

RECORDING REQUESTED BY, AND )  
WHEN RECORDED, SEND TO: )  
 )  
City of Santa Barbara )  
City Clerk's Office )  
P.O. Box 1990 )  
Santa Barbara, CA 93102-1990 )

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No Fee Per Streets & Highways Code

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING AN ORDER SUMMARILY VACATING AND ABANDONING A CERTAIN PUBLIC PEDESTRIAN ACCESS EASEMENT LOCATED BETWEEN 1615 AND 1621 GRAND AVENUE, RESPECTIVELY SANTA BARBARA COUNTY ASSESSOR'S PARCEL NUMBERS 027-270-037 AND 027-270-036, WITHIN THE LIMITS OF SAID CITY, AND APPROVING THE TERMINATION OF THE DECLARATION OF ACCESS EASEMENT RECORDED AS INSTRUMENT NUMBER 2010-0052010 OF OFFICIAL RECORDS, AND PROVIDING FOR THE RECORDATION OF THIS RESOLUTION

A. Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code authorizes and establishes the method for the vacation of all or a part of any city street or public service easement.

B. There is a certain public pedestrian access easement, hereinafter the "Easement," which was offered by the owner of the real property described as Lot 1 and Lot 2 of Final Map No. 20,779, and subsequently accepted by the Council of the City of Santa Barbara, as depicted on Final Map No. 20,779 recorded on September 21, 2010, filed in Book 204 of Maps, at Pages 72 through 76, in the office of the County Recorder, Santa Barbara County.

C. It has been determined that the Easement was not required by Santa Barbara City Council Resolution No. 06-103, although the Easement was inadvertently offered to and accepted by the Council of the City of Santa Barbara on said Final Map No. 20,779.

D. There is a certain Declaration of Access Easement also recorded on September 21, 2010, as Instrument No. 2010-0052010 of Official Records, hereinafter the "Declaration," which relates to the anticipated improvement, maintenance and use of a walkway within the Easement described herein.

E. It has further been determined that the steep topography underlying the Easement is not feasible for improvement and use of a public walkway that would be fully accessible for use by all pedestrians, and that a walkway between the onsite residential areas adjacent to the Easement would not provide reasonably beneficial access between Grand Avenue and other non-adjacent public facilities and improvements approved for development by the City of Santa Barbara.

F. Pursuant to Section 8333, subsection c, of the California Streets and Highways Code, the City Council finds and declares that the Easement is excess, and there are no other public facilities located within the Easement.

G. The City Council finds that the excess Easement should therefore be summarily vacated.

H. Pursuant to Section 8335 of the California Streets and Highways Code, the City Council finds and declares:

(1) That the vacation of the Easement is made under Chapter 4, Part 3, Division 9 of the Streets and Highways Code;

(2) That the public pedestrian access easement summarily to be vacated is the Easement;

(3) That summary vacation of the Easement is made and is necessary for the reasons set forth above; and

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

NOW THEREFORE, be it resolved by the Council of the City of Santa Barbara as follows:

SECTION 1. That the Easement is excess and is hereby ordered summarily vacated and abandoned, and all lands covered by any of the Easement shall no longer be subject to public pedestrian access easement purposes.

SECTION 2. That the Easement hereby ordered summarily to be vacated and abandoned is more particularly described on Exhibit A, and depicted on Exhibit B, as attached hereto and made a part hereof.

SECTION 3. That the Declarant referred to and identified in that certain Declaration recorded on September 21, 2010, as Instrument No. 2010-0052010 of Official Records, and any successor owners, are hereby authorized to terminate the Declaration, and the City Administrator, the City Engineer, the Community Development Director, and the City Attorney are authorized on behalf of the City to execute an appropriate instrument to terminate the Declaration.

SECTION 4. That the City Clerk shall cause a certified copy of this resolution of summary vacation, attested by the Clerk under the seal of the City of Santa Barbara, to be recorded in the Official Records, in the office of the County Recorder of the County of Santa Barbara.

