



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 25, 2007

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance For Quitclaim Of A Narrow Strip Of Land To The City Of Carpinteria

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara, Approving a Quitclaim to the City of Carpinteria of a Variable Width Narrow Strip of Land to Correct Survey and Description Errors and Omissions Caused by Old Surveys of Land Within and Adjacent to the Area Now Containing the Cramer Tract Located Between Highway 101 and Carpinteria Avenue, Now Being Portions of Santa Barbara County Assessor's Parcel Numbers 004-036-005, -006, -007, -008, -009, -010 and -011, Releasing Any Claim by the City of Santa Barbara to Said Strip of Land, and Authorizing the Execution of a Quitclaim Deed to the City of Carpinteria by the City Administrator.

DISCUSSION:

The City Manager of the City of Carpinteria has requested that the City of Santa Barbara quitclaim any interest, if any exists, to the City of Carpinteria, in a narrow strip of land, thought to be approximately sixteen feet wide, adjacent to seven individual lots located in the Cramer Tract in Carpinteria (Attachment 1). The strip of land and adjacent lots are shown on the attached annotated copy of Assessor's Map Number 004-036 (Attachment 2).

The strip of land was apparently created in the mid-1800's by deeds incorrectly describing the boundaries of two large adjacent properties. The strip was thought to have become the property of the City of Carpinteria at some point in the past. However, a preliminary title report indicates the cities of Carpinteria and Santa Barbara share in ownership of the strip.

REVIEWED BY: _____ Finance _____ Attorney

Agenda Item No. _____

The City of Santa Barbara has no obvious interest in sharing ownership of the strip of land essentially created by the mistaken subdivision of land. It appears to have nominal value less than \$5,000. As such, it is appropriate for the City of Santa Barbara to quitclaim, at no cost, the strip of land to the City of Carpinteria.

BACKGROUND

In 1872, the City of Santa Barbara acquired the "Pueblo Lands of Santa Barbara" (Pueblo Lands) from the United States of America, as described in a deed recorded in Book A of Patent Deeds, at Page 91. The Pueblo Lands were "bounded on the East by the Arroyo de Carpinteria, on the South by the Sea Shore, on the West by the Rancho Dos Pueblos, and on the North by the Sierra, containing Four Leagues." The "Sierra" is considered to be the Santa Ynez Mountains. A Spanish league is considered to be 2.6 miles. The Pueblo Lands contain an area estimated to be 27 to 29 square miles.

Pursuant to an Act of the Congress of the United States approved on March 3, 1851, "An Act to Ascertain and Settle the Private Land Claims in the State of California", the City of Santa Barbara received the Pueblo Lands, the approximate boundaries of which are shown on the attached map (Attachment 3). The Town of Santa Barbara existed under Spanish and Mexican rule before 1851. The Mayor and Town Council were given responsibility to act on behalf of citizens who petitioned the United States Board of Land Commissioners to claim rightful ownership of lands. As provided by the Act of Congress, the City of Santa Barbara granted portions of the Pueblo Lands to owners who showed evidence of ownership prior to the Mexican War.

Although very old records are difficult to trace, as noted in the preliminary title report provided to the City of Carpinteria, the City of Santa Barbara may still have a residual interest in a narrow strip of land located in City of Carpinteria. The strip of land is adjacent to Lots 25, 26, 27, 28, 29, 30, and 32 of The Cramer Tract, as depicted on a map recorded on September 24, 1926. The lots are shown as Santa Barbara County Assessor's Parcels APNs 004-036-005, 006, 007, 008, 009, 010, and 011.

The strip of land is a gap created by survey errors and poor deed descriptions. In particular, it was overlooked in the deed to Jose Antonio Arellanes by the Town of Santa Barbara, recorded January 11, 1865, in Book D of Deeds, at Page 456, and overlooked in the deed to E.B. Boust by the City of Santa Barbara, recorded September 9, 1874, in Book M of Deeds, at Page 568, both in the County Recorder's office.

The City of Carpinteria has requested that the City quitclaim any interest in the strip of land to the City of Carpinteria to enable its relinquishment to adjacent property owners to release interests that may be owned by the City of Santa Barbara and the City of Carpinteria. Based on review of data, any interest by the City appears uncertain. Consequently, the value of any interest by the City of Santa Barbara is likely under \$5,000 and may be relinquished as allowed by the City Charter.

