

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO EXECUTE AN AGREEMENT FOR ACQUISITION OF REAL PROPERTY LOCATED AT 401 LAS POSITAS ROAD WITH ESCROW INSTRUCTIONS AND ALL RELATED DOCUMENTS THAT MAY BE REQUIRED, ALL SUBJECT TO REVIEW AND APPROVAL AS TO FORM BY THE CITY ATTORNEY, RELATING TO A FUTURE CREEK RESTORATION AND WATER QUALITY IMPROVEMENT PROJECT, AND ACCEPTING AND CONSENTING TO THE RECORDATION OF THE RELATED DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, the City's six-year Capital Improvement Program for fiscal years (FY) 2011 through 2016 includes the "Lower Arroyo Burro Restoration Program" to develop a project on Lower Arroyo Burro that will improve wildlife habitat, water quality, and bank stabilization;

WHEREAS, the Lower Arroyo Burro Restoration Program requires the purchase by the City of the entire real property commonly known as 401 Las Positas Road, Santa Barbara County Assessor's Parcel APN 047-093-004, owned by The Bollag Family Trust, Benjamin Bollag, Trustee, due to its location immediately adjacent to Arroyo Burro and its location within the Project area, for consideration in the amount of \$505,000.00, plus related escrow closing costs;

WHEREAS, as authorized by the Council of the City of Santa Barbara, the real property at 401 Las Positas Road has been appraised by an independent 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 agreement has been delivered to the property owner;

WHEREAS, the written purchase offer has been accepted by the owner of the real property at 401 Las Positas Road, and the agreement has been signed voluntarily to allow the City to purchase the 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 Parks and Recreation 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 Parks and Recreation Director to subsequently execute any documents that may become necessary to accomplish such purchase by the City of the real property at 401 Las Positas Road, 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

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the real property located at 401 Las Positas Road, as more particularly described in a grant deed delivered for such purpose by The Bollag Family Trust, Benjamin Bollag, Trustee, 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 Parks and Recreation 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 The Bollag Family Trust, Benjamin Bollag, Trustee, to accomplish the purchase by the City of the entire real property commonly known as 401 Las Positas Road, Santa Barbara County Assessor's Parcel APN 047-093-004, for consideration in the amount of \$505,000.00, plus related escrow closing costs.

SECTION 2. The City Council of the City of Santa Barbara hereby consents to the acquisition of 401 Las Positas Road and authorizes the Parks and Recreation Director, upon the successful completion of the approved escrow, to accept and record the grant deed by The Bollag Family Trust, Benjamin Bollag, Trustee, in the Official Records, County of Santa Barbara.

SECTION 3. This Resolution shall become effective immediately upon its adoption.