



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 14, 2013

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Resolution To Place The Exchange Of A Leased Excess Portion Of MacKenzie Park On The Municipal Election Ballot In November 2013

### **RECOMMENDATION:**

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the Placement of a Measure on the November 2013 General Election Ballot to Obtain Voter Approval to Exchange 14,564 Square Feet of MacKenzie Park Property for 12,511 Square Feet of the Adjacent U.S. Army Reserve Center Property, as Required by City Charter Section 520.

### **DISCUSSION:**

The proposed resolution by Council acknowledges the various City obligations set forth in two 99-year leases approved by Council in May 1963 between the City, the United States of America (USA), and the U.S. Army (Army), by authorizing a November 2013 ballot measure seeking voter approval for a land exchange with the Army in connection with MacKenzie Park and the Fremont Army Reserve Center. The resolution and proposed ballot measure will declare a portion of MacKenzie Park excess real property, and eligible for exchange for a portion of U.S. Army Reserve Center property. The underlying real property is the now-existing improved frontage of State Street, and also underlying a portion of MacKenzie Park. (See Attachments 1 and 2.) Following voter approval of the proposed ballot measure, a City ordinance will be prepared and submitted to Council to authorize the exchange of the deeds to convey the identified lands between the City and the USA.

On April 24, 2013, in accordance with Section 809 of the Santa Barbara City Charter, the Parks and Recreation Commission received a report concerning the proposed exchange of the affected lease portion of MacKenzie Park for the affected lease portion of the Army Reserve Center property. Accordingly, the Parks and Recreation Commission has expressed support for Council to authorize the placement of a measure on the November 2013 City General Election ballot.

**BACKGROUND:**

In 1956, the City acquired the land now known as MacKenzie Park from the USA. At about the same time, the Army began the development of the adjacent Fremont Army Reserve Center. Subsequently, in the period between 1961 - 1964, the City, the USA, and the Army negotiated two 99-year lease agreements. This allowed the City to widen State Street (14 feet wider) along the frontage of the Army Reserve Center, and allowed the City, and the Army to revise the property lines between MacKenzie Park and the Army Reserve Center property, in order to accommodate the optimum development of the Army Reserve Center and MacKenzie Park. The City and the Army considered the nearly similar size lease areas to have equal value and, as a result no consideration was involved. As a condition of the two 99-year lease agreements approved by Council (See Attachment 3), the City and the Army provided for the City to process a ballot measure for the purpose of obtaining voter approval for the City's exchange of the Park land. Following voter approval, it was planned that the City and the Army would exchange deeds transferring the fee ownership of the respective lease areas. However, for unknown reasons, the City ballot measure was never put on any municipal ballot to approve the exchange.

If the voters do not approve the ballot measure, the leases provide that the properties revert to the prior boundaries at the conclusion of the approved 99-year leases. The current land uses will continue with the same Park and (State) street uses in effect until the conclusion of the term of the leases in 2060.

**FUTURE ACTIONS:**

Subject to voter approval of the proposed exchange of the affected portion of MacKenzie Park, the necessary documents will be prepared to accomplish the proposed bi-lateral fee title exchange of land with the USA. These documents may include, among others, deeds, ordinances, resolutions, certificates, and any others deemed necessary by the City Attorney. All such documents will be submitted and recommended to Council at the appropriate time.

The attached Vicinity Map (Attachment 1) depicts the location of a City building a small portion of which is possibly located on and over the proposed new boundary, and there is possibly also a City water line and a sewer line located within the areas described. A survey is planned to answer these questions. Subject to voter approval of the proposed land exchange, any issues that have not yet been investigated and must be addressed will be provided for in the final documents which will be submitted to Council with recommendations for actions to implement the land exchange. The follow-up documentation may include the City's reservation of easements for City waterlines and sewer lines, and a license necessary to address the possible building encroachment, if it is required.

