



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

DRAFT

AGENDA DATE: Council Meeting Date
TO: Mayor and Councilmembers
FROM: Water Resources Division, Public Works Department
SUBJECT: Request for Authority to Proceed With Site Restoration and Property Disposal at 1500 Block of Mission Canyon Road

RECOMMENDATION: That Council:

- A. Authorize Staff to negotiate and execute a memorandum of understanding with affected owners to formally disclose plans to remove City improvements and restore the area, rehabilitate slopes, and plant native vegetation and install erosion control measures;
- B. Authorize Staff to negotiate and execute right to entry agreements with affected property owners to allow City access in the area for necessary surveys, site testing, demolition, and site restoration; and
- C. Direct staff to proceed with the disposal of the Surge Tank property and return to Council with final implementing documents; and

DISCUSSION:

Background

As part of the City's early water system, Gibraltar Lake water needed to be carried from the south portal of Mission Tunnel to the City of Santa Barbara. As a result in 1919, the City obtained a ten foot wide easement for the construction and maintenance of water mains above Mission Canyon Road and purchased a 2500 square foot parcel of land (APN 023-330-045) for construction of a surge tank. Two water mains and a surge tank were constructed in this area by the City during the period of 1927 to 1929.

A more convenient and accessible road easement was later obtained by the City in 1968 for joint use of a non-public road now also serving properties at 1500, 1503, 1528 and 1530 Mission Canyon Road. The 1968 Road Easement provided for City's ingress and egress to the surge tank site, together with the right to install, maintain, repair and replace City water lines that provide water service to certain nearby lots. That easement also carried an obligation for the City to maintain the non-public road, ten feet in width, in order for the City to maintain its facilities and to gain access to the surge tank site.

With the abandonment of the City's Sheffield Water Treatment Plant in 1988, water ceased flowing from the south portal to the surge tank, and the City has terminated its use of the surge tank. Also the water mains have been abandoned.

Maintenance and Liability Issues

The road to the surge tank has periodically suffered major damage, most notably during the severe rain storms of 2005. Emergency repairs to the road were primarily funded by the Federal Emergency Management Agency. The easterly end of the road suffered a landslide which also threatened a downhill private road that provides access to a home at 1480 Mission Canyon Road (APN 023-330-067), owned by Massie-Kuromiya.

In December 2009, a sinkhole also developed in the City's access road, which in accordance with the City's easement, was repaired by a Contractor hired by the City.

In 2009, James Massie employed Coastal Geology & Soil, Inc. which performed a "Preliminary Limited Scope Geologic Investigation into the City of Santa Barbara's Surge Tank Access Road, Located Above the Massie-Kuromiya Property, Santa Barbara County, California"; August 21, 2009. That report concludes that the easterly portion of the surge tank access road which is above the subject property has a number of construction deficiencies. It also states that there is "a very high potential for slope failure above, below, and/or along the roadway (surge tank access road) during the upcoming rainy period."

The City's surge tank access road is also utilized by several adjacent residential property owners who own private road easements. For example, the Heartwell residence at 1530 Mission Canyon Road also utilizes the access road and is the closest residence to the west of the surge tank. If the City's surge tank is removed, and if the old unused water mains are abandoned in place, the City will have no further need, interest in, or obligation, to maintain the access road used by nearby residents. In that event, the City could vacate its interest in the access road easement, and those property owners who benefit from the joint use of the access road will need to maintain it in the future. Also the City could abandon its interest in the 1919 waterline easement.

City liability will remain for the access road, which is located easterly of the Heartwell residence, and above the access road to the Massie-Kuromiya residence and property. In order to reduce that potential liability, it is recommended that the City remove that unnecessary portion of the access road after removing the surge tank.

Vacate Easement, Restore Site and Dispose of Real Property

In order for the City to vacate its interest in the 1968 road easement and 1919 waterline easement, the County will need to be notified. City staff will need to request a County clearance for vacation of easement and consistency with the County General Plan. Also the County will be notified of the City's intent to demolish the surge tank, which is an attractive nuisance, and removal of the easterly portion of the access road. Both the

surge tank site and the access road area will be restored with erosion control and native seeds and/or plantings. These activities should not require a County permit since the County frequently conducts similar activities on County property within the City limits without benefit of a City permit.

The surge tank site is 50 foot by 50 foot square and is owned by the City. It lies between two adjacent parcels, is surrounded by rugged terrain, and will undoubtedly remain vacate once the City removes the surge tank and restores the land. Its value is minimal. City staff will discuss the disposal of the property with the two adjacent owners. It would be the intent of City staff to recommend disposal of the property to either owner depending on which would be willing to pay the highest price, if any. City staff would return to Council in order to execute documents to transfer the land to either property owner.

