

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 101 WEST GUTIERREZ STREET, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE PURCHASE AGREEMENT AND RELATED DOCUMENTS AS NECESSARY, IN A FORM APPROVED BY THE CITY ATTORNEY.

WHEREAS, a proposed project is currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridge for Gutierrez Street 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 project requires the purchase by the City of a permanent easement for street, bridge, and flood control purposes, and temporary construction easement, on portions of the real property commonly known as 101 West Gutierrez Street, Santa Barbara County Assessor's Parcel Numbers (APNs) 037-245-003, owned by Gutierrez Partners, LLC, a California Limited Liability Corporation, due to the property's location immediately adjacent to the existing bridge and the proposed new Gutierrez Street bridge at Mission Creek;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent easement and temporary construction easement have been valued, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, a written offer and required valuation summaries and agreement have been delivered to the respective owner;

WHEREAS, the written purchase offer has been accepted by the respective owner and the agreement has 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 agreement with the affected owner, 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 interests in the real property, 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 and Joint Escrow Instructions with Gutierrez Partners, LLC, a California Limited Liability Company, for the purchase by the City of a permanent and 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 101 West Gutierrez Street, Santa Barbara County APN 037-245-003, for total compensation in the amount of \$2,000 dollars, plus related escrow closing costs.

SECTION 2. 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 Street Bridge Permanent and Temporary Construction Easement Deeds and the Easement Purchase Agreement signed by the respective property Owner of the property as described above, which have been executed and delivered hereunder.

SECTION 3. 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 Escrow for the Gutierrez Street Bridge Permanent Easement and Temporary Construction Easement Deeds, in the Official Records, County of Santa Barbara, at the close of escrow.

SECTION 4. This Resolution shall become effective immediately upon its adoption.