

RESOLUTION NO. 96-030

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A "PRESERVATION COVENANT" AGREEMENT WITH THE STATE OF CALIFORNIA, A REQUIREMENT OF THE STATE IN RELINQUISHING A PORTION OF STATE HIGHWAY 225 (CABRILLO BOULEVARD)

WHEREAS, on April 5, 1994, the City of Santa Barbara (City) adopted City Resolution No. 94-033 requesting a transfer in the location of the existing State Highway Route 225 on Castillo Street and Cabrillo Boulevard in the City, on a conventional highway basis, to a new location running northerly to Route 101 on Castillo Street from the intersection of Castillo/Montecito Streets; and

WHEREAS, in Resolution No. 94-033, the City agreed to accept relinquishment of the existing highway easterly from the intersection of Castillo Street and Montecito Street to Route 101, and the City agreed to enter a Cooperative Agreement between the City and the State of California (State) concerning funding of negotiated repair work for the existing facility; and

WHEREAS, the State has completed reviews of this proposal by the City and concurs that such a change in location will benefit the State, the City, and the County of Santa Barbara; and

WHEREAS, the City and State signed a Cooperative Agreement on October 19, 1995, describing the terms for the adoption of the new route location and the relinquishment of the existing route to the City; and

WHEREAS, the terms of the Cooperative Agreement include City's agreement to accept funds, which fully meets State responsibility to place the State highway in a state of good repair, and that the State will replace the deficient Sycamore Creek Bridge by contract administration of a State project under a construction permit issued by the City; and

WHEREAS, the State through the Department of Transportation (Caltrans) has requested the City's consent, by signature, to be bound by conditions and restrictions in a "Preservation Covenant" covering the historic features on the existing highway within the "East Cabrillo Boulevard Parkway Historic District", and this document is to be included as part of the description of the relinquishment; and

WHEREAS, it appears proper and to the best interest of the City that said "Performance Covenant" be executed; and

WHEREAS, the City wishes to reaffirm the request for a California Transportation Commission (CTC) adoption of a transfer in the location of existing State Highway Route 225, and that the City agrees to accept maintenance and the relinquished facility when the Relinquishment Resolution is recorded by the County Recorder:

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

1. The City reaffirms its request for a transfer of State Highway location by the CTC and reaffirms its declaration of intention to accept the relinquishment of that portion of State Highway Route 225 from Caltrans, as described in City Resolution 94-033, conditioned upon the terms in the Cooperative Agreement entered on October 13, 1995.

2. That the City hereby consents and agrees to the terms in the "Preservation Covenant" relating to the historic features on the existing highway within the "East Cabrillo Boulevard Parkway Historic District" and made a part hereof by this reference.

3. That the City Administrator is hereby authorized and directed to execute said "Preservation Covenant" on behalf of the City of Santa Barbara.

Adopted: March 5, 1996

PRESERVATION COVENANT FOR THE
TRANSFER OF SB-225 FROM THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION TO
THE CITY OF SANTA BARBARA
filed as Agreement No. 18,241

In consideration of the conveyance of control and possession of certain improved real property, hereinafter referred to as SB-225-P.M. 4.5/7.3, located in the City of Santa Barbara, County of Santa Barbara, State of California, which is more fully described as

That portion of the road-bed (curb to curb) of the existing State Highway 225 between the present State Highway 101 interchange at Cabrillo Boulevard westerly along Cabrillo Boulevard and northerly along Castillo Street to the intersection of Castillo Street and Montecito Street, including the south leg of the intersection.

