

RECORDING REQUESTED BY)
 AND WHEN RECORDED MAIL TO:)
)
 City of Santa Barbara)
 City Clerk)
 P.O. Box 1990)
 Santa Barbara, CA 93102-1990)
)
) No fee per STS & HWY CODE 8325
 _____)
 Space above line for Recorder's Use

RESOLUTION NO. 12-085

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ORDERING THE VACATION OF THE PORTION OF LOWENA DRIVE LOCATED ADJACENT TO ASSESSOR'S PARCEL NOS. 029-202-001 AND 029-201-004 AS HEREINAFTER DESCRIBED, AND PROVIDING FOR THE RECORDATION OF THIS RESOLUTION UPON SUCCESSFUL COMPLETION OF CONDITIONS CONTAINED HEREIN

WHEREAS, the Council of the City of Santa Barbara, by Resolution No. 12-076, has declared its intention to vacate a certain portion of Lowena Drive between Assessor's Parcel Nos. 029-202-001 and 029-201-004, on the premises commonly known as the Santa Barbara Bowl, within the City Limits of said City, which portion of Lowena Drive is hereinafter referred to as the "Street Easement";

WHEREAS, on December 4, 2012, at 2:00pm, during the regularly scheduled Council meeting, the Santa Barbara City Council held a hearing upon the proposed vacation of the Street Easement for all persons interested in or objecting to the vacation;

WHEREAS, the above referenced hearing was duly noticed and held pursuant to Division 9, Part 3, Chapter 3 (Sections 8320-8325) of the Streets and Highways Code of the State of California as amended;

WHEREAS, the City Council caused Notices of Vacation to be posted in the manner and during the time required by Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California;

WHEREAS, the Council of said City caused the City Clerk to publish the notice of the hearing on the proposed vacation of the Street Easement in a weekly newspaper of general circulation, published and circulated in the City of Santa Barbara as required by Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California;

WHEREAS, the City Council, having heard and considered the evidence offered by all interested persons appearing at the hearing, finds that the Street Easement is not necessary for present or prospective public use purposes, but is needed for existing public utilities service easement which shall herein be reserved for rights that are or may be necessary for the use and maintenance of various public utility services other than for a public street;

WHEREAS, the Street Easement hereinafter described is not necessary or useful for a non-motorized transportation facility;

WHEREAS, the City claims no interest in the underlying fee ownership of the subject portion of Lowena Drive;

WHEREAS, the City additionally makes no claim as to any underlying fee ownership, or any easement rights related to what is commonly known as Cove Mound Drive on the County of Santa Barbara property;

WHEREAS, Lowena Drive in part runs over land owned by the County of Santa Barbara and upon which the large outdoor amphitheater known as the Santa Barbara Bowl is located;

WHEREAS, the Santa Barbara Bowl Foundation, the operators of the Santa Barbara Bowl, own land adjacent to the Santa Barbara Bowl and lease the land upon which the Santa Barbara Bowl is located from the County of Santa Barbara;

WHEREAS, the Santa Barbara Bowl Foundation desires to renovate the existing box office and construct a new 2,210 square-foot administration building with box office and public restrooms at the Santa Barbara Bowl, and improve pedestrian and shuttle routes from the box office to the amphitheater (hereinafter the "Bowl Renovation Project");

WHEREAS, part of the Bowl Renovation Project the Santa Barbara Bowl Foundation has agreed to construct certain street improvements on a portion of Lowena Drive which is not subject to the proposed street vacation;

WHEREAS, the recordation of the Resolution vacating Lowena Drive is conditioned upon construction of certain public street improvements made to Lowena Drive, which are more particularly described in the C-1 drawings prepared in conjunction with the Bowl Renovation Project identified as City Master Planning Permit No. MST2009-00551, not later than three (3) years from adoption of this Resolution; and

WHEREAS, the City Council authorizes the City Clerk to record this Resolution only upon receipt of an approved final inspection by the City of Santa Barbara of the Lowena Drive cul-de-sac street improvements set forth in the C-1 drawings prepared in conjunction with the Bowl Renovation Project

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

The City Council finds and determines as follows:

SECTION 1. That, upon completion of the duly noticed December 4, 2012 public hearing regarding this vacation, the City Council approves the proposed street easement vacation of the portion of Lowena Drive as described hereinafter for the following reasons:

1. The above findings are true and correct.
2. The street easement for the portion of Lowena Drive described is not necessary for the present or prospective public street purposes or City of Santa Barbara waterline utility use purposes, with the exception of the reservation for public utilities services use, other than for a public street.

SECTION 2. The vacation of Lowena Drive is conditioned upon the prior construction of certain public street improvements made to Lowena Drive which are more particularly described in the C-1 drawings prepared in conjunction with the Bowl Renovation Project identified as City Master Planning Permit No. MST2009-00551 not later than three (3) years after the adoption of this Resolution.

SECTION 3. Upon receipt of an approved final inspection by the City of Santa Barbara of the Lowena Drive cul-de-sac street improvements, as set forth in the C-1 drawings prepared in conjunction with the Bowl Renovation Project, the City Clerk shall cause a certified copy of this Resolution to be duly attested and recorded in the Office of the County Recorder of the County of Santa Barbara.

