

RECORDING REQUESTED BY
AND FOR THE BENEFIT OF

CITY OF SANTA BARBARA

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WHEN RECORDED MAIL TO

CITY OF SANTA BARBARA
Real Property Section/Public Works Dept.
P.O. Box 1990
Santa Barbara, California 93102-1990

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per R&T Code 11922

La Vista Del Oceano Drive (Portions)
APN 035-170-026; APN 035-180-086; and APN 035-180-087

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA DEDICATING AN EASEMENT
FOR PUBLIC STREET PURPOSES COVERING
PORTIONS OF CITY-OWNED REAL PROPERTY
UNDERLYING THE IMPROVED STREET KNOWN
AS "LA VISTA DEL OCEANO DRIVE" NORTHERLY
OF CLIFF DRIVE AND NORTHERLY AND
EASTERLY OF RICARDO AVENUE

WHEREAS, the City of Santa Barbara owns a certain real property underlying a significant portion of the improved and traveled street commonly known as "La Vista Del Oceano Drive", located northerly of Cliff Drive and located northerly and easterly of Ricardo Avenue, as more particularly described herein below;

WHEREAS, in 1922, the strip of land now known as La Vista Del Oceano Drive was first depicted on an unrecorded map of "La Vista Del Oceano Property," although no public street easement on said strip of land was intended at that time;

WHEREAS, beginning as early as 1926 and 1928, the original owners of La Vista Del Oceano Property shown on the unrecorded map granted individual lots to

subsequent owners, including non-exclusive private road and utility easements for access from Cliff Drive;

WHEREAS, in 1938, due to the former owners' non-payment of real property taxes for the strip of land now known as La Vista Del Oceano Drive, the underlying real property was conveyed to the City, by a "tax deed" executed by the Tax Collectors of the City and the County of Santa Barbara, in particular, by a tax deed recorded on July 11, 1938, in Book 442, at Page 1, of Official Records, although said tax deed did not contain an adequate property description;

WHEREAS, on February 24, 1955, City Council adopted Resolution No. 2737, which declared many streets then in general use by the public to be public streets, as shown on an "Official Map No. 1955-1 of Undedicated Streets in the City of Santa Barbara," including certain traveled and untraveled portions of La Vista Del Oceano Drive, although neither a copy of Resolution No. 2737 nor a copy of said Official Map No. 1955-1 were subsequently recorded to describe and give constructive notice of such public uses;

WHEREAS, in 1959, as provided by a "Memorandum of Agreement," between the City and the County of Santa Barbara, recorded on November 24, 1959, in Book 1690, at Page 43, of Official Records, several tax parcels were conveyed to the City because they were "devoted to public uses, to wit: public streets and alleys," including the real property underlying La Vista Del Oceano Drive, which was intended to be conveyed to the City by a tax deed recorded on January 28, 1960, in Book 1710, at Page 41, of Official Records, although said tax deed did not contain an adequate property description;

WHEREAS, in 1977, by map recorded in Book 17 of Parcel Maps, at Page 3, an undeveloped portion of La Vista Del Oceano Property was divided into two lots, which also established a public easement for the easterly extension of Ricardo Avenue to connect with the real property underlying La Vista Del Oceano Drive;

WHEREAS, in 1988, following a request by certain owners of lots fronting an unimproved portion of La Vista Del Oceano Drive northerly and easterly of Ricardo Avenue, City Council adopted Resolution No. 88-059, which ordered the vacation of the public right to use the uphill portion of La Vista Del Oceano Drive, as previously declared a public street in 1955 by Council Resolution No. 2737, in order for those owners subsequently to obtain permits to construct a private road within their non-exclusive private road easements for access to their proposed new residences;

WHEREAS, in 1989, as set forth in existing private road easements, the portion of La Vista Del Oceano Drive uphill of Ricardo Avenue was constructed by certain owners of lots, as depicted on a design plan filed for review at Public Works as Plan No. C-1-3654;