## Exhibit A

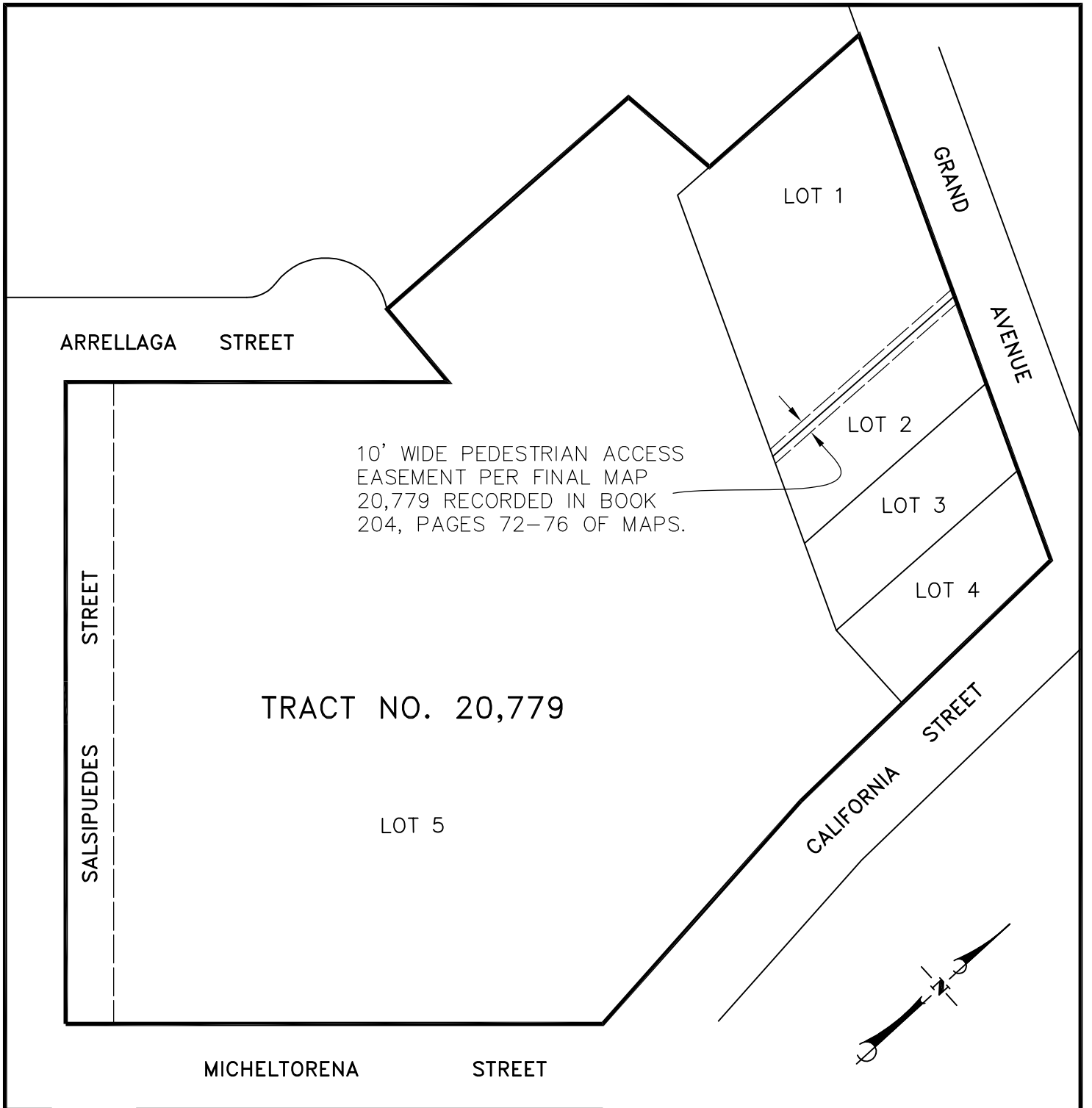
That certain 10 foot wide strip of land in the City of Santa Barbara, County of Santa Barbara, State of California, designated as "10 Foot Wide Public Pedestrian Access Easement Offered to the City of Santa Barbara Per This Map" on the map filed in the office of the County Recorder of said County in Book 204, Pages 72 through 76, inclusive, of Maps.

Prepared by:

Kenneth S. Hughes  
PLS 6170  
License expiration  
date: 3/31/12



*Kenneth S. Hughes*  
*MAR. 11, 2011*



**Penfield & Smith**  
 Engineering · Surveying · Planning  
 · Construction Management ·

**EXHIBIT B**

**SUMMARY VACATION OF 10' WIDE PEDESTRIAN ACCESS EASEMENT**

15623.02A

1/20/11

1"=100'