At the time Council adopts a resolution to accept the affected portion of the U.S. Army Reserve Property, it may also be recommended that Council dedicate a public street

Council Agenda Report

Resolution To Place The Exchange Of A Leased Excess Portion Of Mackenzie Park On  
The Municipal Election Ballot In November 2013

May 14, 2013

Page 3

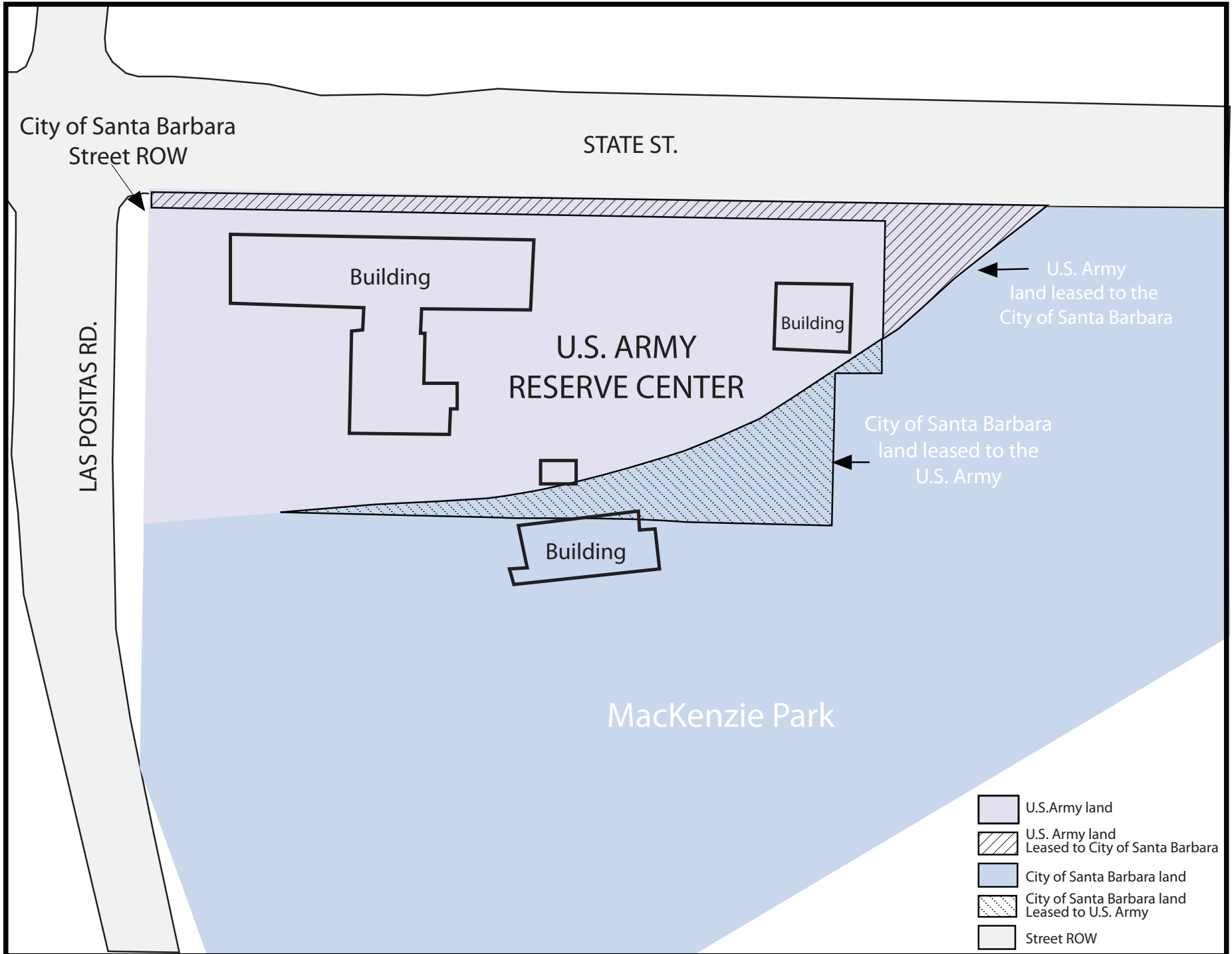
easement for the existing frontage portion of State Street, and also dedicate the new portion of MacKenzie Park located on the portions of U.S. Army Reserve Center property. Such dedications will be included in the resolution adopted to accept the land to be conveyed by the USA to the City.

