



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: Engineering Division, Public Works Department
Housing and Redevelopment Division, Community Development
Department

SUBJECT: Chase Palm Park Easement And Adjacent Recycled Water
Easement

RECOMMENDATION:

- A. That the Redevelopment Agency (Agency) Board approve and authorize the Agency's Executive Director to execute, subject to approval by the Agency's Counsel, an amendment to the Declaration of Construction and Operating Covenants and Reciprocal Easements (Declaration), to extend the termination date to January 15, 2015, and to provide for a reciprocal underground utility easement in Chase Palm Park; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Recycled Water Pipeline Easement Located on a Portion of the Real Property Commonly Known as 103 South Calle Cesar Chavez, Santa Barbara County Assessor's Parcel No. 017-113-020.

DISCUSSION:

In 1993, the City approved a Specific Plan, and a subsequent Specific Plan Amendment, providing for the development by the Agency and by American Tradition, LLC, of a public/private project on the site of the now existing Chase Palm Park (Park) and the adjoining area under development as a luxury hotel. In 1996, the City, the Agency, and American Tradition caused the preparation and recordation of Redevelopment Parcel Map No. 20,587. The map created lots for the hotel site by American Tradition (parcel 1 on the map), and for the Park (parcels 2 and 3 on the map), along with various existing and new easements in the area. The proposed hotel site, the hotel parking site, the Park, and other landmarks are shown on Attachment 1.

The obligations of the parties to develop the Park and hotel, as shown on Attachment 1, are set forth in a series of agreements, and one such agreement is the Declaration. The Declaration, originally recorded in 1996, requires the Agency to develop the Park. Once developed, the Agency is to convey the Park property, together with all rights and obligations in the Declaration, to the City. Ownership of the Park property continues to be held by the Agency, but will be conveyed to the City in the future.

A transition area, adjacent to the hotel, but within the Park, provides for landscaping and utility uses to ensure that a buffer area will exist between the hotel use and the Park use. The area also provides emergency access for the Park and the hotel. The Declaration describes several underground reciprocal and nonexclusive utility easements that are granted between American Tradition and the Agency.

As plans for the hotel and the Park's transition area have been finalized, it has become apparent that additional underground utilities will be necessary to most efficiently serve the hotel, which requires the establishment of a new utility easement as shown on Attachment 2. These new utilities will have no operational effect on the Park.

The Declaration, not including the recorded easements, terminates 35 years from the opening date of the hotel, or September 21, 2010. The proposed amendment to the Declaration states that it will extend the termination date until "(a) 35 years from the Opening Date, or (b) January 1, 2015 if the Opening Date has not occurred by such date." The amendment will also establish the new easement on the Park for the additional underground utilities. The date of January 1, 2015, was selected because in 2015, the Agency's Central City Redevelopment Project Area is scheduled to expire and it is expected that the Agency will convey the Park property to the City by this date, if not sooner.

Staff also recommends Council's concurrent adoption of a Resolution to accept a recycled water pipeline easement. This easement will acknowledge and provide for the City's continuing use, maintenance, and replacement of the existing recycled water pipeline located on the real property now owned by American Tradition at 103 South Calle Cesar Chavez. The location of the recycled water pipeline easement is shown on Attachment 3.

In 1989, in connection with the Santa Barbara Water Reclamation Project (Project), the City constructed approximately 7 miles of recycled water pipelines. These pipelines provide reclaimed water for the irrigation of landscaping at several large tracts of land in and adjacent to the City Limits. The Project included the City's installation of the existing recycled water pipeline that crossed the railroad tracks (see Attachments), formerly owned by Southern Pacific Transportation Company (Southern Pacific), and now owned and operated by Union Pacific Railroad Company. At that time, the Project designers and staff inadvertently overlooked the need to obtain an easement to provide for the recycled water pipeline on the affected portion of Southern Pacific's property.

Subsequently, in 1998, an excess portion of Southern Pacific's railroad track property was sold to American Tradition, who has since developed plans and obtained City permits for a

parking lot to serve its nearby hotel project at 103 South Calle Cesar Chavez. Because no public easement was recorded for the City's use and maintenance of the recycled water pipeline on American Tradition's property, City staff successfully negotiated an easement from American Tradition.

