

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE ASSIGNMENT OF EXISTING CITY EASEMENT INTERESTS ON PRIVATE PROPERTIES AND THE GRANTING OF EASEMENTS ON CITY OWNED PROPERTIES TO THE COUNTY OF SANTA BARBARA FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR FLOOD CONTROL AND ALL RELATED PURPOSES, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AS NECESSARY THE ASSIGNMENT AND GRANT DEEDS IN A FORM APPROVED BY THE CITY ATTORNEY

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

WHEREAS, the City of Santa Barbara (City) has acquired various easement interests on private properties as necessary for the completion of the Haley De La Vina and Ortega Street Bridge Replacement Projects; and

WHEREAS, the City has also acquired fee ownership of properties that were necessary for the completion of the Haley De La Vina and Ortega Street Bridge Replacement Projects; and

WHEREAS, the City has completed construction and replacement of the bridges at Haley De La Vina and Ortega Streets; and

WHEREAS, the City and the County of Santa Barbara Flood Control and Water Conservation District (SBFCD) are working jointly to improve water conveyance and flood control within a portion of Mission Creek, beginning at Canon Perdido Street and continuing to Cabrillo Boulevard, known as the Lower Mission Creek Flood Control Project (LMCFCP), as originally designed by the US Army Corp of Engineers; and

WHEREAS, the intent between both the City and SBFCD has been to permanently assign all easements and or other property rights acquired by the City that may allow for enhanced access and flood control purposes by SBFCD within Mission Creek, and that the City and SBFCD have agreed to transfer and accept those certain easement interests as particularly described by the respective Assignment and Grant Deeds to be executed by both parties subsequent to the approval of this Ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. That the easement interests being assigned to SBFCD and transferred from the City by Assignment Deed include existing City easements filed as Instruments Nos. 2008-0059391, dated October 16, 2008; 2009-0017852, dated April 2, 2009; 2010-0031772, dated June 16, 2010; 2010-0031773, dated June 16, 2010; 2010-0031774, dated June 16, 2010; and 2013-0063569, dated September 25, 2013, of Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California.

SECTION 2. That the City hereby grants to SBFCD easements for access, flood control and related purposes on the City fee-owned properties as particularly described and shown in the existing Grant Deeds to City, filed as Instruments Nos. 2007-0025392, dated April 6, 2007, 2008-0029561, dated May 29, 2008, and the property acquired by the City under Notice of Entry of Judgment, Case No. 1337858, recorded March 5, 2014 as Instrument No. 2014-0010021 of Official Records in the Office of County of the County Recorder, County of Santa Barbara, State of California.

SECTION 3. That the City Administrator is authorized to execute, in the form approved by the City Attorney, the above referenced Easement Assignment and Easement Grant Deeds, and other related documents as may be necessary.

SECTION 4. Following the effective date of this ordinance and the effective date of acceptance of said easements by SBFCD, the City Clerk is hereby authorized to cause the recordation of said Easement Assignment and Easement Grant Deeds in the Official Records in the Office of the County Recorder, County of Santa Barbara, State of California.