The attached Ordinance is recommended to allow the City Administrator to execute a Quitclaim Deed by the City of Santa Barbara to the City of Carpinteria, and to authorize the City Clerk to deliver the Quitclaim Deed to the City of Carpinteria for acceptance and recordation in the Official Records.

BUDGET AND FINANCIAL IMPACT:

The recommended action has no impact on the City's costs, except for costs associated with review of the attached letter, review of title data provided, and preparation of the recommended quitclaim deed and ordinance.

ATTACHMENT(S): 1. Letter from the City of Carpinteria, dated July 12, 2007
2. Assessor's Map 004-036
3. Pueblo Lands Map

PREPARED BY: Homer F. Smith II, Principal Engineer/DI/kts

SUBMITTED BY: Anthony J. Nisich, Public Works Director

APPROVED BY: City Administrator's Office

CITY of CARPINTERIA, CALIFORNIA

July 12, 2007

RECEIVED

Members of the City Council

Mr. James Armstrong
City Administrator
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

JUL 16 2007
CITY ADMINISTRATOR'S OFFICE
SANTABARBARA

Michael Ledbetter, *Mayor*
Gregg Carty, *Vice Mayor*
J. Bradley Stein
Joe Armendariz
Al Clark

**Re: City of Carpinteria
Cramer Road, "Strip Parcel"**

Dear Jim:

I am writing on behalf of the Carpinteria City Council regarding a strip parcel of land located on Cramer Road in the City of Carpinteria. The parcel is approximately 16 feet wide and 466 feet in length and is adjacent to several homes on Cramer Road.

By way of background, in 2004 an application for a proposed residential project on Cramer Road was under review by City staff. During this process the City was informed that the strip parcel (land adjacent to the applicants' property) was owned by the City of Carpinteria. To verify the City's ownership of the property the City contracted with MNS Engineers to complete extensive research related to the parcel. The research concluded that the strip parcel was created by the conveyance of two deeds in the mid 1800's which incorrectly outlined the boundaries of two large adjacent properties. Prior to this conveyance the land was owned by the United States government and deeded to the Town of Santa Barbara. In or about the 1890's the land became County property. It was the City's understanding that the strip parcel became the property of Carpinteria when the City incorporated in 1965.

After discussing issues related to the Cramer Road property, the Carpinteria City Council concluded that it was in the best interest of the City to sell the strip parcel to the adjacent property owners. The Council made several findings in support of its decision to dispose of the parcel including:

- On-going City liability related to ownership of the strip parcel
- Avoidance of potential litigation regarding ownership of the parcel
- Future on-going maintenance of the property
- City ownership of the strip could serve to frustrate the development of adjacent private property as anticipated in the City's land use policies and objectives which, overtime, would limit property tax growth
- Avoiding the possibility of discontinuance of property tax remittance on parcels currently paying property tax.

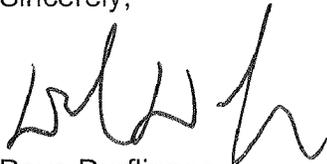
The City Council approved a subdivision of the strip parcel into seven individual lots that correspond to the seven contiguous private properties. The Council established a selling price of \$100 for each of the seven lots that vary in size between 738± and 1570± square feet. Each buyer is also responsible for any documentary transfer taxes and the cost of any title policy they may want to purchase. (All of the buyers have signed an offer agreement and purchase price deposits have been submitted to the City.)

Most recently, City of Carpinteria and Santa Barbara County staff were discussing issues related to the sale when it was mentioned by County Counsel that the parcel was a part of Outside Pueblo Lands and that the City of Santa Barbara likely had an ownership interest. The City of Carpinteria has looked into this issue further and, as indicated in the preliminary title report (enclosed), it appears that both the City of Carpinteria and City of Santa Barbara share in ownership of the strip parcel.

The Carpinteria City Council has been informed of the change in conditions and has directed me to request that the City of Santa Barbara consider quit-claiming its ownership interest to the City of Carpinteria. If this were to occur, the City would then seek to consummate the sale of the strip parcel to the adjacent homeowners.

Please let me know if this is a viable option for the City of Santa Barbara. As the Carpinteria City Council would like to move forward as soon as possible on this matter, your prompt response would be much appreciated. I will make myself and my staff available to meet with you upon your request. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Durflinger', written in a cursive style.

