

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING EASEMENTS AT 513 AND 517 DE LA VINA STREET, ACCEPTING A QUITCLAIM INTEREST IN AN ADJACENT PORTION OF MISSION CREEK, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, SUBJECT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY, AND SUBJECT TO REVIEW AND ADVANCE WRITTEN APPROVAL OF NECESSARY EASEMENT PURCHASE COSTS BY THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, TO APPROVE AN EASEMENT PURCHASE AGREEMENT AND RELATED DOCUMENTS, AND WHICH AUTHORIZES THE PAYMENT OF JUST COMPENSATION TO THE PROPERTY OWNER IN THE AMOUNT OF \$160,000

WHEREAS, a proposed project is undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridge for Haley Street and De La Vina Street at Mission Creek, due to its age, increasingly deteriorated condition and limited flood control capacity, with anticipated reimbursement of the City's associated costs using funds provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the bridge replacement project requires the purchase by the City of certain permanent and temporary easements on the real property at 513 and 517 De La Vina Street, Santa Barbara County Assessor's Parcel APN 037-161-032, owned by Joyce M. Eggers, Trustee of the Eggers Family Trust, along with the quitclaim of any interest in an adjacent portion of Mission Creek by Joyce M. Eggers, Trustee, due to the proximity of the real property to the existing bridge and the proposed new bridge, for consideration in the amount of \$160,000.00, plus related escrow closing costs;

WHEREAS, as authorized by FHWA and Caltrans, the permanent and temporary easements on the real property at 513 and 517 De La Vina Street have been appraised by an independent fee appraiser, 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 a required appraisal summary, agreement and deeds have been delivered to the owner;

WHEREAS, the owner has subsequently proposed counter offers, the most recent of which has been recommended favorably, and the agreement and deeds have been signed voluntarily to allow the City to purchase the permanent and temporary easements, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the Easement Purchase Agreement with Joyce M. Eggers, Trustee of the Eggers Family Trust, subject to approval as to form by the City Attorney, and subject to review and advance written approval of necessary easement purchase costs by Caltrans;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Public Works Director to subsequently execute any other documents that may be necessary to accomplish such purchase by the City of the permanent and temporary easements, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, sale escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the easement on the real property located at 513 and 517 De La Vina Street, as particularly described in the Mission Creek Exclusive Easement Deed, delivered for such purpose by Joyce M. Eggers, Trustee of the Eggers Family Trust, along with the quitclaim of any interest in an adjacent portion of Mission Creek by Joyce M. Eggers, Trustee of the Eggers Family Trust, as more particularly described in the Mission Creek Quitclaim Deed, delivered for such purpose, all as described in such Easement Purchase Agreement, without further action or subsequent resolution to accept the easement and quitclaim.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Barbara as follows:

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara, subject to review and approval by the City Attorney, and subject to review and advance written approval of necessary easement purchase costs by Caltrans, to execute the Easement Purchase Agreement with Joyce M. Eggers, Trustee of the Eggers Family Trust, to accomplish the purchase by the City of the permanent and temporary easements on the real property commonly known as 513 and 517 De La Vina Street, Santa Barbara County Assessor's Parcel APN 037-161-032, for just compensation in the amount of \$160,000.00, plus related escrow closing costs.

SECTION 2. The City of Santa Barbara hereby accepts the easements on the real property at 513 and 517 De La Vina Street, as more particularly described in the Mission Creek Exclusive Easement Deed by Joyce M. Eggers, Trustee of the Eggers Family Trust, to the City of Santa Barbara, and hereby accepts the quitclaim of any interest in the adjacent portion of Mission Creek, as more particularly described in the Mission Creek Quitclaim Deed by Joyce M. Eggers, Trustee of the Eggers Family Trust, to the City of Santa Barbara, and as described in such Easement Purchase Agreement, all of which have been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation of each the Mission Creek Exclusive Easement Deed and the Mission Creek Quitclaim Deed by Joyce M. Eggers, Trustee of the Eggers Family Trust, in the Official Records, County of Santa Barbara.

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