline Easement Deed to the City of Santa Barbara, a municipal corporation, by Timothy I. Wilde and Caro E. Creighton, husband and wife, as joint tenants, the owners of the real property located at 202 La Vista Grande, Santa Barbara County Assessor's APN 015-130-002.

SECTION 2. That the Superseded Easement Portions are hereby ordered summarily vacated and abandoned and all lands covered by any of the Superseded Easement Portions shall no longer be subject to public water pipeline easement purposes.

SECTION 3. That the Superseded Easement Portions hereby ordered summarily to be vacated and abandoned are more particularly described as follows:

SEGMENT ONE:

Wilde Parcel

All of that portion of the perpetual right of way easement in the City of Santa Barbara, County of Santa Barbara, State of California, for a water main and incidental purposes granted by Deed from Frank M. Gallaher and Abbie R. Gallaher to the City of Santa Barbara, a municipal corporation, filed on July 30, 1924, as Torrens Document No. 159, in the office of the County Recorder of Santa Barbara County ("Water Main Easement"), lying within the real property described in the Quitclaim Deed to Timothy I. Wilde and Caro E. Creighton, recorded on February 28, 1995, as Instrument No. 95-010308 of Official Records of said County of Santa Barbara ("Wilde Parcel"), more particularly described as follows:

A strip of land ten feet in width, lying five feet on each side of the following described line.

Commencing at the northwest corner of said Wilde Parcel; thence, along the north line of said parcel, North 85°58'00" East, a distance of 240.32 feet to its intersection with the

centerline of the abovementioned Water Main Easement, said point of intersection being the True Point of Beginning, and the beginning of a non-tangent curve concave northwesterly having a radius of 300.00 feet, and a radial center which bears North 38°55'58" West; thence, along the centerline of said Water Main Easement the following two courses,

- 1st Westerly along said curve through a central angle of 33°11'58", an arc distance of 173.83 feet; thence,
- 2nd South 84°43'00" West, a distance of 81.73 feet to its intersection with the westerly line of said Wilde Parcel.

The sidelines of said vacation area are to be extended or shortened to terminate on the north and west line of said Wilde Parcel.

Containing 2,556 square feet or 0.059 acres, more or less.

END OF DESCRIPTION.

SEGMENT TWO:

Nordahl Parcel

All of that portion of the perpetual right of way easement in the City of Santa Barbara, County of Santa Barbara, State of California, for a water main and incidental purposes granted by Deed from Frank M. Gallaher and Abbie R. Gallaher to the City of Santa Barbara, a municipal corporation, filed on July 30, 1924, as Torrens Document No. 159, in the office of the County Recorder of Santa Barbara County ("Water Main Easement"), lying within the real property described in the Interspousal Transfer Deed to David C Nordahl, as to an undivided eighty-seven percent (87%) interest, and Alexandra Nordahl, as to an undivided thirteen percent (13%) interest, as tenants in common, recorded on April 28, 2008, as Instrument No. 2008-0024990 of Official Records of said County of Santa Barbara ("Nordahl Parcel"), more particularly described as follows:

A strip of land ten feet in width, lying five feet on each side of the following described line.

Commencing at the southwest corner of said Nordahl Parcel; thence, along said south line, North 85°58'00" East, a distance of 240.32 feet to its intersection with the centerline of the abovementioned Water Main Easement, said point of intersection being the True Point of Beginning, and the beginning of a non-tangent curve concave northwesterly having a radius of 300.00 feet, and a radial center which bears North 38°55'58" West; thence, following along the centerline of said Water Main Easement the following two courses,

- 1st Northeasterly along said curve, through a central angle of 16°27'02", an arc distance of 86.13 feet; thence,
- 2nd North 34°37'00" East, a distance of 10.67 feet to its intersection with the westerly line of La Vista Grande, 40 feet in width as shown on the map of The Ashley Knolls Tract filed in Book 29, Page 42 of Records of Survey, in the office of the

County Recorder, of said County.

The sidelines of said vacation area are to be extended or shortened to terminate on the south line of said Nordahl Parcel, and the west line of La Vista Grande as shown on said Record of Survey.

Containing 969 square feet or 0.02 acres, more or less

END OF DESCRIPTION.

SECTION 4. That the City Clerk, or an assigned and authorized representative of Fidelity National Title Insurance Company, or an assigned and authorized representative of First American Title Insurance Company, shall cause the Waterline Easement Deed by Timothy I. Wilde and Caro E. Creighton, together with a certified copy of this resolution accepting the New Easement and summarily vacating the Superseded Easement Portions, to be recorded in the Official Records, in the office of the County Recorder of the County of Santa Barbara.