Dave Durflinger
City Manager

Encl: (1)

Cc: City Councilmembers
Kevin Silk, Assistant to the City Manager
Theodore Schneider, City's Attorney
Mark Reinhardt, MNS Engineers

SEVEN LOTS STRIP OF LAND SOUGHT BY CITY OF CARPINTERIA

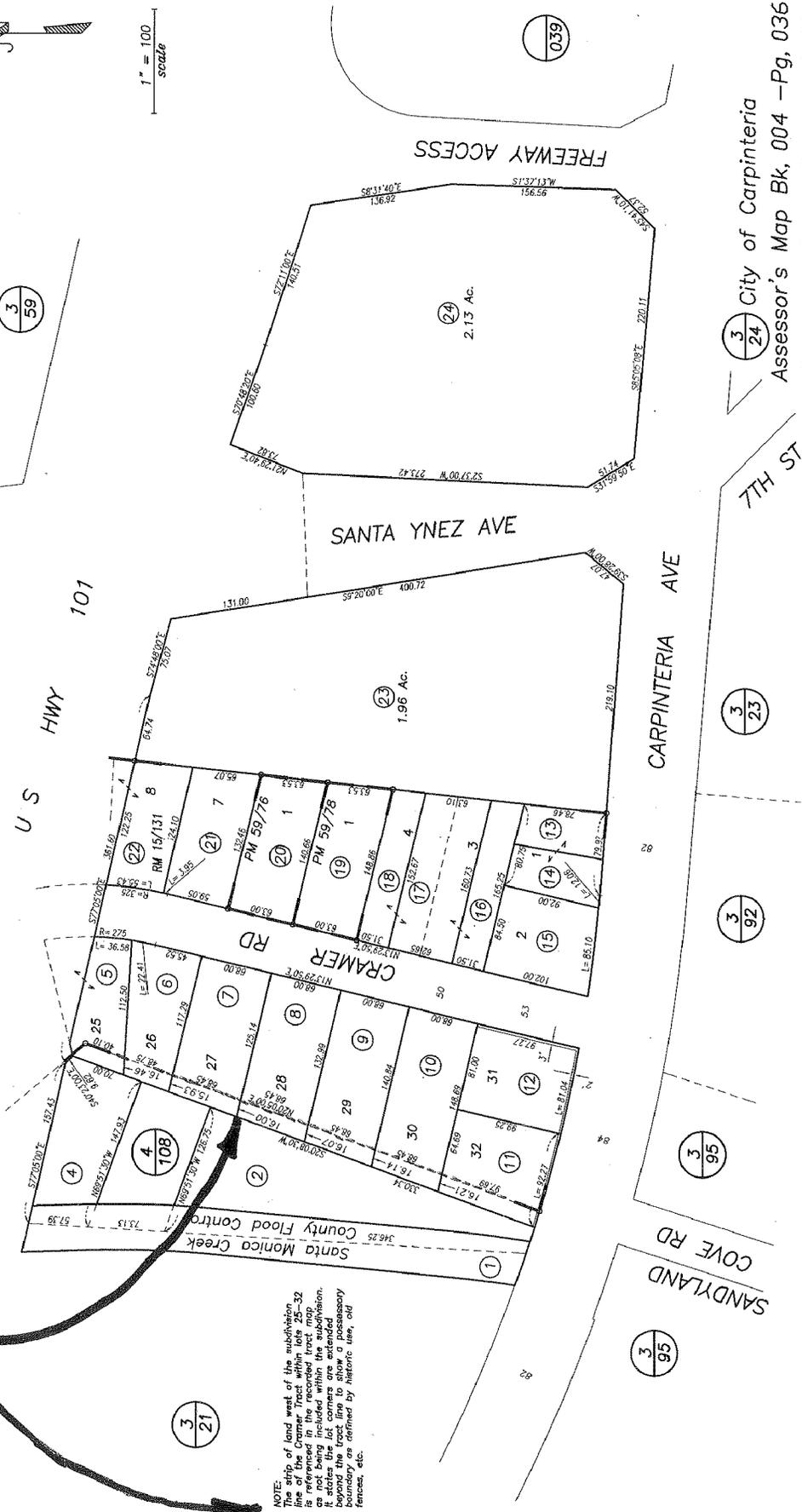
POR. PUEBLO LANDS

004-036

NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.