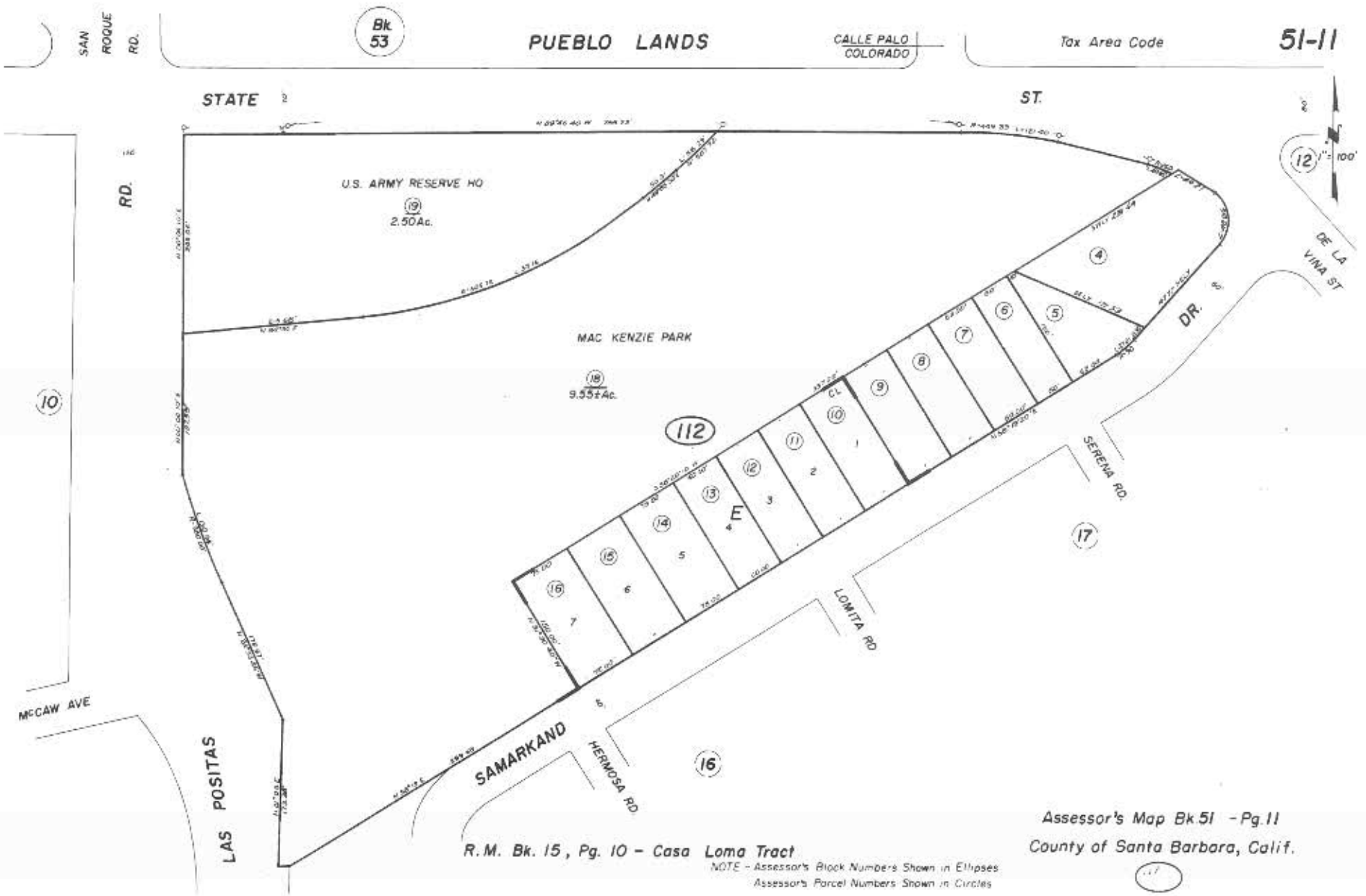
**ATTACHMENT(S):** 1) Vicinity Map – MacKenzie Park  
2) Assessors Map  
3) Council Agenda Report dated May 27, 1963

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

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office





R.M. Bk. 15, Pg. 10 - Casa Loma Tract

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk 51 - Pg. 11  
County of Santa Barbara, Calif.

111

CITY OF SANTA BARBARA  
Public Works Department  
May 27, 1963

TO: Mr. Edward L. Abbott, Mayor  
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.

COUNCIL ACTION 5/28/63:  
Lease and Land Lease, both  
executed

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 Foy Station, Los Angeles 17, California,

Mr. Edward L. Abbott, Mayor

-2-

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* *not*

W. W. Wills

Public Works Director

RDH: vsmm



8F  
May 14, 1963

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. S. Bartolome

jms