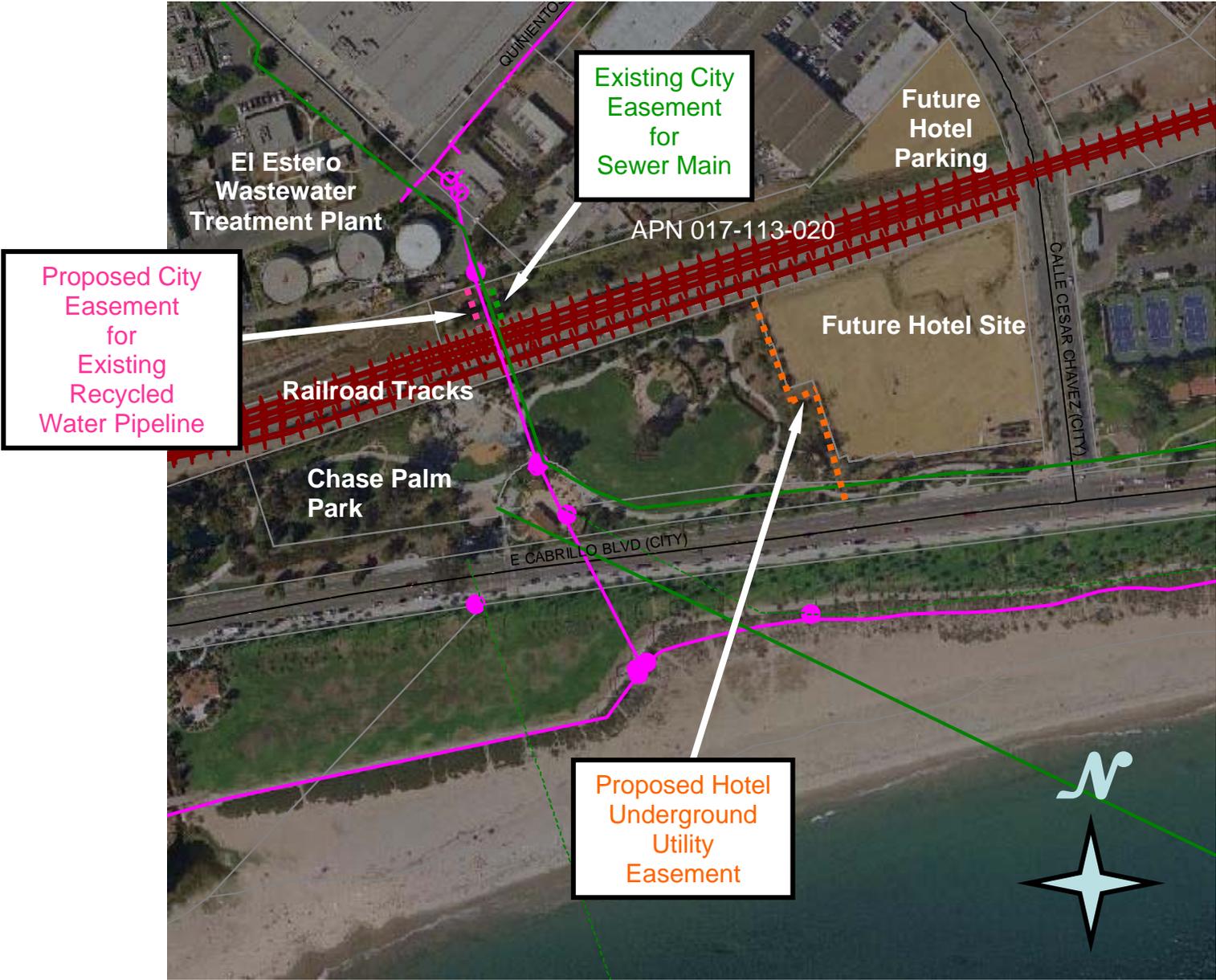
ATTACHMENT(S): 1. Vicinity Photo
2. Chase Palm Park Utility Easement
3. Recycled Water Pipeline Easement

