



CITY OF SANTA BARBARA
PARKS AND RECREATION COMMISSION REPORT

AGENDA DATE: April 24, 2013

TO: Parks and Recreation Commission

FROM: Jill Zachary, Assistant Parks and Recreation Director
Pat Kelly, Assistant Public Works Director/City Engineer

SUBJECT: Ballot Measure to Authorize MacKenzie Park Land Exchange

RECOMMENDATION:

That Commission receive a staff report regarding a proposed ballot measure for the November 2013 City Election authorizing the City Council to approve an exchange of land between the City and the Federal Government, United States Corps of Engineers, Asset Management Division.

BACKGROUND:

In 1956, the City acquired land for MacKenzie Park from the Federal Government (USA.) At about the same time, the U.S. Army began the development of the Army Reserve Center. Subsequently, in 1961 - 1964, the City and USA negotiated two 99-year lease agreements, which allowed the City to widen State Street (14' wider) along the frontage of Army Reserve Center and the City to change the property lines adjacent to MacKenzie Park to accommodate the development of the Army Reserve Center. The City and USA considered the nearly similar lease areas to have equal value. (See attachment 1 – Vicinity Map, and Attachment 2 – Assessors Plat Map) As a term of the lease agreement, the City and USA intended for the City to process a ballot measure for the purpose of obtaining voter approval for the exchange of the lease areas in fee title. Following voter approval, (See Attachment 3 – 5/27/63 Council Agenda Report) it was intended for the City and USA to exchange deeds transferring fee ownership of the lease areas. For unknown reasons, the ballot measure was never put on the ballot. However, in 1969 (See Attachment 4 – City Attorney memorandum) an explanation was given to simply maintain the condition until there was a future need for resolution. Since the USA recently indicated their intent to sell the property, it is now appropriate to move forward with the ballot measure.

DISCUSSION:

The ballot measure is tentatively scheduled for City Council consideration on May 14, 2013. Staff will be recommending that the City Council adopt a resolution acknowledging the various City obligations set forth in the 99-year leases with USA and to authorize the placement of a ballot measure seeking voter approval for the land exchange on the 2013 November ballot. The ballot measure would declare the leased portion of MacKenzie Park excess real property eligible for exchange and authorize the exchange of the identified land between the City and the Federal Government.

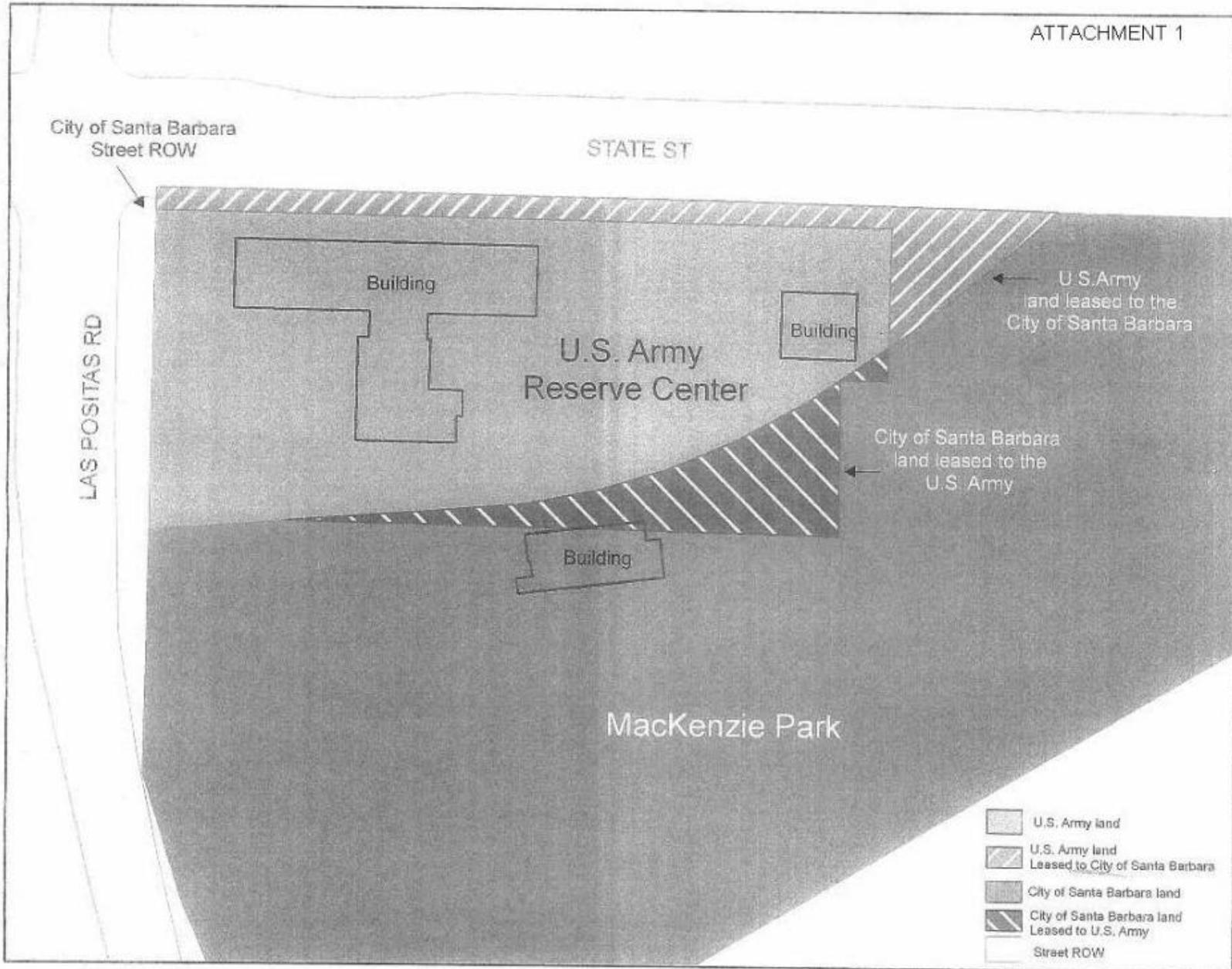
Before presenting the City Council with a recommendation to prepare a ballot measure seeking voter approval for the land exchange, staff is seeking a favorable recommendation from the Parks and Recreation Commission.

