



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Quitclaim And Release The 1983 Flood Control Easement On 13 East Cabrillo Boulevard

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the City Administrator to Execute a Quitclaim Deed Releasing the 1983 Flood Control Easement on 13 East Cabrillo Boulevard, and to Record Same in the Office of the Santa Barbara County Recorder Upon Recordation of the Final Order of Condemnation in Santa Barbara Superior Court Case Number 1469840, *City of Santa Barbara v. Virginia Castagnola-Hunter, et al.*

BACKGROUND:

In 1983, the City acquired a public flood control easement over the southwesterly portion of 13 (aka 15) East Cabrillo Boulevard (Assessor Parcel Number 033-111-012) by a Grant Deed, Instrument Number 83-7191 (hereinafter referred to as "1983 Easement Deed"), for the purposes of maintaining a portion of Lower Mission Creek.

DISCUSSION:

As part of the Cabrillo Boulevard Bridge Replacement Project, the City acquired a larger flood control easement that encompasses all of the area of the 1983 Easement Deed, plus an additional 208 square feet. The new flood control easement has a total area of 745 square feet and includes all of the recently constructed Mission Creek wall, creek restoration plantings, and accommodates an eight-foot setback from the front of the wall to the adjacent private development. The attached exhibit identifies the 1983 Easement Deed and new Easement Deed.

The City acquired the new flood control easement through condemnation in Santa Barbara Superior Court Case No. 1469840, *City of Santa Barbara v. Virginia Castagnola-Hunter, et al.* The Stipulated Judgment will be filed with the County of Santa Barbara, and the City will receive title to the new flood control easement when the Final Order for Condemnation

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is recorded in the County Recorder's Office. City staff recommends that the Quitclaim Deed be executed and recorded when the Final Order for Condemnation is recorded in order to release its interest in the 1983 Easement Deed, as it will be superseded by the new Easement Deed.

The Quitclaim Deed to Virginia Castagnola Hunter, as trustee of the Virginia Castagnola-Hunter Trust created u/d/t, dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust, created u/d/t, dated January 15, 2014, as heirs, successors and assigns to George V. Castagnola and Rena G. Castagnola, Husband and Wife, will release the City's easement rights conveyed by the 1983 Easement Deed.

ATTACHMENT: New Flood Control Easement Deed Map

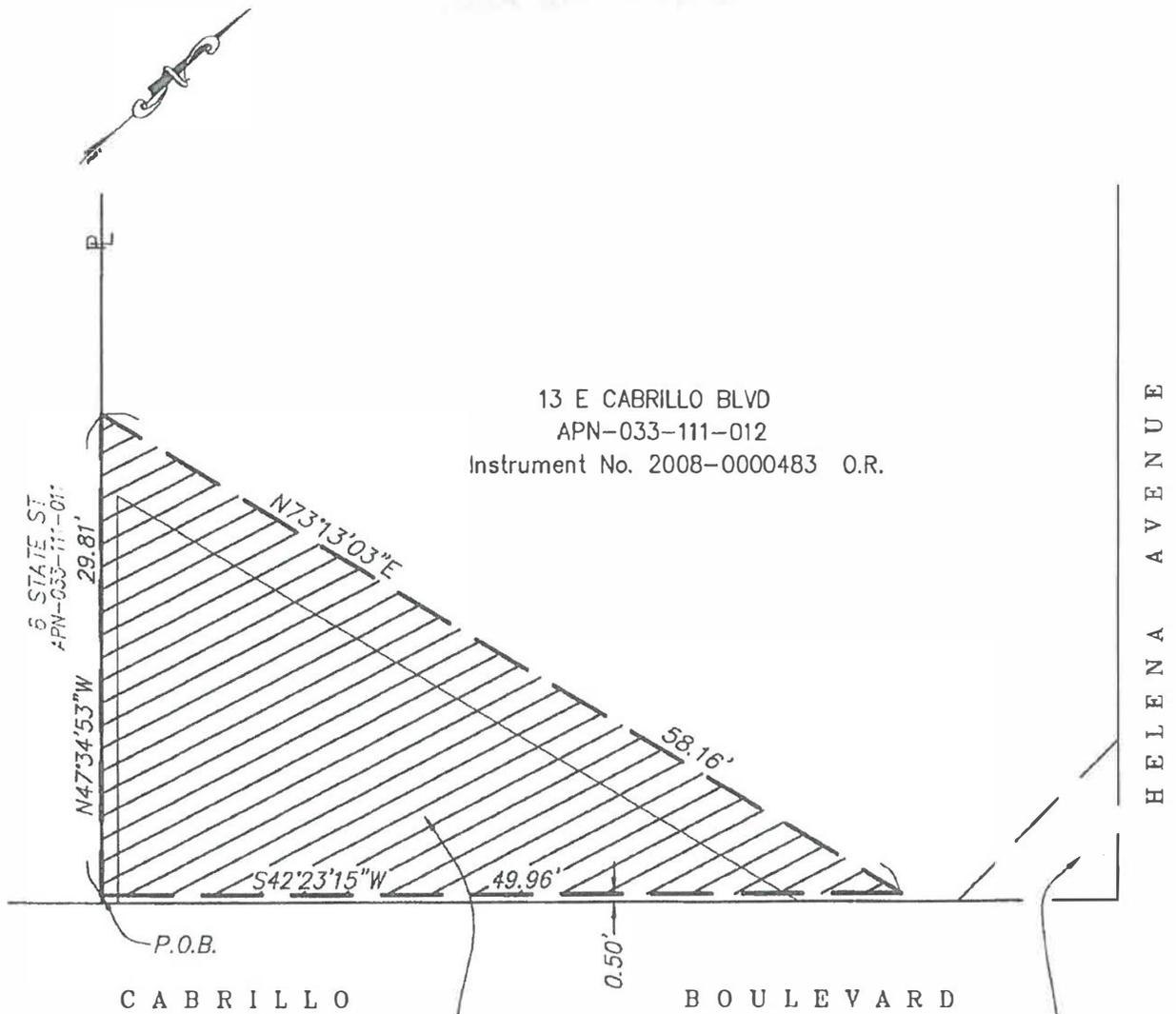
PREPARED BY: Adam Hendel, Acting Principal Civil Engineer/MAW/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Parcel 033-111-012-01

13 E CABRILLO BLVD
APN-033-111-012
Instrument No. 2008-0000483 O.R.



C A B R I L L O

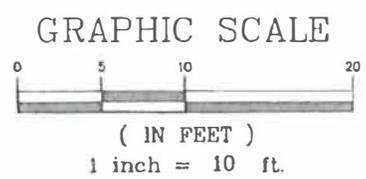
B O U L E V A R D



Flood Control Easement
per Inst. No. 83-7191, O.R.

Easement to
City of Santa Barbara
per Inst. No. 97-40081, O.R.

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