

RESOLUTION OF ACCEPTANCE NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT VARIOUS PERMANENT AND TEMPORARY EASEMENT INTERESTS LOCATED AT 314 WEST ORTEGA STREET, 627 BATH STREET, 631 BATH STREET, AND 620 CASTILLO STREET, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, SUBJECT TO REVIEW AND APPROVAL OF THE FORM OF THE FOUR SEPARATE AGREEMENTS BY THE CITY ATTORNEY, TO EXECUTE SUCH AGREEMENTS AND RELATED DOCUMENTS THAT MAY BE REQUIRED, INCLUDING AMONG OTHERS, NECESSARY ESCROW INSTRUCTIONS, ALL RELATING TO THE PROPOSED ORTEGA STREET 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 Ortega Street at Mission Creek, due to its age, increasingly deteriorated condition and limited flood control capacity, with anticipated reimbursement of a significant portion of the City's associated 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 a permanent easement for street, bridge and flood control purposes, along with an adjacent temporary construction easement, on a portion of the real property commonly known as 314 West Ortega Street, Santa Barbara County Assessor's Parcel APN 037-073-012, owned by Carolina Mares, as Trustee of The Mares Family Trust, October 6, 1997, due to its location immediately adjacent to the existing bridge and the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$6,880, plus related escrow closing costs, and for non-monetary consideration caused by the quitclaim and release by the City of any interest City may hold in a portion of said real property as poorly described in a deed dated February 13, 1912, and recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, in the Office of the County Recorder of Santa Barbara County, subject to the adoption by the City of an ordinance approving such quitclaim and release;

WHEREAS, the bridge replacement project requires the purchase by the City of a permanent easement for street, bridge and flood control purposes, on a portion of the real property commonly known as 627 Bath Street, Santa Barbara County Assessor's Parcel APN 037-113-014, owned by Herman and Dolores Ortega, husband and wife as community property, due to its location adjacent and downstream of the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$2,900, plus related escrow closing costs;

WHEREAS, the bridge replacement project requires the purchase by the City of a permanent easement for street, bridge, and flood control purposes, on a portion of the real property commonly known as 631 Bath Street, Santa Barbara County Assessor's Parcels APN 037-113-011 and APN 037-113-012, owned by Richard L. Vaughan and Teresa N. Vaughan, as Trustees of The Vaughan Trust, dated March 10, 2006, as community property, due to its location adjacent and downstream of the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$16,900, plus related escrow closing costs;

WHEREAS, the bridge replacement project requires the purchase by the City of a temporary construction easement for ingress and egress for all purposes necessary relative to the construction of upstream bridge and flood control improvements within Mission Creek, near the Bath Street frontage of the real property commonly known as 620 Castillo Street, Santa Barbara County Assessor's Parcel APN 037-113-033, owned by Housing Authority of the City of Santa Barbara, a political subdivision of the State of California, due to its location adjacent and downstream of the proposed new Ortega Street bridge at Mission Creek, for monetary consideration in the amount of \$250;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent and temporary easements 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 accepted by the respective owners and their agreements have been signed voluntarily to allow the City to purchase the 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

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the permanent and temporary easement interests particularly described in the respective documents delivered for such purpose, without further action or subsequent resolution.

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 the Easement Purchase Agreement and Joint Escrow Instructions with Carolina Mares, as Trustee of the Mares Family Trust, October 6, 1997, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes, along with the purchase of an adjacent temporary construction easement, on a portion of the real property commonly known as 314 West Ortega Street, Santa Barbara County Assessor's Parcel APN 037-073-012, for monetary consideration in the amount of \$6,880, plus related escrow closing costs, and for non-monetary consideration caused by the quitclaim and release by the City of any interest City may hold in a portion of said real property as poorly described in a deed dated February 13, 1912, and recorded on February 27, 1912, in Book 134 of Deeds, at Page 403, in the Office of the County Recorder of Santa Barbara County, subject to the adoption by the City of an ordinance approving such quitclaim and release.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with Herman and Dolores Ortega, husband and wife as community property, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes on a portion of the real property commonly known as 627 Bath Street, Santa Barbara County Assessor's Parcel APN 037-113-014, for monetary consideration in the amount of \$2,900, plus related escrow closing costs.

SECTION 3. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement and Joint Escrow Instructions with Richard L. Vaughan and Teresa N. Vaughan, as Trustees of The Vaughan Trust, dated March 10, 2006, as community property, to accomplish the purchase by the City of the permanent easement for street, bridge, and flood control purposes on a portion of the real property commonly known as 631 Bath Street, Santa Barbara County Assessor's Parcels APN 037-113-011 and APN 037-113-012 , for monetary consideration in the amount of \$16,900, plus related escrow closing costs.

SECTION 4. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Agreement with Housing Authority of the City of Santa Barbara, a political subdivision of the State of California, to accomplish the purchase by the City of the temporary construction easement for ingress and egress for all purposes necessary relative to the construction of upstream bridge and flood control

improvements within Mission Creek, near the Bath Street frontage of the real property commonly known as 620 Castillo Street, Santa Barbara County Assessor's Parcel APN 037-113-033, for monetary consideration in the amount of \$250.

SECTION 5. The City of Santa Barbara hereby accepts the interests on the real properties mentioned above, as more particularly described in the Mission Creek Exclusive Easement Deed signed by Carolina Mares, Trustee, on February 10, 2010, and as particularly described in the Mission Creek Exclusive Easement Deed signed by Herman and Dolores Ortega on February 11, 2010, and as particularly described in the Easement Agreement signed by Robert G. Pearson, Executive Director/CEO of Housing Authority of the City of Santa Barbara on February 10, 2010, which have been executed and delivered hereunder.

SECTION 6. The City of Santa Barbara hereby consents to the recordation by Fidelity National Title Company of each of the Mission Creek Exclusive Easement Deeds by Carolina Mares, Trustee, and by Herman and Dolores Ortega, in the Official Records, County of Santa Barbara, at the close of the respective escrows.

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