The California Department of Transportation covenants on behalf of itself, its heirs, successors, and assigns at all times to the City of Santa Barbara to maintain and preserve SB-225-P.M. 4.5/7.3, a contributing element to the "East Cabrillo Boulevard Parkway Historic District," a property formally determined eligible for inclusion in the National Register of Historic Places, including the street, bridges and street furniture within such description, as follows:

1. The City of Santa Barbara shall preserve SB-225-P.M. 4.5/7.3 in accordance with the recommended approaches in Standards for the Treatment of Historic Properties (National Park Service, 1995) in order to preserve and enhance those qualities that make the East Cabrillo Boulevard Parkway Historic District eligible for inclusion in the National Register.
2. The City of Santa Barbara shall not alter the original or significant historical fabric, or transfer, relocate or demolish historical resources on or within SB-225-P.M. 4.5/7.3 which would affect the integrity or the appearance of the East Cabrillo Boulevard Parkway Historic District without first giving notice and a summary of the proposed action to the California State Office of Historic Preservation (or successor to such office), which shall have 30 days after receipt of the notice and summary for review and comment. If the State Office of Historic Preservation determines that a proposed action will have an adverse effect on a listed historical resource, the Public Works Director of the City of Santa Barbara shall develop with the State Office of Historic Preservation such prudent and feasible measures as are necessary to eliminate or mitigate the adverse effects. No such notice, review, comment, and/or mitigation shall be necessary for normal or routine maintenance activities, including, without limitation: maintenance of the road bed; resealing or reestablishing the structural section or seal of the road; repairing or replacing the drains, street furniture and utilities; sweeping; painting and maintenance of landscaping.
3. The officers, agents and employees of the State Office of Historic Preservation shall be permitted at all reasonable times to inspect SB-225-P.M. 4.5/7.3 in order to ascertain if the above conditions are being observed.

4. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the State Historic Preservation Officer may, following reasonable notice to the City of Santa Barbara, institute suit to enjoin said violation or to require the restoration of SB-225-P.M. 4.5/7.3. The parties shall first mediate differences about prudent and feasible measures to be adopted through a mediator approved by the State Historic Preservation Officer and the City Public Works Director, acting together, or through assistance from the Presiding Judge of the Santa Barbara County Superior Court.

5. The City of Santa Barbara agrees that the State Historic Preservation Officer may, at the officer's discretion, without prior notice to the City, convey and assign all or part of the rights and responsibilities of the State Office of Historic Preservation, as contained herein, to a third party.

6. This agreement is binding on the City of Santa Barbara, its heirs, successors and assigns to SB-225-P.M. 4.5/7.4, in perpetuity. Restrictions, stipulations, and covenants contained herein shall be inserted by the City of Santa Barbara verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate in SB-225-P.M. 4.5/7.3 or any part thereof.

7. The failure of the State Historic Preservation Officer to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.

The covenant shall be a binding servitude upon SB-225-P.M. 4.5/7.3 and shall be deemed to run with the land. Acceptance of the resolution to which this covenant is appended shall constitute conclusive evidence that the City of Santa Barbara agrees to be bound by the foregoing conditions and restrictions and to perform to obligations herein set forth.

CALIFORNIA DEPARTMENT OF TRANSPORTATION

By _____
Name and Title

Date: _____

Approved:
CITY OF SANTA BARBARA

Attest: P. L. Rossi
Chief Deputy City Clerk

By Sandra E. Lizarraga
Sandra E. Lizarraga, City Administrator

By Pat Kelly
Pat Kelly, Acting Public Works Director
Date: March 5, 1996

Approved as to form:
Daniel J. Wallace, City Attorney

By _____

CITY OF SANTA BARBARA

OFFICE OF THE CITY CLERK

TELEPHONE (805) 564-5309
FAX (805) 564-5556

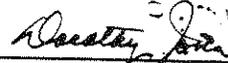


CITY HALL
DE LA GUERRA PLAZA
POST OFFICE BOX 1990
SANTA BARBARA, CA 93102-1990

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF SANTA BARBARA)

I, DOROTHY JONES, Deputy City Clerk in and for the City of Santa Barbara, California, DO HEREBY CERTIFY that attached is a full, true and correct copy of Resolution No. 96-030 adopted by the Santa Barbara City Council at its meeting of March 5, 1996.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of said City of Santa Barbara to be affixed this 7th day of March, 1996.



Dorothy Jones
Deputy City Clerk

