



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 14, 2009

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Cabrillo Boulevard Bridge Replacement Project

### RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of Necessity by the Council of the City of Santa Barbara for Permanent and Temporary Easements Located on Real Property Commonly Known as 22 W. Cabrillo Boulevard, 6 and 10 State Street, and 13 E. Cabrillo Boulevard, Assessor's Parcel Numbers 033-102-017; 033-111-011, -012 and -006.

### BACKGROUND:

The Cabrillo Boulevard Bridge Replacement Project (Project) will replace the existing structurally deficient bridge over Mission Creek, located in the Santa Barbara Waterfront, at the intersection of State and Cabrillo Streets, directly adjacent to Stearns Wharf. The Project is part of the Highway Bridge Program (HBP) administered and funded by the State via Federal Highway Administration (FHWA). The Project includes the improvement of the hydraulic conveyance and restoration and rehabilitation of the deteriorated retaining walls and creek banks of Mission Creek, from State Street to approximately 160 feet downstream from Cabrillo Boulevard. The work is in compliance with the Lower Mission Creek Feasibility Report from September 2000 and the accompanying Environmental Impact Study/Environmental Impact Report done by the Army Corp of Engineers and approved by Council on November 30, 2001.

### DISCUSSION:

The Project requires the City's acquisition of certain Real Property Rights of Way in the form of temporary easements for construction and permanent easements for street, drainage, and flood control purposes, as identified below and on the Attachment.

The easements must be acquired by the City in accordance with applicable Federal and State laws and guidelines, with oversight provided by the California Department of Transportation (Caltrans), due to the City's eligibility for reimbursement of Project costs using HBP funds provided by the FHWA.

Project Easements To Be Obtained

As depicted on the Attachment, there are seven total Temporary Construction Easements (one from the County of Santa Barbara was already granted and is not listed here), and five permanent easements, for a total of 11 easements to be included in the Resolution.

**Temporary Construction Easements**

<u>Address</u>	<u>Parcel Number</u>	<u>Owner</u>
22 W. Cabrillo Blvd.	033-102-017-01	Antonio Romasanta
6 State Street	033-111-011-03	Lighthouse & Corner, LLC
13 E. Cabrillo Blvd.	033-111-012-02	Lighthouse & Corner, LLC
13 E. Cabrillo Blvd.	033-111-012-03	Lighthouse & Corner, LLC
13 E. Cabrillo Blvd.	033-111-012-05	Lighthouse & Corner, LLC
10 State Street	033-111-006-01	Above Mission Creek, LLC

**Permanent Easements**

<u>Address</u>	<u>Parcel Number</u>	<u>Owner</u>
6 State Street	033-111-011-01	Lighthouse & Corner, LLC
6 State Street	033-111-011-02	Lighthouse & Corner, LLC
6 State Street	033-111-011-04	Lighthouse & Corner, LLC
13 E. Cabrillo Street	033-111-012-01	Lighthouse & Corner, LLC
13 E. Cabrillo Street	033-111-012-04	Lighthouse & Corner, LLC

Purpose of Hearing

To comply with requirements of the Federal and State agencies governing the funding of the Project and reimbursement of costs to the City, there must be a determination made of the necessity for the acquisition of the Real Property Rights, including the findings supporting the adoption of a Resolution of Necessity by the City.

In addition to the adoption of the proposed Resolution of Necessity, in order to proceed with eminent domain, it is a State requirement to conduct a public hearing concerning each of the required property rights being sought by the City, subject to the evidence presented at such hearings. Council should consider adoption of the Resolution of Necessity authorizing the property rights acquisitions through the use of eminent domain, if it ultimately becomes necessary.

Per Section 1245.235 et seq. of the California Code of Civil Procedure, written notices were delivered to the respective property owners 15 days prior to the scheduled Council hearing to inform them of Council's intent to hear any evidence and to consider the possible adoption of the proposed Resolution of Necessity. The Notices sent to all of the affected owners satisfies all legal noticing requirements for the hearings.

As provided in the State Code of Civil Procedure, the public hearing related to the proposed adoption of the Resolution of Necessity should be limited to discussion of the requisite statutory findings specifically set forth in Section 1240.030 of the State Code of Civil Procedure; namely:

- That the public interest and necessity require the proposed Project.
- That 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.
- That the property described in the Resolution is necessary for the proposed Project.
- That either 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.

In addition, the Planning Commission adopted a Final Mitigated Negative Declaration and approved a Coastal Development Permit for the Cabrillo Boulevard Bridge Replacement over Mission Creek Project (MST2004-00878/CDP2007-00001) on July 12, 2007; State Clearinghouse No. 2007021124.

The environmental findings, reports, permits, and adopting actions have been made available to Council in their reading file, and to the public at the City Clerk's Office and the public counter of the Community Development building at 630 Garden Street.

Pursuant to Section 1245.240 of the California Code of Civil Procedure, the adoption of the proposed Resolution of Necessity requires approval by five Councilmembers. Staff and legal counsel will continue negotiation efforts to successfully acquire said rights.

A copy of the Notice of Hearing on the Intent of the City of Santa Barbara to Adopt a Resolution of Necessity to Acquire Property by Eminent Domain, and its attached Exhibits A-K describing the various property interest to be acquired by eminent domain is lodged with and available for public review at the City Clerk's office located at 735 State Street, Santa Barbara, California.

#### **BUDGET/FINANCIAL INFORMATION:**

There are sufficient funds in the Streets Capital Fund to purchase the required easements. The funds include a Caltrans reimbursement of 88.53%, paid by FHWA. The City is responsible for 11.47% of the costs.

**ATTACHMENT:** Right of Way Appraisal Map

**PREPARED BY:** Pat Kelly, Assistant Public Works Director/City Engineer/DT/kts

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

