

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE ACTING PUBLIC WORKS DIRECTOR TO ACCEPT AND EXECUTE A RIGHT OF ENTRY FOR THE POSSESSION AND USE OF CERTAIN REAL PROPERTY LOCATED AT 13 (OTHERWISE KNOWN AS 15) EAST CABRILLO BOULEVARD (ASSESSOR'S PARCEL NO.: 033-111-012), 21 HELENA AVENUE (ASSESSOR'S PARCEL NO.: 033-111-004), AND 6 STATE STREET (ASSESSOR'S PARCEL NO.: 033-111-011), AND SUCH OTHER AGREEMENTS AND RELATED DOCUMENTS AS MAY BE REQUIRED, ALL RELATING TO THE CABRILLO BOULEVARD BRIDGE REPLACEMENT PROJECT; AND CONSENTING TO THE RECORDATION OF A MEMORANDUM OF RIGHT OF ENTRY IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, a proposed project is currently undergoing final design for the City of Santa Barbara (City) to replace the existing bridge at Cabrillo Boulevard and 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 funding provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by California Department of Transportation (Caltrans);

WHEREAS, the bridge replacement project requires the purchase by the City of several permanent easements for street, bridge, drainage, and flood control purposes, along with several temporary construction easements, on the real property commonly known as 13 (otherwise known as 15) East Cabrillo Boulevard (Santa Barbara County Assessor's Parcel Number (APN)): 033-111-012), 21 Helena Avenue (APN: 033-111-004), and 6 State Street (APN: 033-111-011), due to the property's location immediately adjacent to the existing bridge and the proposed new Cabrillo Boulevard bridge at Mission Creek;

WHEREAS, as authorized by FHWA and Caltrans, the respective permanent easements and temporary construction easements have been valued, 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 valuation summaries and agreement have been delivered to the Property Owner;

WHEREAS, the City desires to protect the project construction schedule and federal participation funding;

WHEREAS, the City desires to accept that certain Right of Entry offered by the Property Owner for legal possession and use of the property for the purposes of obtaining a Right of Way Certification from Caltrans to be able to advertise and award the bid to construct the bridge;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Acting Public Works Director to accept and execute the Right of Entry with the Property Owner; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept and execute the Right of Entry 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 Acting Public Works Director is hereby authorized by the Council of the City of Santa Barbara to accept and execute the Right of Entry.

SECTION 2. The City of Santa Barbara hereby consents to the acceptance and execution of the Right of Entry.

SECTION 3. The City of Santa Barbara hereby consents to the recordation by Chicago Title Company, 1101 Anacapa Street, Santa Barbara, CA 93101, (805) 963-8661 of the Memorandum of Right of Entry.

SECTION 4. This Resolution shall become effective immediately upon its adoption.