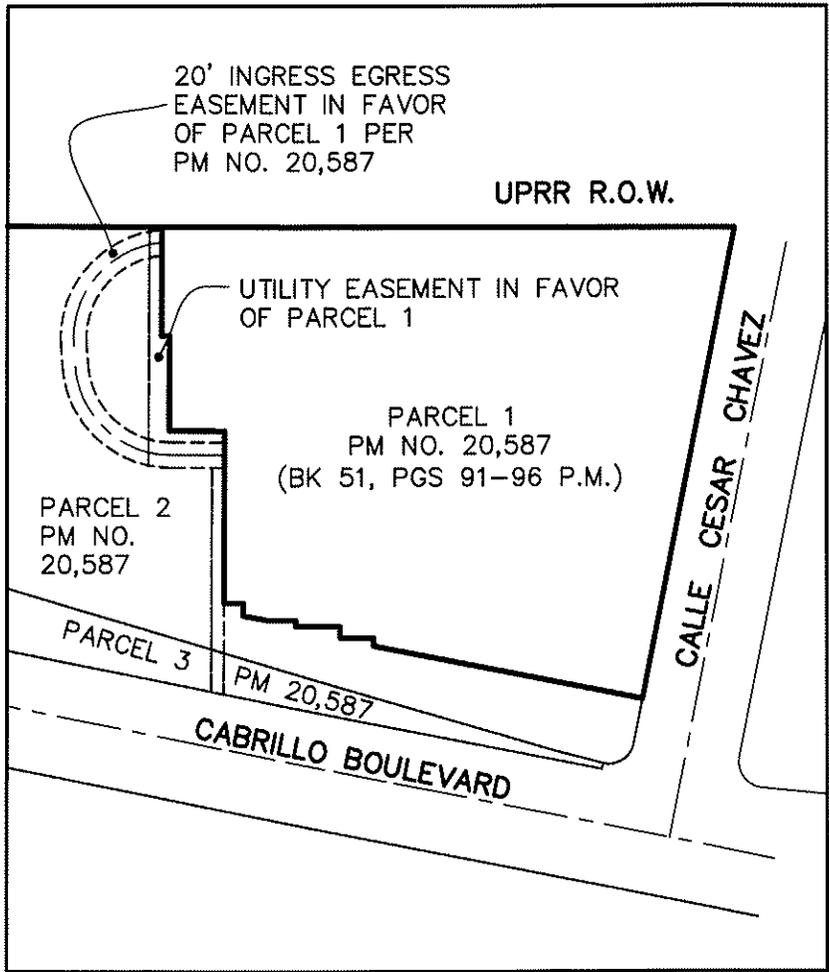
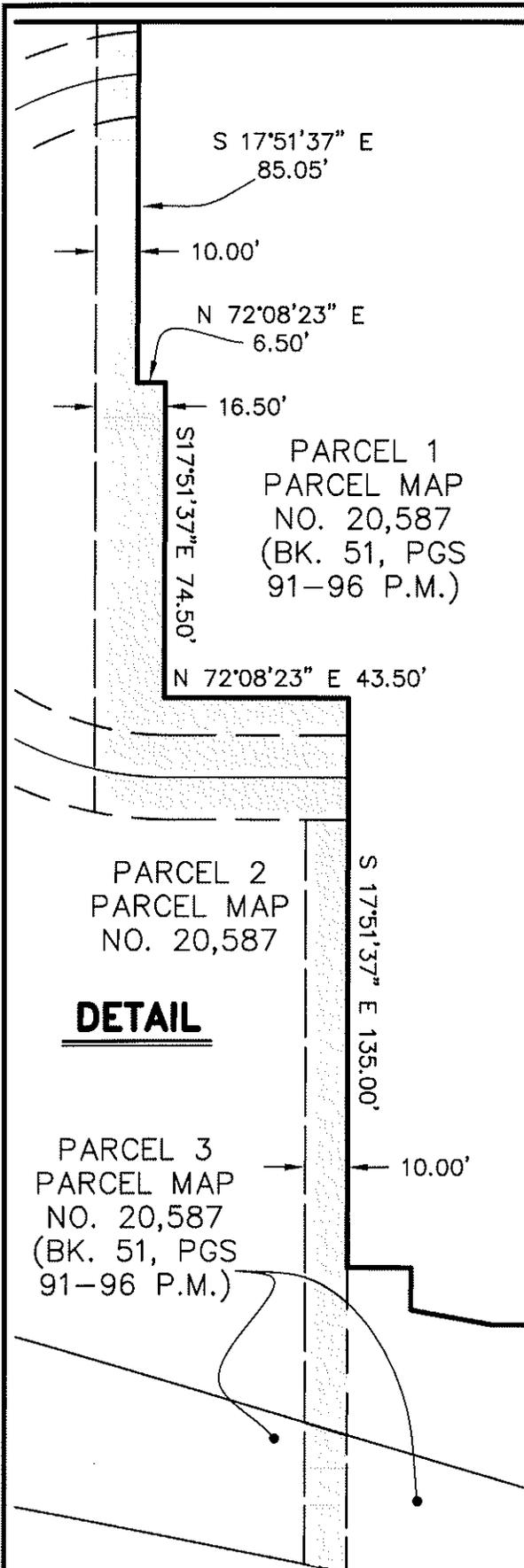
PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/DI/sk
Brian Bosse, Housing and Redevelopment Manager/MA

