

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS LOCATED AT 123 WEST GUTIERREZ STREET AND 317 AND 326 WEST DE LA GUERRA STREET, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS AS NECESSARY IN A FORM APPROVED BY THE CITY ATTORNEY.

WHEREAS, proposed projects are currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridges for Gutierrez and De La Guerra Streets at Mission Creek due to age, increasingly deteriorated condition, and limited flood control capacity, with anticipated reimbursement of a significant portion of the City's associated costs using funding provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the bridge replacement projects require the City to purchase permanent easements for street, bridge, and flood control related purposes, and temporary construction easements, on portions of the real property commonly known as 123 West Gutierrez Street, Santa Barbara County Assessor's Parcel Number 037-245-015, owned by the Family Service Agency of Santa Barbara, Inc., and on portions of real property commonly known as 317 and 326 West De La Guerra Street, Santa Barbara County Assessor's Parcel Numbers 037-073-002 and 037-032-032, owned by Gregory L. Davis and Elvira M. Davis, husband and wife as joint tenants, as to an undivided 52% interest, A. Mark Davis, a married man, as his sole and separate property, as to an undivided 16% interest, Marcia Davis Tremblay, a married woman, as her sole and separate property, as to an undivided 16% interest, Barbara Davis Batastini, a married woman, as her sole and separate property, as to an undivided 16% interest, and Metropolitan Equities, a California Limited Partnership, respectively, due to the properties locations immediately adjacent to the existing bridges and the proposed new Gutierrez and De La Guerra Street bridges at Mission Creek;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent easements and temporary construction easements have been valued and, in accordance with applicable laws and guidelines, are subject to final approval by the Council of the City of Santa Barbara, written offers and required valuation summaries and agreements have been delivered to the respective owners;

WHEREAS, the written purchase offers have been accepted by the respective owners, and their agreements have been signed voluntarily to allow the City to purchase the real property interests, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the City Administrator to execute the agreements with the affected owners, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the City Administrator to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the various interests in the real properties, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the permanent and temporary construction easement interests particularly described in the respective documents delivered for such purpose, without further action or subsequent resolution.

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

SECTION 1. The City Administrator is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement, Easement Deeds, and Escrow Instructions with the Family Service Agency of Santa Barbara, Inc., for the purchase by the City of the permanent easement for street, bridge, and flood control purposes, and of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 123 West Gutierrez Street, Santa Barbara County Assessor's Parcel Number 037-245-015, for total compensation in the amount of \$1,500 dollars, plus related escrow closing costs.

SECTION 2. The City Administrator is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement, Easement Deeds, and Escrow Instructions with Gregory L. Davis and Elvira M. Davis, husband and wife as joint tenants, as to an undivided 52% interest, A. Mark Davis, a married man as his sole and separate property, as to an undivided 16% interest, Marcia Davis Tremblay, a married woman as her sole and separate property, as to an undivided 16% interest, Barbara Davis Batastini, a married woman as her sole and separate property, as to an undivided 16% interest, for the purchase by the City of a permanent easement for street, bridge, and flood control purposes, and of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities

construction work, on a portion of the real property commonly known as 317 West De La Guerra Street, Santa Barbara County Assessor's Parcel Number 037-073-002, for total compensation in the amount of \$7,600 dollars, plus related escrow closing costs.

SECTION 3. The City Administrator is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement, Easement Deeds, and Escrow Instructions with Metropolitan Equities, a California Limited Partnership, for the purchase by the City of a permanent easement for street, bridge and flood control purposes, and of a temporary construction easement for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on a portion of the real property commonly known as 326 West De La Guerra Street, Santa Barbara County Assessor's Parcel Number 037-032-032, for total compensation in the amount of \$3,000 dollars, plus related escrow closing costs.

SECTION 4. The City of Santa Barbara hereby accepts all interests in and on the real property as described above, and more particularly as described in the Gutierrez and De La Guerra Street Bridge Permanent and Temporary Construction Easement Deeds and the Easement Purchase Agreements and Escrow Instructions signed by the respective property Owners of those properties as described above, which have been executed and delivered hereunder.

SECTION 5. The City of Santa Barbara hereby consents to the recordation by First American Title Company, 3780 State Street, Santa Barbara, CA 93105, under the respective Escrows, of the Gutierrez and De La Guerra Streets Bridge Permanent Easement and Temporary Construction Easement Deeds, in the Official Records, County of Santa Barbara, at the close of escrow.

SECTION 6. This Resolution shall become effective immediately upon its adoption.