1" = 100
scale

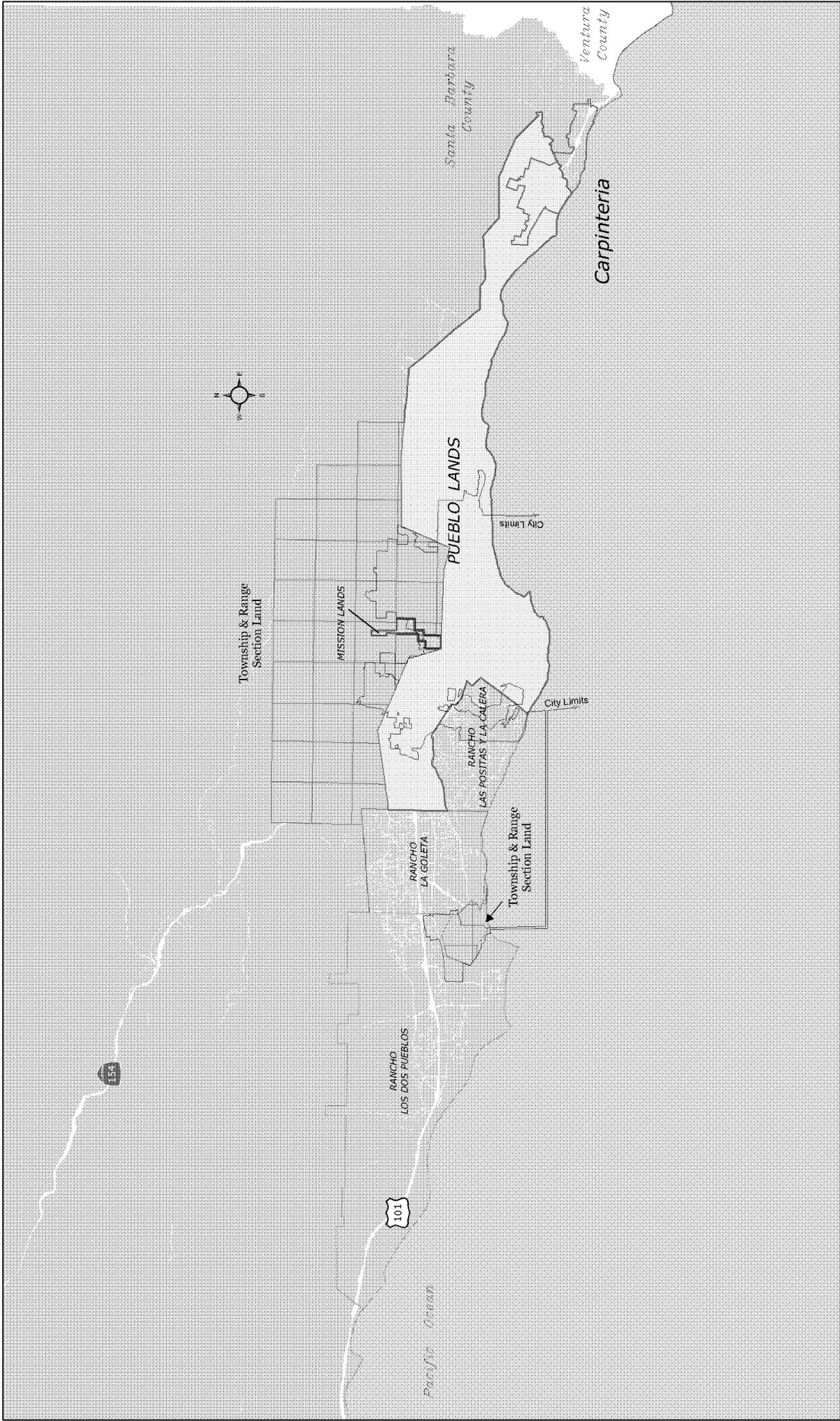


NOTE:
The strip of land west of the subdivision line of the Cramer Tract within lots 25-32 is referenced in the recorded tract map as "Strip of Land Sought by City of Carpinteria". It states the lot corners are extended beyond the tract line to show a possessory boundary as defined by historic use, old fences, etc.

City of Carpinteria
Assessor's Map Bk, 004 -Pg, 036
County of Santa Barbara, Calif.

09/24/1926 R.M. Bk. 15 , Pg. 131-132 Tract "The Cramer Tract"

LD/07 19 and 20 into single lot subdivisions



Pueblo Lands