SUBMITTED BY: Christine F. Andersen, Public Works Director
Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

Chase Palm Park Underground Utility Easement and Recycled Water Pipeline Easement





DETAIL



Kenneth J. Wilson
8-25-09

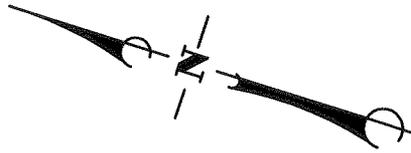
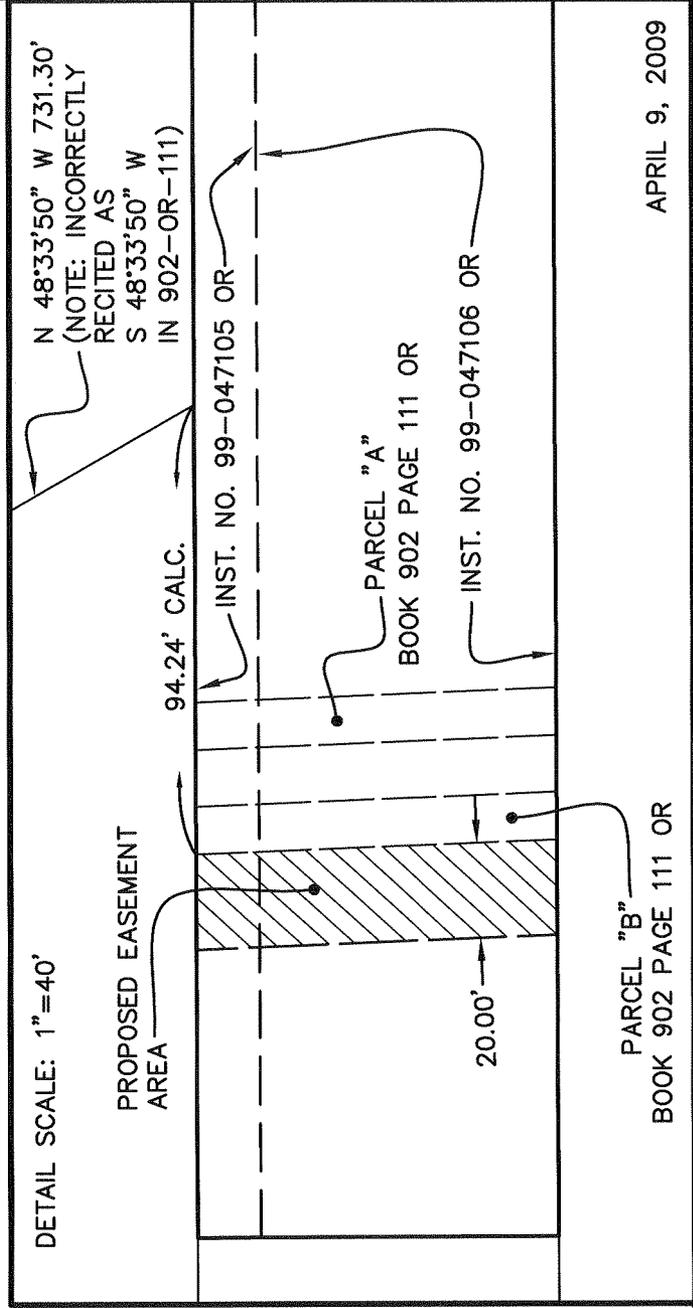