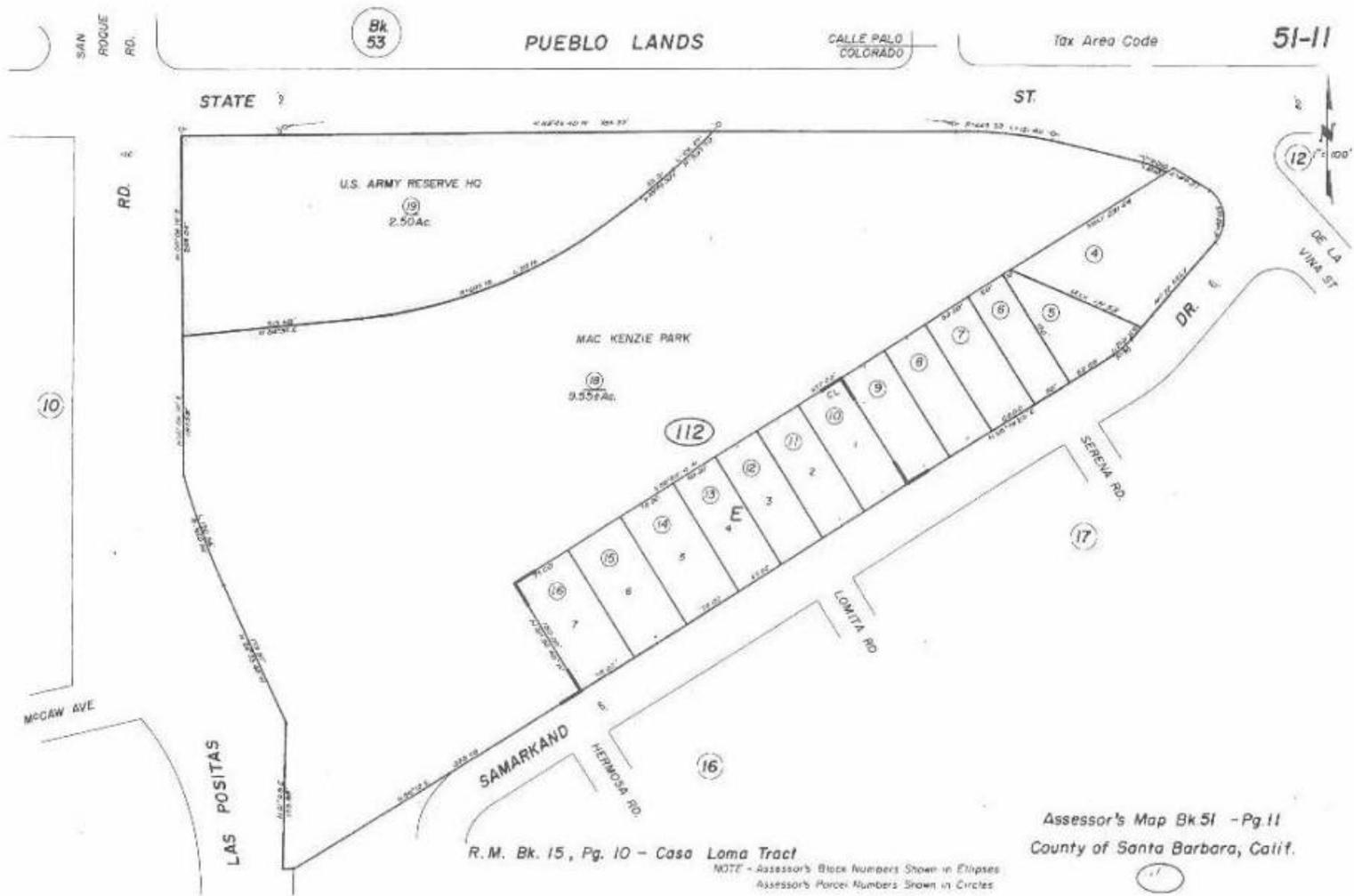
- ATTACHMENT(S):**
- 1) Vicinity Map – MacKenzie Park
 - 2) Plat Map Casa Loma Tract
 - 3) May 28, 1963, and May 14, 1963 Council Action
 - 4) October 27, 1969 City Attorney memorandum