Conclusion

The surge tank and its access road are no longer needed by the City for water supply purposes. In fact, they carry a certain liability which can be ameliorated by removing the surge tank and the easterly end of the access road. Also, the City should vacate its interest in the 1919 waterline easement and the 1968 access road easement.

It is recommended that a geotechnical and/or civil engineering company be retained to provide recommendations, design plans, and specifications to the City for the removal and site restoration of the surge tank and easterly portion of the access road. Adjacent property owners who then utilize the remaining access road will be responsible for its maintenance.

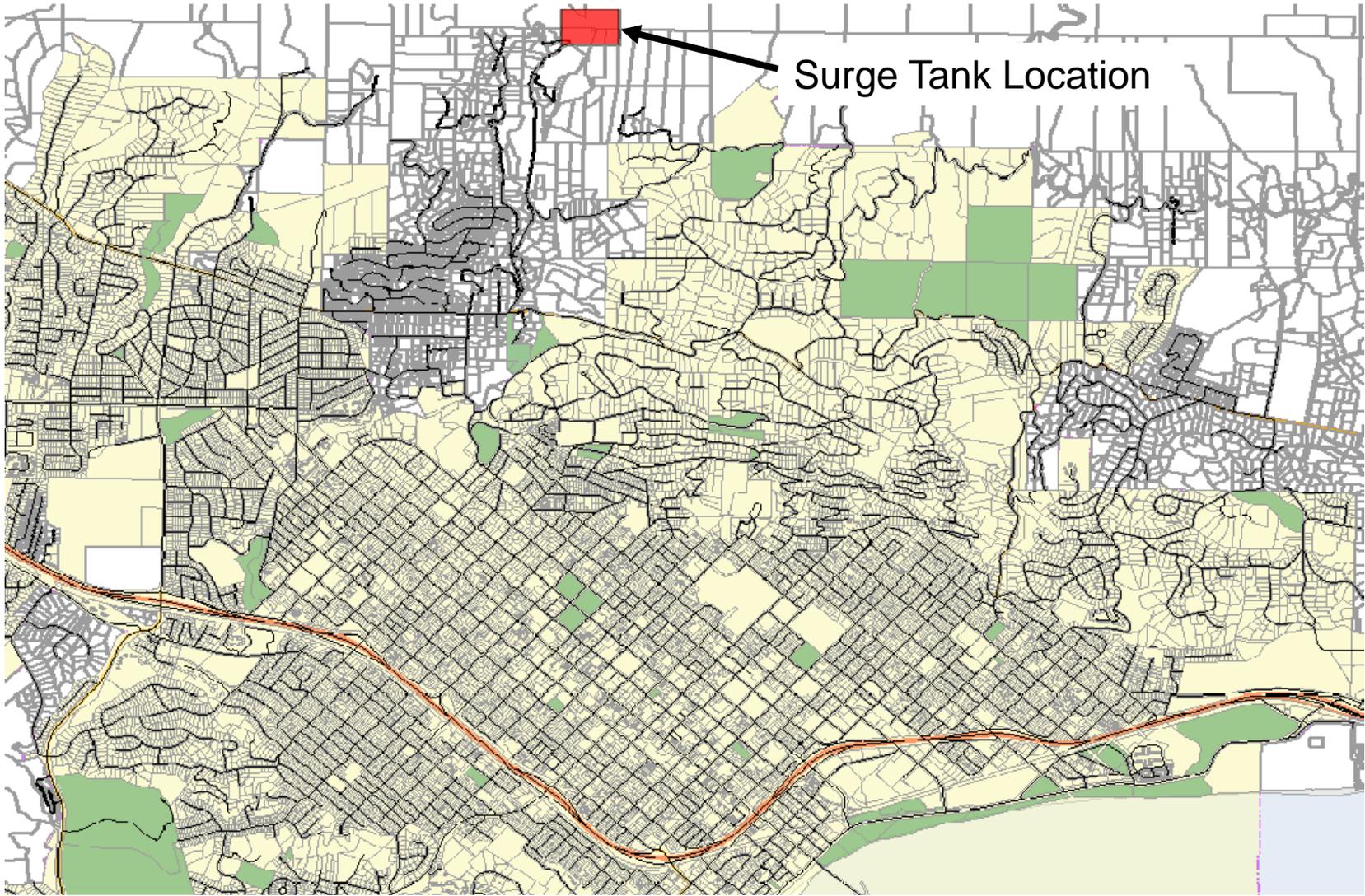
The City's surge tank property can be conveyed to either of the adjacent property owners, if possibly interested, based on the highest bid price, if any. In that event, the surge tank property would be merged with either adjacent property due to its small size, lack of access, and lack of development potential.

ATTACHMENT(S): Vicinity Map
Site Map

PREPARED BY: Rebecca Bjork, Water Resources Manager/RR/dm

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Surge Tank Vicinity Map

