

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA TO RECORD A NOTICE
TERMINATING AN AGREEMENT DATED
FEBRUARY 7, 1952, AND RESCINDING TITLE
COVENANTS AT 721-791 CHAPALA STREET

WHEREAS, on February 7, 1952, the City and Henry M. Hazard (Hazard) entered into an Agreement (Agreement), a copy of which was recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records, as shown on Exhibit A attached here;

WHEREAS, the Agreement provided for, among other things, the removal of a driveway to make way for construction by Hazard of a new driveway twenty-two feet (22') wide fronting the property then known as 111 De La Guerra Street (the Property);

WHEREAS, the Property originally affected by the Agreement and other adjacent properties have been merged and redeveloped by BDC Paseo Chapala, which included the removal and construction by BDC Paseo Chapala of entirely new public street, curb, gutter and sidewalk improvements that now front the portions of De La Guerra Street affected by the Agreement as described in Lot 1 of Final Map No. 20,686, being a subdivision of a portion of the City of Santa Barbara Block 194, recorded on December 1, 2004, in Book 200, Pages 46 to 48 of Maps, Records of Santa Barbara County, California;

WHEREAS, the Agreement also provided for title covenants that shall "bind and shall inure to the benefit of the Parties hereto, their respective heirs, executors, administrators, successors and assign;"

WHEREAS, an application has been initiated by BDC Paseo Chapala to terminate the Agreement because it is no longer necessary due to the construction of new public improvements for De La Guerra Street; and

WHEREAS, the City desires to record this Notice in order to effectively terminate the Agreement recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records.

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

SECTION 1. The Agreement recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records is no longer necessary.

SECTION 2. All right, title and interest which City had pursuant to the Agreement in and to the Property described therein (Title Covenants) have terminated.

SECTION 3. City desires to record this Notice in the Official Records, in the Office of the County Recorder, Santa Barbara County, California, in order to demonstrate the termination of the Agreement recorded on February 13, 1952, as Instrument No. 2081, in Book 1049 at Page 24 of Official Records.