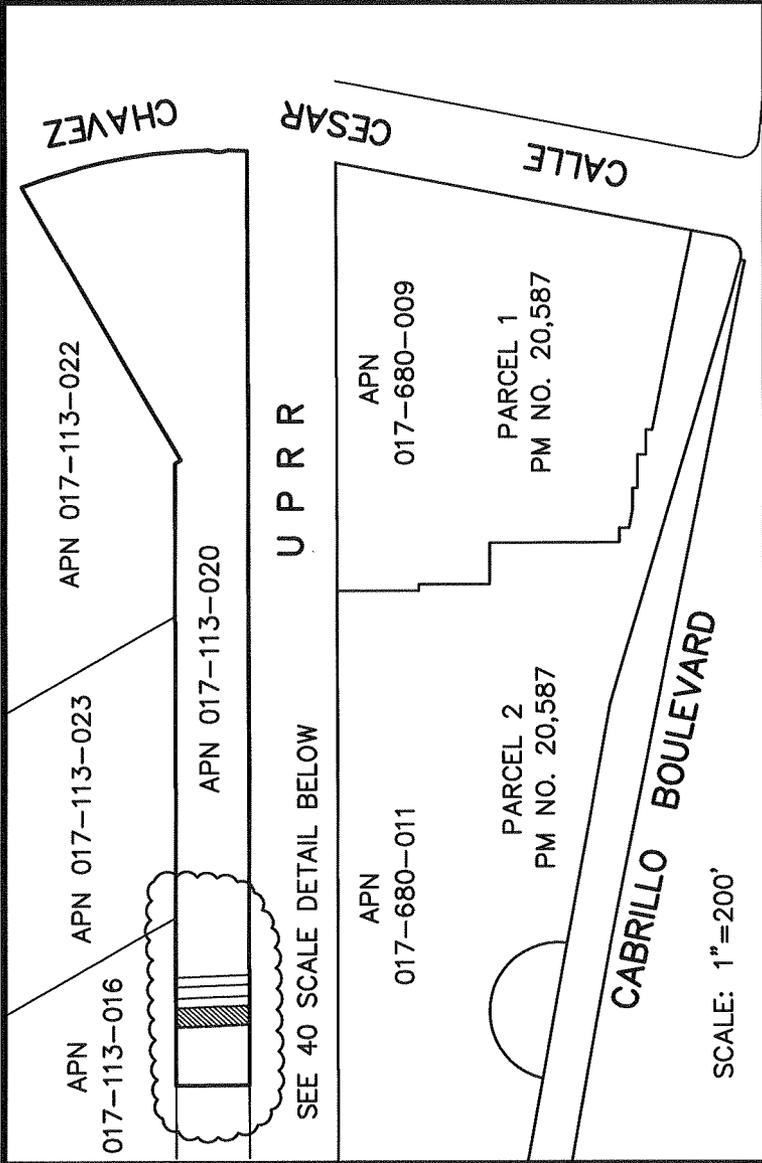
**UTILITY EASEMENT
OVER A PORTION OF PARCEL 2
AND PARCEL 3 PM NO. 20,587
CITY OF SANTA BARBARA, CA**



**ATTACHMENT 3
EXHIBIT B**

PROPOSED EASEMENT
FOR RECLAIMED WATER LINE

OVER A PORTION OF
APN 017-113-020



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