

ORDINANCE NO. \_\_\_\_\_

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

WHEREAS, the City of Santa Barbara, formerly the Town of Santa Barbara, acquired certain lands from the United States of America, commonly known and referred to as the "Pueblo Lands of Santa Barbara" (referred to herein as "Pueblo Lands"), generally confirmed and "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," as particularly described in a certain instrument recorded on June 17, 1872, in Book A of Patent Deeds, at Page 91, in the Office of the County Recorder;

WHEREAS, as required by the provisions of the Act of Congress of the United States approved on March 3, 1851, entitled "An Act to Ascertain and Settle the Private Land Claims in the State of California" (referred to herein as "the Act"), the Mayor and Common Council of the City of Santa Barbara received the Pueblo Lands consisting of four square leagues of land described in the aforementioned Book A of Patent Deeds at Page 91;

WHEREAS, as set forth in the Act, the City of Santa Barbara was acknowledged to have been established under Spanish or Mexican rule and existing before July 7, 1846, and charged with responsibility to act with and on behalf of private citizens who successfully petitioned the United States Board of Land Commissioners (referred to herein as the "Land Commission"), located in San Francisco, California, to perfect claims of ownership of lands located within the Pueblo Lands;

WHEREAS, as contemplated by the Act, and also contemplated in the Treaty of Guadalupe of Hidalgo (circa 1848), which ensured protection of property rights of Mexican citizens owned before California statehood, the City of Santa Barbara subsequently conveyed portions of the Pueblo Lands, as confirmed and authorized by the Land Commission, to petitioners who successfully demonstrated documentary evidence of Spanish and Mexican claims of ownership of such lands prior to the Mexican War;

WHEREAS, the City of Santa Barbara has been identified as having a possible residual claim of ownership of a variable width narrow strip of land located within the Pueblo Lands (referred to herein as "the Strip of Land"), now underlying or adjacent to Lots 25, 26, 27, 28, 29, 30 and 32 of The Cramer Tract in the City of Carpinteria, County of Santa Barbara, State of California, as depicted on a map recorded September 24, 1926, filed in Book 15 at Pages 131 and 132 of Maps, in the Office of the County Recorder of said County, and sometimes referred to as Santa Barbara County Assessor's Parcel Numbers 004-036-005, -006, -007, -008, -009, -010 and -011;

WHEREAS, the Strip of Land is a gap of land created by old survey errors and description omissions in deeds intended to convey affected portions of the Pueblo Lands claimed by original petitioners, as approved by the Land Commission, particularly by deed to Jose Antonio Arellanes by the Town of Santa Barbara, recorded January 11, 1865, in Book D of Deeds, at Page 456, and by 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 of the County of Santa Barbara;

WHEREAS, the City of Carpinteria, acting through its City Manager, has requested the City of Santa Barbara to quitclaim any possible residual interest in the Strip of Land still owned by the City of Santa Barbara, if any, to the City of Carpinteria for its subsequent relinquishment to adjacent property owners, in order finally to clarify and release residual title interests that may still be owned by the City of Santa Barbara, the Town of Santa Barbara, and by the City of Carpinteria; and

WHEREAS, based on review of limited data currently available related to the obscure ownership of the Strip of Land, it appears the quality of ownership of the Strip of Land by the City of Santa Barbara is uncertain, and consequently, the estimated value of any possible residual ownership of the Strip of Land by the City of Santa Barbara is likely under \$5,000 and the Strip of Land may be conveyed in accordance with Section 520 of the Charter of the City of Santa Barbara.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. That the Quitclaim Deed executed by the City Administrator, on behalf of the City of Santa Barbara, a municipal corporation, to the City of Carpinteria, a California municipal corporation and a general law city, is hereby approved pursuant to Section 520 of the City Charter of the City of Santa Barbara, relinquishing any claim to certain real property underlying or adjacent to Lots 25, 26, 27, 28, 29, 30 and 32 of The Cramer Tract in the City of Carpinteria, County of Santa Barbara, State of California, as depicted on a map recorded September 24, 1926, filed in Book 15 at Pages 131 and 132 of Maps, in the Office of the County Recorder of said County, now sometimes referred to as Santa Barbara County Assessor's Parcel Numbers 004-036-005, -006, -007, -008, -009, -010 and -011.

SECTION 2. That the City Clerk is authorized to deliver the Quitclaim Deed executed by the City Administrator, acting on behalf of the City of Santa Barbara, to the City Manager of the City of Carpinteria, for acceptance and recordation in the Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California.