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/sk

SUBMITTED BY: Jill Zachary, Assistant Park and Recreation Director

APPROVED BY: Nancy Rapp, Park and Recreation Director





CITY OF SANTA BARBARA
Public Works Department
May 27, 1963

TO: Mr. Edward L. Abbott, Mayor COUNCIL ACTION 5/28/63:
Lease and Land Lease, both
executed

FROM: Mr. W. W. Wills, Public Works Director

SUBJECT: Recommendation for Approval of a Lease for Property
Exchange between the Federal Government and the City
at the U. S. Armory and McKenzie Park.

RECOMMENDATION:

That the Council execute the subject lease providing for exchange of property with the Federal Government at McKenzie Park in connection with the State Street Widening Project that was completed last year.

DISCUSSION:

The subject lease provides for an exchange of property between the Federal Government and the City that was necessary in order to widen State Street easterly of Las Positas Road on the south side of State Street. Equal area is being exchanged under lease with the Government.

It should be noted that a condition of the lease is that the City of Santa Barbara agrees to place a measure on the ballot at the next municipal election, "May, 1965" authorizing a bilateral fee title trade of the parcels referenced in Condition 26 thereof, for the Government owned land included in this lease. If the exchange is authorized by the voters, this lease shall terminate when deeds to each property are recorded, otherwise the said leases will continue in effect.

The lease further provides that the City install a fence around the perimeter between the Armory property and park, which was done in May of 1962. The lease further provides that the street improvements along State Street will or have been made cost free to the U. S. Government.

As the Council is aware, State Street was widened adjacent to the Armory on a right of entry permit from the Government which was granted subject to the terms and conditions of this 99 year outlease to the City.

The original and four copies of the lease should be signed by the proper City authorities and the original and three copies should be returned to Mr. L. B. Otterness, Chief, Management & Disposal Branch, Real Estate Division, U. S. Army Engineers District Los Angeles, Corps of Engineers, P. O. Box 17277 Toy Station, Los Angeles 17, California,

4/19/63:
How is
ticker set
up on this
provision?

Mr. Edward L. Abbott, Mayor

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ATTACHMENT 3
May 27, 1963

Six copies of the excerpts of the minutes of the City of Santa Barbara Council meeting authorizing execution of the leases should also be furnished. The copies of the agreement marked "lessee" should be retained for our files. Fully executed copies will be sent to the City at the time the instruments are distributed.

W. W. Wills

W. W. Wills
Public Works Director

RDH:eman



May 14, 1963

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SUBJECT: Exchange of Leaseholds U.S.A.R. Site (Armory)
State Street Widening - De La Vina to Ontare
SPLRM - M X SPLRC - L

- 1 - The original and four copies each of the proposed outlease (Eng. Form 1367) and of the proposed inlease (Eng. Form 856) should be signed by the proper City authorities, to provide for the proposed exchange of land with the City of Santa Barbara, California at the U.S. Army Reserve Center and U. S. Government.
- 2 - The original and three copies of the agreement should be executed, dated as the date of execution and returned to:

Mr. L. B. Otterness, Chief, Management & Disposal Branch
Real Estate Division
U. S. Army Eng. Dist. Los Angeles
Corps of Engineers
P. O. Box 17277 Foy Station
Los Angeles 17, California
- 3 - Six (6) copies of the excerpts from the minutes of the City of Santa Barbara Council Meeting authorizing execution of the leases should be also furnished.
- 4 - The copies of the agreement marked "Lessee" should be retained for our files. Fully executed copies will be sent to us at the time the instruments are distributed.
- 5 - Under "conditions added No. 27" it should be noted that the lessee (City of Santa Barbara) agrees to place a measure on the ballot at the next municipal election (May 1965) authorizing a bilateral fee title trade of the parcels referenced in Condition No. 26 thereof, for the government-owned land included in this lease. (The City Water Department also would like to add some parcels on the next ballot.)

