

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE REAL PROPERTY RIGHTS ON THE PROPERTY COMMONLY KNOWN AS THE DE LA GUERRA SQUARE OWNERS' ASSOCIATION LOCATED AT 314, 316, AND 318 WEST DE LA GUERRA STREET

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. That on April 11, 2017, after fifteen days written notice to the owners of the property described hereafter, as they appeared on the last equalized County Assessment Roll, Council held a hearing for the purpose of allowing the owners thereof, and other persons, a reasonable opportunity to appear and be heard on the following matters:

- a. That the public interest and necessity require the proposed project;
- b. That the proposed project (as depicted on City Plan No. C-1-4761, a copy of which is permanently on file at the Public Works Department of the City of Santa Barbara) is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury;
- c. That the property rights described in the resolution are necessary for the proposed project;
- d. That the offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record;
- e. That the proposed project has been determined to be categorically exempt from further environmental review pursuant to California Environmental Quality Guidelines Section 15302; and,
- f. Such other and further matters as may be referred to in Section 1245.230 of the California Code of Civil Procedure.

SECTION 2. That the Council of the City of Santa Barbara does hereby find, determine and declare that:

- a. The public interest and necessity require the proposed project;
- b. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury;
- c. All the property rights described in this resolution are necessary for the proposed project;
- d. The offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record (or the offer has not been made because the owner cannot be located with reasonable diligence); and
- e. The taking of the property rights described herein is authorized by Section 19 of Article I of the California Constitution, Section 37350.5 of the California

Government Code, and Sections 1240.010 through 1240.125 of the California Code of Civil Procedure.

SECTION 3. That the Council of the City of Santa Barbara does hereby declare that it is the intention of said City to acquire said certain real property rights described herein in its name in accordance with the provisions of the laws of the State of California with reference to condemnation procedures.

SECTION 4. That the said certain real property rights are located in the City of Santa Barbara, County of Santa Barbara, State of California, and are more particularly described as follows:

I. MISSION CREEK TEMPORARY CONSTRUCTION EASEMENT LOCATED ON THE COMMON AREA AT 314, 316, and 318 WEST DE LA GUERRA STREET

The actual use by City of the Exclusive Temporary Construction Easement on the Real Property shall be for a period of not more than twelve (12) months, which shall commence thirty (30) days from issuance by City of a Notice of Commencement of Construction to Owner. The City shall have the right to extend the Temporary Construction Easement in additional one month increments if City determines that additional time beyond the one-year period is necessary for construction, but in no event shall the Exclusive Temporary Construction Easement exceed two years from date of actual use by the City.

The Council of the City of Santa Barbara, as a result of said hearing, has determined that the public interest and necessity require the acquisition by the City of real property rights required for all activities necessary for the construction of the De La Guerra Street Bridge and Mission Creek improvements, and for all related surface and subsurface foundation improvements, ingress and egress required for the removal, and replacement and reconstruction of the De La Guerra Street Bridge and appurtenant facilities within Mission Creek. Said rights being Mission Creek Temporary Construction Easements referred to merely for convenient reference herein as De La Guerra Square Owners' Association Parcel Nos. 037-390-001-02 through 037-390-009-02, and more particularly described as follows below:

Parcel Nos. 037-390-001-02 through 037-390-009-02:

That portion of Lot 1 of Final Map No. 20, 742 in the City of Santa Barbara, County of Santa Barbara, State of California, according to the map filed in Book 152 at pages 17, 18, and 19 of Maps, in the Office of the County Recorder of Said County, more particularly described as follows:

Beginning at the southeast corner of said Lot 1, thence along the southeasterly line of said Lot 1 North 42° 28' 58" East, 56.23 feet;

Thence leaving said southeasterly line North 74° 05' 38" West, 22.09 feet;

Thence South 42° 40' 58" West, 5.60 feet;

Thence North 47° 43' 16" West, 11.02 feet;

Thence South 42° 36' 05" West, 3.87 feet;

Thence South 84° 20' 04" West, 18.22 feet;

Thence South 22° 52' 41" West, 25.69 feet;

Thence North 75° 08' 20" West, 17.57 feet;

Thence South 28° 00' 16" West, 13.80 feet to the southerly line of said Lot 1 and to the beginning of a non-tangent curve to the right, having a radius of 200.00 feet with a long chord that bears South 73° 59' 40" East, 46.61 feet and from which a radial line bears South 09° 18' 50" West;

Thence along said southerly line and the arc of said curve through a central angle of 13° 23' 00" a distance of 46.72 feet to the beginning of a compound curve to the right having a radius of 400.00 feet;

Thence continuing along said southerly line and along the arc of said curve through a central angle of 0° 43' 12" a distance of 5.03 feet to the Point of Beginning.

Except therefrom that portion of said Lot 1 lying within the 38-foot-wide easement for flood control purposes to the Santa Barbara County Flood Control and Water Conservation District as shown on said Final Map.

Containing 441 square feet more or less.

SECTION 5. That the City Attorney is hereby authorized and directed to prepare, institute and prosecute in the name of the City, and is authorized to retain a law firm as Special Counsel for such proceedings, if necessary, in the proper Court having jurisdiction thereof, as may be necessary for the acquisition of the rights to said easement. Said counsel is also authorized and directed to obtain a necessary order of court granting to said City the right of immediate possession and occupancy of said certain easement and, at the discretion of the City Attorney, to approve and execute a settlement agreement or stipulated judgment vesting title to the easement described herein on terms and conditions approved by the City Attorney for the best rights of the City. That the City Attorney is authorized to correct any errors and make minor changes to the Resolution and attachments as necessary for the conduct of the condemnation action.

SECTION 6. That the Guidelines of the California Environmental Quality Act have been complied with insofar as the above project is concerned by the preparation of a Notice of Exemption, which has been filed with the County Clerk of the Board.