SECTION 4. Upon issuance by the City of the permit to construct the Santa Barbara Bowl Box Office Renovation project, as identified under City Master Planning Permit No. MST2009-00551 the Santa Barbara Bowl Foundation is hereby granted a temporary construction right of entry to use and occupy that portion of Lowena Drive that is subject to the conditional vacation in order to construct the Santa Barbara Bowl Box Office Renovation Project.

Section 5. In view of the above, and only upon satisfaction of SECTIONS 2 and 3 above, it is resolved that the Lowena Drive Street Easement described below is ordered vacated and all lands covered by any of said public street easement shall no longer be subject to a public street easement, namely;

DESCRIPTION

Those certain portions of street easement known as Lowena Drive, in the City of Santa Barbara, County of Santa Barbara, State of California, more particularly described on Exhibit "A", and generally depicted on Exhibit Map "B" attached hereto.

RESERVING THEREFROM said vacation to the City of Santa Barbara, a non-exclusive public service easement for all public utilities to use, maintain, operate, alter, repair, relocate and/or remove, at any time and from time to time, public facilities consisting of gas pipelines, electrical transmission lines and appurtenances, communication lines, cable television conduits, and other public utilities easement use other than for street or highway purposes, upon, over, in, under, along, through and across that entire certain portion of Lowena Drive herein described per Exhibits "A" and "B" as referred to above.

EXHIBIT "A"

LEGAL DESCRIPTION:

Abandonment of a portion of the City of Santa Barbara's Easement known as "Lowena Drive"

All that portion of "Lowena Drive" granted in the Deed to the County of Santa Barbara, recorded July 13, 1936, in Book 364, Page 461 of Official Records in the office of the Santa Barbara County Recorder, and accepted as an Easement for "Street Purposes" by the City of Santa Barbara per City Resolution Nos. 2736 and 2737 adopted February 24, 1955, that portion to be abandoned is described as follows:

Beginning at a point on the Northeasterly line of Milpas Street, said point bears South 50°19'00" East 177.08 feet from the intersection of said Northeasterly line of Milpas Street with the Northwesterly line of Anapamu Street;

Thence	North 36°04'00" East, 127.79 to the beginning of a curve to the left with a radius of 245.75 feet and a delta of 14°54'40";
Thence	Along the arc of said curve a distance of 63.96 feet to the end of said curve;
Thence	North 21°09'20" East 35.35 feet to the beginning of a curve to the right with a radius of 41.74 feet and a delta of 45°19'40";
Thence	Along the arc of said curve a distance of 33.02 feet to the end of said curve;
Thence	North 66°30'00" East 49.97 feet to a point;
Thence	North 23°30'00" West 30.00 feet to a point;
Thence	South 66°30'00" West 28.26 feet to the beginning of a curve to the right with a radius of 11.00 feet and a delta of 107°10';
Thence	Along the arc of said curve a distance of 20.57 feet to the end of said curve and the beginning of a reverse curve to the left with a radius of 96.81 feet and a delta of 17°00';
Thence	Along the arc of said curve a distance of 28.72 feet to the end of said curve;
Thence	North 23°20'00" West 88.85 feet to the beginning of a curve to the left with a radius of 43.21 feet and a delta of 91°13'40";
Thence	Along the arc of said curve a distance of 68.80 feet to the end of said curve;
Thence	North 3°51'00" West 13.45 feet more or less to a intersect the Pueblo Line of the City of Santa Barbara and the monument line shown on Record of Survey Book 49, Page 40 Santa Barbara County Records;
Thence	Along the Pueblo Line North 88°39' 50" West 13.95 feet to a point on the Northwesterly line of Lowena Drive as shown on said map;

Thence South 30°16'30" West along said Northwesterly line 14.50 feet to a point;
Thence South 44°44'21" East 43.78 feet to a point on the Southeasterly line of Lowena Drive, said point being the beginning of a curve to the right having a radius of 13.21 feet and a delta of 109°36';
Thence Along the arc of said curve a distance of 25.27 feet to the end of said curve;
Thence South 23°20'00" East 88.85 feet to the beginning of a curve to the right with a radius of 66.81 feet and a delta of 44°29'50";
Thence Along the arc of said curve a distance of 51.89 feet to the end of said curve;
Thence South 21°09'20" West 59.35 feet to the beginning of a curve to the right with a radius of 215.75 feet and a delta of 14°54'40";
Thence Along the arc of said curve a distance of 56.15 feet to the end of said curve;
Thence South 36°04'00" West 125.90 feet to intersect the Northeasterly line of Milpas Street;
Thence South 50°19'00" East along said Northeasterly line 30.06 feet to the Point of Beginning.

End of Description

Calculated Area: 15,733 Sq. Ft. / 0.36 Acres

Prepared by: Joseph E. Waters, PLS 3804

Date: June 28, 2012



RESOLUTION NO. 12-085

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on December 4, 2012, by the following roll call vote:

- AYES: Councilmembers Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse; Bendy White, Mayor Helene Schneider
- NOES: None
- ABSENT: Dale Francisco
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on December 5, 2012.





Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on December 5, 2012.



Helene Schneider
Mayor