WHEREAS, in 1989, the real property underlying the original portion of La Vista Del Oceano Drive was finally conveyed by tax deed recorded on August 25, 1989, filed as Instrument No. 89-056767, of Official Records, which contained a correct description and describes the City-owned strip of land with specificity;

WHEREAS, in 1989, the owners of certain residential lots who constructed the uphill private portion of La Vista Del Oceano Drive adopted bylaws to form a California nonprofit mutual benefit corporation, officially named "Oceano Property Owners, Inc.";

WHEREAS, in 1992, the member owners of Oceano Property Owners, Inc. executed "Landowners' Agreements Establishing Covenants and Restrictions for a Portion of La Vista Del Oceano Subdivision," recorded on September 22, 1992, as Instrument No. 92-074728, of Official Records, to provide for the maintenance of the uphill private portion of La Vista Del Oceano Drive;

WHEREAS, by map recorded on December 30, 2005, in Book 201 of Maps, at Pages 57 through 60, certain undeveloped lots within the adjacent "Rogers Tract," located easterly of La Vista Del Oceano Property, were merged to create new lots, and to dedicate a public easement for the easterly end of La Vista Del Oceano Drive, as depicted on a design plan filed at Public Works as Plan No. C-1-4141;

WHEREAS, between 2007 and 2010, the owners of certain lots located downhill and southerly of Ricardo Avenue also obtained permits to build homes, at which time the final unimproved portions of La Vista Del Oceano Drive were constructed to provide access to residences from either Cliff Drive or Ricardo Avenue;

WHEREAS, although many private road easements have long existed on the City's strip of land underlying La Vista Del Oceano Drive, and although the City has previously declared certain portions of La Vista Del Oceano Drive to be a public street, all of which have provided access from Cliff Drive and Ricardo Avenue to various residential lots, it is desired that Council adopt this Resolution to describe, dedicate and formally establish a public street easement to provide for the public use and maintenance of all improved and traveled portions of La Vista Del Oceano Drive located on the real property owned by the City, as now existing and used by the public; and

WHEREAS, following the adoption of this proposed Resolution by Council to dedicate and establish a public street easement on the real property underlying La Vista Del Oceano Drive, the maintenance of said street shall no longer be performed by the members of Oceano Property Owners, Inc.

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

SECTION 1. That certain strip of land owned by the City of Santa Barbara underlying the improved and traveled portions of La Vista Del Oceano Drive, more particularly described below, is hereby dedicated for public street and all related purposes.

SECTION 2. That the street easement hereby dedicated is particularly described as follows:

DESCRIPTION
La Vista Del Oceano Drive

That portion of the Outside Pueblo Lands of the City of Santa Barbara, in the City of Santa Barbara, County of Santa Barbara, State of California, described in that certain deed having the heading "Tax Deed to Purchaser of Tax-Defaulted Property," executed by the Tax Collector of Santa Barbara County, to the City of Santa Barbara, a Municipal Corporation, recorded on August 25, 1989, as Instrument No. 89-056767, of Official Records of said County, which was recorded to correct the incomplete and erroneous description attached to that certain original deed by the Tax Collector of the County of Santa Barbara to the City of Santa Barbara recorded on January 28, 1960, filed as Instrument No. 2997, in Book 1710, at Page 41, of Official Records of said County, said real property now being commonly known as "La Vista Del Oceano Drive," and particularly described as follows:

