



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Resolution To Vacate An Offer Of Pedestrian Easement At 109 West Ortega Street

RECOMMENDATION: That Council:

- A. Find that the subject Irrevocable Offer of a Pedestrian Easement is not necessary for public purposes; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Ordering the Summary Vacation of the Irrevocable Offer of a Pedestrian Easement Over a Portion of the Real Property Commonly Known As 109 West Ortega Street (APN 037-123-002), as Described in Said Irrevocable Offer.

DISCUSSION:

In 1984, Robert Hansen and his wife Bertha Hansen acquired the real property located at 631 Chapala Street (Chapala Property) and 109 West Ortega Street (Ortega Property). The two lots are adjacent to one another and share a common property line (see Attachment 1).

Shortly after acquiring the properties, the Hansens proposed an improvement to the Chapala Property, which was being used as a commercial building and was accessible to the public. In connection with the proposed improvement, City Building and Safety staff determined that the Hansens should provide pedestrian access to the rear of the Chapala Property in anticipation that it may be needed for public access in relation to the commercial use of the property. The Hansens proposed the access easement to be established over the Ortega Property, which they also owned.

In order to ensure that the pedestrian access to the rear of the Chapala Property would remain available for potential future use, even if the Ortega Property were sold to a separate owner, the City required the Hansens to issue an Irrevocable Offer of a Pedestrian Easement over the Ortega Property.

The irrevocable offer proposed the dedication of a ten-foot-wide public easement over the Ortega Property in order to provide pedestrian access to the rear of the Chapala Property.

The City has never accepted the offer of the pedestrian easement, so the public use was, in fact, not needed as originally anticipated.

In 2014, both properties were sold by the Hansen Family Trust to 631 Chapala, LLC. Later that year, 631 Chapala, LLC, sold the Ortega Property to Cindy Jackson. As part of the sale, 631 Chapala, LLC, reserved a private pedestrian easement over the Ortega Property to provide the property owner pedestrian access from Ortega Street to the rear of the Chapala Property. These reservations were formalized and recorded in a Grant of Easements and Declaration of Covenants recorded on June 23, 2015, as Instrument Number 2015-0032580 in the Official Records of the County of Santa Barbara.

Conclusion

Staff from the Public Works Department and the Community Development Department have reviewed the pedestrian easement that was granted in the 2015 Grant of Easements and Declaration of Covenants. City staff believe the pedestrian easement provides the necessary private pedestrian access to the rear of the Chapala Property and that the public easement offered as a requirement for permitting of the 1984 improvements to the Chapala Property, but never accepted by the City, is not of public benefit or necessity.

Based on the limited scope offered in the Irrevocable Offer of a Pedestrian Easement (i.e., pedestrian access from Ortega Street serving only the Chapala Property), and the actions by the Chapala Property owners to preserve private pedestrian easement access, staff does not see any need of a future recommendation to accept the offer as a public pedestrian easement. Therefore, staff recommends that Council find that the subject Irrevocable Offer of a Pedestrian Easement is not necessary for public purposes, and adopt the proposed resolution summarily vacating the Irrevocable Offer of a Pedestrian Easement and authorize staff to record the proposed resolution.

ATTACHMENT: Aerial Map of Parcels

PREPARED BY: Adam Hendel, Acting Principal Engineer/DT/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Aerial Map for 631 Chapala and 109 W. Ortega Streets; Pedestrian Easement

Attachment

