

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING REAL PROPERTY LOCATED AT 309 WEST ORTEGA STREET, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AN AGREEMENT FOR ACQUISITION OF REAL PROPERTY WITH ESCROW INSTRUCTIONS AND ALL RELATED DOCUMENTS THAT MAY BE REQUIRED, INCLUDING, AMONG OTHERS, ANY INTERIM RENTAL AGREEMENT, ALL SUBJECT TO REVIEW AND APPROVAL AS TO FORM BY THE CITY ATTORNEY, RELATING TO THE PROPOSED ORTEGA STREET BRIDGE REPLACEMENT PROJECT, AND CONSENTING TO THE RECORDATION OF THE RELATED DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, a proposed project is currently undergoing final design and review for the City of Santa Barbara (City) to replace the existing bridge for Ortega 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 Ortega Street Bridge Replacement Project (Project) requires the purchase by the City of the entire real property commonly known as 309 West Ortega Street, Santa Barbara County Assessor's Parcel APN 037-113-007, owned by Manuel Figueroa and Juana Figueroa, due to its location immediately adjacent to the existing bridge and its location within the Project area, for consideration in the amount of \$675,000.00, plus related escrow closing costs;

WHEREAS, as authorized by FHWA and Caltrans, the real property at 309 West Ortega Street has 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, a written offer and required appraisal summaries and agreement has been delivered to the affected owners;

WHEREAS, the written purchase offer has been accepted by the owners of the real property at 309 West Ortega Street, and their agreement has been signed voluntarily to allow the City to purchase their real property, 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 agreement with the owners, subject to review and 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 documents that may become necessary to accomplish such purchase by the City of the real property at 309 West Ortega Street, subject to review and 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 any interim rental agreement with the owner, if necessary, to allow their continuing occupation, use and rental of the real property at a reasonable market rental rate to be established based on rentals of comparable dwellings, until lawfully relocated to make way for the Project; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the real property located at 309 West Ortega Street, as more particularly described in a grant deed delivered for such purpose by Manuel Figueroa and Juana Figueroa, as described in such agreement, without further action or subsequent resolution to accept the real property.

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, subject to review and approval by the City Attorney as to form, to execute all required agreements with Manuel Figueroa and Juana Figueroa to accomplish the purchase by the City of the entire real property commonly known as 309 West Ortega Street, Santa Barbara County Assessor's Parcel APN 037-113-007, for consideration in the amount of \$675,000.00, plus related escrow closing costs.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara, subject to review and approval by the City Attorney as to form, to negotiate and subsequently execute an interim rental agreement with the owners, Manuel Figueroa and Juana Figueroa, who currently occupy the real property at 309 West Ortega Street, at a reasonable market rental rate to be established based on rentals of comparable dwellings, until steps have been taken to cause their relocation to another real property acquired in accordance with applicable federal, state and local relocation assistance guidelines.

SECTION 3. The City of Santa Barbara hereby accepts the real property at 309 West Ortega Street, as more particularly described in the grant deed by Manuel Figueroa and Juana Figueroa to the City of Santa Barbara, dated February 1, 2010, which has been executed and delivered hereunder.

SECTION 4. The City of Santa Barbara hereby consents to the recordation of the grant deed by Manuel Figueroa and Juana Figueroa in the Official Records, County of Santa Barbara.

SECTION 5. This Resolution shall become effective immediately upon its adoption.