Beginning at a point in the center line of Cliff Drive as now established, distant thereon North $76^{\circ}38'$ East 284.05 feet from a cross cut in the concrete pavement at an angle point in said center line of said Cliff Drive from which another cross cut in the concrete pavement at the most northerly corner of the Peter Davis Estate property now owned by F.P. Knott as referred to in a deed made by A.J. Williams, et ux. to George Gaylord, dated February 1, 1870, and recorded in Book I, page 28 of Deeds, records of said County, bears North $78^{\circ}32'$ West 2.76 feet; thence North $13^{\circ}22'$ West 153 feet to the beginning of a curve to the left having a radius of 50 feet and a delta of 90° ; thence along the arc of said curve to the end thereof; thence South $76^{\circ}38'$ West 117.5 feet to the beginning of a curve to the right having a radius of 80 feet and a delta of $161^{\circ}58'$; thence along the arc of said curve to the end thereof; thence North $58^{\circ}36'$ East 468.60 feet to a point and the beginning of a curve to the left having a radius of 23 feet and a delta of 180° ; thence along the arc of said curve to the end thereof; thence South $58^{\circ}36'$ West 130.25 feet to the beginning of a curve to the right having a radius of 237.27 feet and a delta of $41^{\circ}22'$; thence along the arc of said curve to the end thereof and the beginning of another curve to the right having a radius of 94.78 feet and a delta of $66^{\circ}06'$; thence along the arc of said curve to the end thereof; thence North $13^{\circ}56'$ West 99.88 feet to a point, said point being the beginning of a curve to the right having a radius of 353.45 feet and a delta of $20^{\circ}03'$; thence along the arc of said curve to the end thereof and the beginning of a curve to the

left having a radius of 105.57 feet and a delta of 65°30'; thence along the arc of said curve to the end thereof and the beginning of a curve to the right having a radius of 55 feet and a delta of 209°; thence along the arc of said curve to the end thereof; thence South 30°23' East 140.05 feet to the beginning of a curve to the left having a radius of 40 feet and a delta of 109°; thence along the arc of said curve to the end thereof; thence North 40°37' East 405.90 feet to a point; thence South 13°22' East 37.10 feet to a point; thence South 40°37' West 384.10 feet to a point, said point being the beginning of a curve to the right having a radius of 70 feet and a delta of 109°; thence along the arc of said curve to the end thereof; thence North 30°23' West 140.05 feet to the beginning of a curve to the left having a radius of 25 feet and a delta of 209°; thence along the arc of said curve to the end thereof and the beginning of a curve to the right having a radius of 135.57 feet and a delta of 65°30'; thence along the arc of said curve to the end thereof and the beginning of a curve to the left having a radius of 323.45 feet and a delta of 20°03'; thence along the arc of said curve to the end thereof; thence South 13°56' East 99.88 feet to the beginning of a curve to the left having a radius of 64.78 feet and a delta of 66°06'; thence along the arc of said curve to the end thereof and the beginning of another curve to the left having a radius of 207.27 feet and a delta of 41°22'; thence along the arc of said curve to the end thereof; thence North 58°36' East 130.25 feet to the beginning of a curve to the right having a radius of 53 feet and a delta of 180°; thence along the arc of said curve to the end thereof; thence South 58°36' West 468.60 feet to a point and the beginning of a curve to the left having a radius of 50 feet and a delta of 161°58'; thence along the arc of said curve to the end thereof; thence North 76°38' East 572.5 feet to a point; thence South 13°22' East 30 feet to a point; thence South 76°38' West 325 feet to a point and the beginning of a curve to the left having a radius of 50 feet and a delta of 90°; thence along the arc of said curve to the end thereof; thence South 13°22' East 153 feet to a point in the center line of Cliff Drive; thence South 76°38' West 30 feet to the point of beginning; and merely for convenient reference, the real property described above is identified as Santa Barbara County Assessor's Parcels APN 035-170-026; APN 035-180-086; and APN 035-180-087.

SECTION 3. That, following the adoption of this Resolution, the maintenance of the formerly private portion of La Vista Del Oceano Drive shall no longer be performed by Oceano Property Owners, Inc.

SECTION 4. That the City Clerk shall record a certified copy of this Resolution in the Official Records, in the office of the County Recorder of the County of Santa Barbara, California.