If the exchange is authorized, this lease shall terminate when deeds to each property are recorded, otherwise the said leases will continue in effect.

- 6 - (a) Fence and sprinkler system have been installed. Refer to letter in file dated April 9, 1962, also bid from Griffin & Morgan dated May 8, 1962.
- (b) Street improvements located in area covered by lease will or have been made cost free to U. S. Government.
- 7 - In Parcel 1 there is at present a 6" C.I. water main needed by the City Water Department to service the immediate area. It is shown on Plot of Hoff General Hospital Tract C-8-310R dated May 8, 1953.

If the City were to acquire the parcels by fee title, then we would have to reserve an easement for the City water main in the new deed made out to the U. S. Government.

Refer to inter-office memo dated May 14, 1963 from Clyde Richardson, *Director* Water Department ~~Superintendent~~, to City Attorney.

- 8 - The lease arrangement should be completed as soon as possible.

Letter dated October 25, 1961 -

due to "right of entry could be secured on the basis that the lease documents eventually will be approved in their entirety".

Further - refer to letter dated November 27, 1961 -

"This right of entry is granted subject to the terms and conditions of proposed 99 year outlease to the City of the Government-owned land and the 99 year lease of City-owned land to the Government." (Etc.)

Also refer to letter dated December 13, 1961.

V. R. Bartolome

jms

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OFFICE OF THE CITY ATTORNEY ATTACHMENT 4

October 27, 1969

TO: Gerald S. Firestone, Mayor
FROM: Office of the City Attorney
RE: U. S. Army Reserve Lease - Armory at State and Las Positas

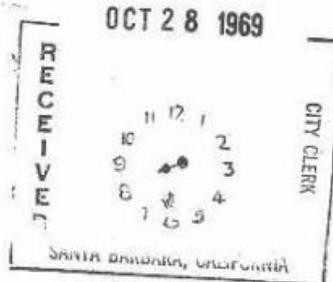
A question was recently posed to the City Clerk by the United States Legal Department whether an election had ever been held in connection with the following situation; and it was learned that such election had never been held.

In 1961 when the question of the widening of State Street was being worked out, it developed that a portion of land needed for such widening at Las Positas and State Streets was owned by the United States Government as part of the U. S. Army Reserve Center.

After considerable negotiation (found in File No. 4096, Clerk's files in vault) two leases were entered into, dated December 12, 1961: one between the City of Santa Barbara and the United States of America (Department of the Army Corps of Engineers) whereby the City leased for 99 years to the United States a portion of the area surrounded by McKenzie Park for an Armory; and the other a 99-year lease between the United States and the City of Santa Barbara for the portion of United States property needed to widen State Street; in other words, an exchange of properties by two 99 year leases which were deemed equal in value so that no money changed hands.

Each lease recited that the City of Santa Barbara was to place a measure on the ballot at the next municipal election (May, 1965) authorizing an exchange of titles to the property, and if the exchange of properties was voted favorably by the voters, the leases would end; otherwise they would continue in force and effect.

The measure has never been placed on any ballot; but since it is not a matter of forfeiture, there is probably nothing lost except that at the end of each lease, the property will revert to the lessor in each instance. There is also a provision in the lease in which the United States is the lessee that the United States may terminate the lease at any time, upon giving notice, and that thereupon payment will be due on the State Street property in the proportion that the remaining period of the lease bears to an agreed value of \$25,000.00 for the lease.



The Public Works Department has been asked whether title to the Armory property was acquired by the City for park purposes; if so, an election is required for its disposition even under the new Charter. However, if it was merely dedicated by council action, or perhaps never dedicated at all as to the area leased to the Government, title can pass by ordinance if it is appraised for \$5,000.00 or less.

Stanley T. Tomlinson
City Attorney

By:
(Mrs.) Rigmor B. Cope
Assistant City Attorney

STT:RBC:jj

cc: City Administrator
Public Works Department ✓

City Clerk ✓