

RESOLUTION OF ACCEPTANCE NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT VARIOUS PROPERTY INTERESTS LOCATED AT 136 WEST HALEY STREET, 132 WEST HALEY STREET, 119 WEST HALEY STREET AND 507 BRINKERHOFF AVENUE, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, SUBJECT TO REVIEW AND APPROVAL OF THE FORM OF THE AGREEMENTS BY THE CITY ATTORNEY, TO EXECUTE FOUR SEPARATE AGREEMENTS (AND RELATED DOCUMENTS THAT MAY BE REQUIRED), INCLUDING AMONG OTHERS, NECESSARY ESCROW INSTRUCTIONS AND SUPPLEMENTAL REHABILITATION COST REIMBURSEMENT AGREEMENTS, ALL RELATING TO THE PROPOSED HALEY AND DE LA VINA STREETS BRIDGE REPLACEMENT PROJECT, AND CONSENTING TO THE RECORDATION OF THE RELATED DEEDS IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

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 Haley Street and De La Vina Street at Mission Creek, due to its age, increasingly deteriorated condition and limited flood control capacity, with anticipated reimbursement of the City's associated project costs using funds 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 the entire real property commonly known as 136 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-162-010, owned by George Galindo and Karen Galindo, due to its location immediately adjacent to the existing bridge and the proposed new bridge, for consideration in the amount of \$580,000.00, plus related escrow closing costs;

WHEREAS, the bridge replacement project also requires the purchase by the City of a temporary construction easement along Haley Street fronting the real property commonly known as 132 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-162-009, owned by Carl Bolton, in order to facilitate the removal and reconstruction of public sidewalk improvements related to the proposed new bridge, for consideration in the amount of \$1,500.00, plus costs associated with the replacement, reconfiguration and rehabilitation by the affected property owner of existing onsite improvements removed and altered in connection with the bridge replacement project, in the additional amount of \$12,000.00;

WHEREAS, the bridge replacement project also requires the purchase by the City of a temporary construction easement along Mission Creek and along Haley Street fronting the real property commonly known as 119 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-203-002, owned by Alfred Haskell and Judith Haskell, Trustees of the Alfred Haskell and Judith Haskell Revocable Trust, and Jeffrey I. Laing and Barbara A. Laing, as Trustees of the Laing 2004 Trust, in order to enable construction access to Mission Creek, and to facilitate removal and reconstruction of public sidewalk improvements related to the proposed new bridge, for consideration in the amount of \$10,800.00;

WHEREAS, the bridge replacement project also requires the purchase by the City of a temporary construction easement along the De La Vina Street frontage of the real property commonly known as 507 Brinkerhoff Avenue, Santa Barbara County Assessor's Parcel APN 037-162-007, owned by Robert A. Livernois and Wanda E. Livernois, in order to facilitate the removal and reconstruction of public sidewalk improvements related to the proposed new bridge, for consideration in the amount of \$1,500.00;

WHEREAS, as authorized by FHWA and Caltrans, the real property at 136 West Haley Street and the temporary construction easements at 119 West Haley Street, 132 West Haley Street and 507 Brinkerhoff Avenue have been appraised by an independent fee appraiser, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, written offers and required appraisal summaries and agreements have been delivered to the respective owners;

WHEREAS, the written purchase offers have been negotiated and accepted by the respective owners and their agreements have been signed voluntarily to allow the City to purchase their respective 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 Public Works Director to execute the agreements with the affected owners, 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 Public Works Director to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the various interests in the real properties, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, sale escrow instructions, and rehabilitation cost reimbursement agreements, if any; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the real property located at 136 West Haley Street, as more particularly described in a grant deed delivered for such purpose by George Galindo and Karen Galindo, and to accept the temporary construction easements at 119 West Haley Street, 132 West Haley Street and 507 Brinkerhoff Avenue, as described in such agreements, without further action or subsequent resolution to accept the interests in affected real properties.

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

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute all required agreements with George Galindo and Karen Galindo to accomplish the purchase by the City of the entire real property commonly known as 136 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-162-010, for consideration in the amount of \$580,000.00, plus related escrow closing costs.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute all required agreements with Carl Bolton to accomplish the purchase by the City of a temporary construction easement along Haley Street fronting the real property commonly known as 132 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-162-009, in order to facilitate the removal and reconstruction of public sidewalk improvements related to the proposed new bridge, for consideration in the amount of \$1,500.00, plus costs associated with the replacement, reconfiguration and rehabilitation of existing onsite improvements in connection with the bridge replacement project, in the additional amount of \$12,000.00.

SECTION 3. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute all required agreements with Alfred Haskell and Judith Haskell, Trustees of the Alfred Haskell and Judith Haskell Revocable Trust, and Jeffrey I. Laing and Barbara A. Laing, as Trustees of the Laing 2004 Trust, to accomplish the purchase by the City of a temporary construction easement along Mission Creek and along Haley Street fronting the real property commonly known as 119 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-203-002, in order to enable construction access to Mission Creek, and to facilitate removal and reconstruction of public sidewalk improvements related to the proposed new bridge, for consideration in the amount of \$10,800.00.

SECTION 4. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute all required agreements with Robert A. Livernois and Wanda E. Livernois to accomplish the purchase by the City of a temporary construction easement along the De La Vina Street frontage of the real property commonly known as 507 Brinkerhoff Avenue, Santa Barbara County Assessor's Parcel APN 037-162-007, in order to facilitate the removal and reconstruction of public sidewalk improvements related to the proposed new bridge, for consideration in the amount of \$1,500.00.

SECTION 5. The City of Santa Barbara hereby accepts the interests on the real properties mentioned above, as more particularly described in the grant deed by George Galindo and Karen Galindo to the City of Santa Barbara, dated March 20, 2008, and such agreements with Carl Bolton, Alfred Haskell and Judith Haskell, Trustees of the Alfred Haskell and Judith Haskell Revocable Trust, and Jeffrey I. Laing and Barbara A. Laing, as Trustees of the Laing 2004 Trust, and Robert A. Livernois and Wanda E. Livernois, which have been executed and delivered hereunder.

SECTION 6. The City of Santa Barbara hereby consents to the recordation by City Clerk of the grant deed by George Galindo and Karen Galindo in the Official Records, County of Santa Barbara.

SECTION 7. This Resolution shall become effective immediately upon its adoption.