

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING AN EASEMENT FOR WATER MAINS ON A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 1900 LASUEN ROAD, SANTA BARBARA COUNTY, ASSESSOR'S PARCEL NUMBER 019-170-022, AND ADOPTING AN ORDER SUMMARILY VACATING AND ABANDONING THE EXISTING SUPERSEDED EASEMENT FOR WATER PIPELINES, BOTH WITHIN THE LIMITS OF SAID CITY

WHEREAS, a certain new easement for realigned public water mains and related facilities, hereinafter the "New Easement," has been offered to the City of Santa Barbara, a municipal corporation, as described in a certain Waterline Easement Deed delivered to the City of Santa Barbara, by El Encanto, Inc., a Delaware Corporation, the owner of the real property commonly known as El Encanto Hotel, located at 1900 Lasuen Road, Santa Barbara County, APN 019-170-022;

WHEREAS, Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code, hereinafter the "Vacation Law," authorizes and establishes the method for the vacation of all or a part of any city street or public service easement;

WHEREAS, there is an existing easement for water pipelines and incidental purposes granted to the City of Santa Barbara, a municipal corporation, recorded on April 28, 1923, as Instrument No. 3246, in Book 221 of Deeds, at Page 242, in the office of the County Recorder of Santa Barbara County, hereinafter the "Superseded Easement", which upon acceptance by the Council of the City of Santa Barbara of the New Easement offered by El Encanto, Inc., shall become no longer necessary for the use, operation and maintenance of water pipelines by the City of Santa Barbara;

WHEREAS, pursuant to Section 8333, subsection c, of the Vacation Law, the City Council finds and declares that the Superseded Easement proposed for summary vacation has been superseded by relocation of public water mains within the New Easement, and there are no other public service facilities presently located within the Superseded Easement;

WHEREAS, the City Council finds that, upon its acceptance of the New Easement, the Superseded Easement should therefore be summarily vacated; and

WHEREAS, pursuant to Section 8335 of the California Streets and Highways Code, the City Council finds and declares:

- (1) That the vacation of the Superseded Easement is made under Chapter 4, Part 3, Division 9 of the Streets and Highways Code;
- (2) That the waterline easement summarily to be vacated is the Superseded Easement;
- (3) That the summary vacation of the Superseded Easement is

made and is necessary for the reasons set forth above; and

(4) That after the date of recordation of this resolution, the Superseded Easement shall no longer constitute a waterline easement.

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

Section 1. The City of Santa Barbara hereby accepts that certain New Easement for public water mains and all related purposes described in the Waterline Easement Deed to the City of Santa Barbara, a municipal corporation, by El Encanto, Inc., a Delaware corporation, the owner of the real property commonly known as El Encanto Hotel, located at 1900 Lasuen Road, Santa Barbara County APN 019-170-022.

Section 2. That the Superseded Easement is hereby ordered summarily vacated and abandoned and all lands covered by any of the Superseded Easement shall no longer be subject to public water pipeline easement purposes.

Section 3. That the Superseded Easement hereby ordered summarily to be vacated and abandoned is more particularly described as follows:

That easement for water pipeline and incidental purposes granted to the City of Santa Barbara, a municipal corporation, recorded on April 28, 1923, as Instrument No. 2346, in Book 221 of Deeds, at Page 242, in the Office of the County Recorder of said County.

Section 4. That the City Clerk shall cause the Waterline Easement Deed, together with a certified copy of this resolution accepting the New Easement and summarily vacating the Superseded Easement, to be recorded in the Official Records, in the office of the County Recorder of the County of Santa Barbara.