

RECORDING REQUESTED BY)
 AND WHEN RECORDED MAIL TO:)
)
 City of Santa Barbara)
 Public Works, Att: Real Property)
 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. _____

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

WHEREAS, in 1984, Robert and Bertha Hansen acquired two adjacent parcels located at 631 Chapala Street (Chapala Property) and 109 West Ortega Street (Ortega Property);

WHEREAS, in 1984, the Hansens proposed an improvement to the Chapala Property;

WHEREAS, in connection with the proposed improvement of the Chapala Property, the City required the Hansens to provide pedestrian access to the rear of the Chapala Property from West Ortega Street. The Hansens offered this access over the Ortega Property, which they owned;

WHEREAS, in order to ensure that the pedestrian access to the rear of the Chapala Property would remain, even if the Ortega Property were sold to a separate owner, the City required the Hansens to issue to the City an Irrevocable Offer of a Pedestrian Easement over the Ortega Property;

WHEREAS, the Irrevocable Offer of a Pedestrian Easement was recorded in the Official Records of the County of Santa Barbara as Instrument Number 1984-054549. 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;

WHEREAS, in January 2014, the Chapala Property and the Ortega Property were sold by the Hansen Family Trust to 631 Chapala, LLC;

WHEREAS, in 2014, 631 Chapala, LLC, sold the Ortega Property to Cindy Jackson. As part of the sale of the Ortega Property to Ms. Jackson, 631 Chapala, LLC, reserved a pedestrian easement over the Ortega Property in favor of the Chapala Property in order to maintain the required 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;

WHEREAS, the recordation of the Grant of Easements and Declaration of Covenants made the prior recorded Irrevocable Offer of a Pedestrian Easement unnecessary; and

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

1. The vacation of the Irrevocable Offer of a Pedestrian Easement is made pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code of the State of California;

2. The summary vacation of the Irrevocable Offer of a Pedestrian Easement is made and is necessary for the reasons set forth above; and

3. Upon the recordation of this Resolution, the Irrevocable Offer of a Pedestrian Easement shall be vacated and extinguished.

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

SECTION 1. The City of Santa Barbara hereby summarily vacates the Irrevocable Offer of a Pedestrian Easement attached hereto as Exhibit A pursuant to the authority granted in Streets and Highways Code Section 8335.

SECTION 2. The City Council approves the summary vacation of the Irrevocable Offer of a Pedestrian Easement for the following reasons:

1. The above findings are true and correct.
2. The pedestrian easement is not necessary for the present or prospective public purposes.
3. The 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 adequately addresses the access requirements for the Chapala Property.

SECTION 3. 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.