



TO: Mayor and Councilmembers

FROM: Dan Singer, City Manager

CONTACT: Steve Wagner, Community Services Director
Marti Schultz, Principal Civil Engineer

SUBJECT: Approval of Tract Map 32,035 for Cabrillo Business Park Project, Phase A

RECOMMENDATION:

- A. Adopt, accept and authorize the City Clerk to endorse and cause to be recorded Tract Map 32,035 by Santa Barbara Realty Holding Company, LLC, for Phase A, a 6-lot subdivision, being a portion of the approved 22-lot subdivision located at 6767 Hollister Avenue, APN 073-450-005, for subdivision purposes and easements for public pedestrian access and public road purposes as shown on the Map, finding the Map in conformance with the Development Agreement and in general conformance with the City's General Plan. (Map available in City Clerk's office for review.)
- B. Approve the Improvement Plans for Hollister Avenue as shown on the plans entitled "Street Widening Improvements Hollister Ave. & Los Carneros Rd.", for the portion of the development in conjunction with the Phase A Tract Map 32,035. (Plans available in City Clerk's office for review.)
- C. Authorize the City Manager to execute the attached Amendment No.1 to the Improvement Agreement for the construction of public improvements on Hollister Avenue and Los Carneros Road.
- D. Authorize the City Manager to execute the attached Amendment No.1 to the Landscape Maintenance Agreement for the installation and continued maintenance of median and parkway landscaping within the Hollister Avenue and Los Carneros Road street easements.

BACKGROUND:

Santa Barbara Realty Holding Company, LLC (Developer) is the owner of real property as approved on the Vesting Tentative Tract Map No. 32,002 located at 6767 Hollister Avenue, also known as the Cabrillo Business Park. The City Council's May 7, 2007 approval of the Vesting Tentative Tract Map authorized the development of a project

consisting of a new subdivision from one (1) parcel into 22 parcels, including 18 lots for Cabrillo Business Park development, two (2) lots for open space or dedication of open space and two (2) lots for road and access purposes.

DISCUSSION:

In accordance with the Development Agreement phasing plan, Phase A includes six (6) parcels that are currently undeveloped. As a part of the Map the owner has offered to dedicate an easement for pedestrian access purposes along Hollister Avenue and easements for pedestrian access and public road purposes along Los Carneros Road.

At Phase 0 of the project, the owner executed an Improvement Agreement and a Landscape Maintenance Agreement and posted securities for the portion of the work that would occur in the public right of way in conjunction with the Phase 0 parcels. For the additional work that will occur in the public right of way in Phase A, the Improvement Agreement and the Landscape Maintenance Agreement must be amended and additional securities need to be posted. Additionally, as future phases of the project are brought forward for recordation, the Improvement Agreement and the Landscape Maintenance Agreement will continue to be amended to include the additional work within the public right of way.

In accordance with the Development Agreement, the owner has signed and submitted Tract Map 32,035 and subject Agreements. It is necessary for Council to approve the Tract Map since it conforms to all the requirements of the Subdivision Map Act and the Development Agreement of the tentative vesting map for Phase A of the project.

LEGAL REVIEW:

This staff report and the attached Amendments have been reviewed by the City Attorney.

FISCAL IMPACTS:

Recordation of the Tract Map and Agreements will have no fiscal impact on the City of Goleta.

Submitted By:

Reviewed By:

Approved By:

Steve Wagner
Community Services Director

Michelle Greene
Administrative Services Director

Daniel Singer
City Manager

ATTACHMENTS:

1. Tract Map No. 32,035
2. Amendment to Improvement Agreement
3. Amendment to Landscape Maintenance Agreement

Attachment 1

Tract Map No. 32,035

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE AN INTEREST IN THE LAND INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE ANNEXED MAP AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID LAND. WE CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINES. WE ALSO HEREBY DEDICATE THE EASEMENTS SHOWN HEREON FOR THE PURPOSES SET FORTH. WE ALSO HEREBY OFFER TO DEDICATE TO THE CITY OF GOLETA THE EASEMENT FOR PUBLIC PEDESTRIAN ACCESS, AND THE EASEMENT FOR PUBLIC ROAD PURPOSES ALONG HOLLISTER AVENUE AND LOS CARNEROS ROAD AS SHOWN HEREON.

SANTA BARBARA REALTY HOLDING COMPANY, LLC., A DELAWARE LIMITED LIABILITY COMPANY
BY SRG SANTA BARBARA, A CALIFORNIA GENERAL PARTNERSHIP, MANAGING MEMBER
BY: JOHN S. HAGESTAD, TRUSTEE OF THE J/m HAGESTAD FAMILY TRUST u/d/t
DATED JUNE 30, 1992, MANAGING PARTNER

NAME: _____ TITLE: _____
NAME: _____ TITLE: _____
SIGNATURE: _____ SIGNATURE: _____
DATE: _____ DATE: _____

NOTARY:

STATE OF CALIFORNIA
COUNTY OF _____

ON _____ BEFORE ME, _____
PERSONALLY APPEARED _____

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____
SIGN NAME _____ PRINT NAME _____
COMMISSION NO. _____ EXPIRES ON _____
PRINCIPAL OFFICE LOCATED IN THE COUNTY OF _____

FINAL MAP NO. 32,035

BEING A SUBDIVISION OF THAT PORTION OF RANCHO LOS DOS PUEBLOS SHOWN AS THE REMAINDER PARCEL ON FINAL MAP NO. 32,034 FILED IN THE OFFICE OF THE SANTA BARBARA COUNTY RECORDER, IN BOOK 204, PAGES 39 THROUGH 42, INCLUSIVE, OF MAPS SAID SUBDIVISION ALSO SHOWN AS PHASE A OF VESTING TENTATIVE TRACT NO. 32,002 WHICH CORRESPONDS TO GOLETA CITY CASE NUMBER 07-236-MC

IN THE CITY OF GOLETA
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

JANUARY 2009
SHEET 1 OF 4 SHEETS

Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·
111 East Victoria Street, Santa Barbara, CA 93101
Phone: (805) 963-9532 Fax: (805) 966-9801

SIGNATURE OMISSIONS:

EASEMENT HOLDERS:

THE SIGNATURES OF THE FOLLOWING EASEMENT HOLDERS HAVE BEEN OMITTED PURSUANT TO SECTION 66436(a)(3)(A)(i) OF THE GOVERNMENT CODE (STATE SUBDIVISION MAP ACT).

SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF A PUBLIC UTILITY EASEMENT FOR UNDERGROUND ELECTRIC LINES PURPOSES AS GRANTED TO IN THE DOCUMENT RECORDED SEPTEMBER 12, 1968 AS INSTRUMENT NO. 28457 IN BOOK 2245, PAGE 105 OF OFFICIAL RECORDS.

THE CITY OF SANTA BARBARA, HOLDER OF A PRIVATE EASEMENT FOR AIRCRAFT NAVIGATION EQUIPMENT PURPOSES AS GRANTED TO IN THE DOCUMENT RECORDED JANUARY 4, 1973 AS INSTRUMENT NO. 514 IN BOOK 2441, PAGE 341 OF OFFICIAL RECORDS.

THE COUNTY OF SANTA BARBARA, HOLDER OF AN EASEMENT FOR PUBLIC ROAD PURPOSES AS GRANTED IN THE DOCUMENT RECORDED JULY 9, 1985 AS INSTRUMENT NO. 85-35395 OF OFFICIAL RECORDS.

THE CITY OF SANTA BARBARA, HOLDER OF A PRIVATE EASEMENT FOR AVIGATION AND NOISE AS GRANTED IN THE DOCUMENT RECORDED JANUARY 24, 1986 AS INSTRUMENT NO. 86-4753 OF OFFICIAL RECORDS. NOT PLOTTED. SAID EASEMENT IS BLANKET IN NATURE.

THE UNITED STATES POSTAL SERVICE, HOLDER OF A PRIVATE EASEMENT FOR STORM DRAIN PURPOSES AS GRANTED IN THE DOCUMENT RECORDED JUNE 1, 1995 AS INSTRUMENT NO. 95-29541 OF OFFICIAL RECORDS.

SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN EASEMENT FOR PUBLIC UTILITIES PURPOSES AS GRANTED IN THE DOCUMENT RECORDED DECEMBER 28, 1999 AS INSTRUMENT NO. 99-0100307 OF OFFICIAL RECORDS.

CITY OF SANTA BARBARA, HOLDER OF A PRIVATE EASEMENT FOR RUNWAY PROTECTION ZONE AND NAVIGATIONAL AIDS AS GRANTED IN THE DOCUMENT AUGUST 10, 2001 AS INSTRUMENT NO. 2001-0067742 OF OFFICIAL RECORDS.

CLERK OF THE BOARD STATEMENT:

I, MICHAEL F. BROWN, CLERK OF THE BOARD OF SUPERVISORS OF SANTA BARBARA COUNTY, DO HEREBY STATE THAT PURSUANT TO GOVERNMENT CODE SECTION 66464 OF THE STATE SUBDIVISION MAP ACT, THAT THE CERTIFICATES AND DEPOSITS REQUIRED UNDER GOVERNMENT CODE SECTION 66492 AND SECTION 66493 OF THE STATE SUBDIVISION MAP ACT ON THE PROPERTY WITHIN THIS SUBDIVISION HAVE BEEN FILED AND MADE.

MICHAEL F. BROWN
CLERK OF THE BOARD
OF SUPERVISORS

BY: _____
DEPUTY

NOTICE:

THIS MAP AND REAL PROPERTY CONTAINED WITHIN THIS SUBDIVISION ARE SUBJECT TO CERTAIN CONDITIONS AND INFORMATION INCLUDED IN A "NOTICE" RECORDED ON OR ABOUT THE TIME OF RECORDATION OF THIS MAP AS INSTRUMENT NO. _____ O.R.

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF SANTA BARBARA REALTY HOLDING COMPANY, LLC, IN SEPTEMBER 2007. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS WITHIN ONE YEAR FROM THE RECORDATION OF THIS MAP, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

KENNETH J. WILSON PLS 7911 DATE _____
LICENSE EXPIRATION DATE: 12/31/09



CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY OF GOLETA SUBDIVISION ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

STEVEN D. WAGNER DATE _____
CITY ENGINEER
RCE 47949
LICENSE EXPIRATION DATE: 12/31/09

CITY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND THAT ALL MAPPING PROVISIONS OF DIVISION 2 OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH AND AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL B. EMMONS, PLS 5899 DATE _____
CITY SURVEYOR
LICENSE EXPIRATION DATE: 12/31/08

CITY COUNCIL STATEMENT:

I HEREBY STATE THAT THIS MAP WAS DULY ADOPTED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF GOLETA ON THIS _____ DAY OF _____ 2008, FOR SUBDIVISION PURPOSES AND THAT THE CITY CLERK WAS DULY AUTHORIZED AND DIRECTED TO ENDORSE THEREON ITS APPROVAL AND ACCEPT THE EASEMENTS FOR PUBLIC ROAD PURPOSES ALONG HOLLISTER AVENUE AND LOS CARNEROS ROAD, AND THE EASEMENT FOR PUBLIC PEDESTRIAN ACCESS AS SHOWN HEREON.

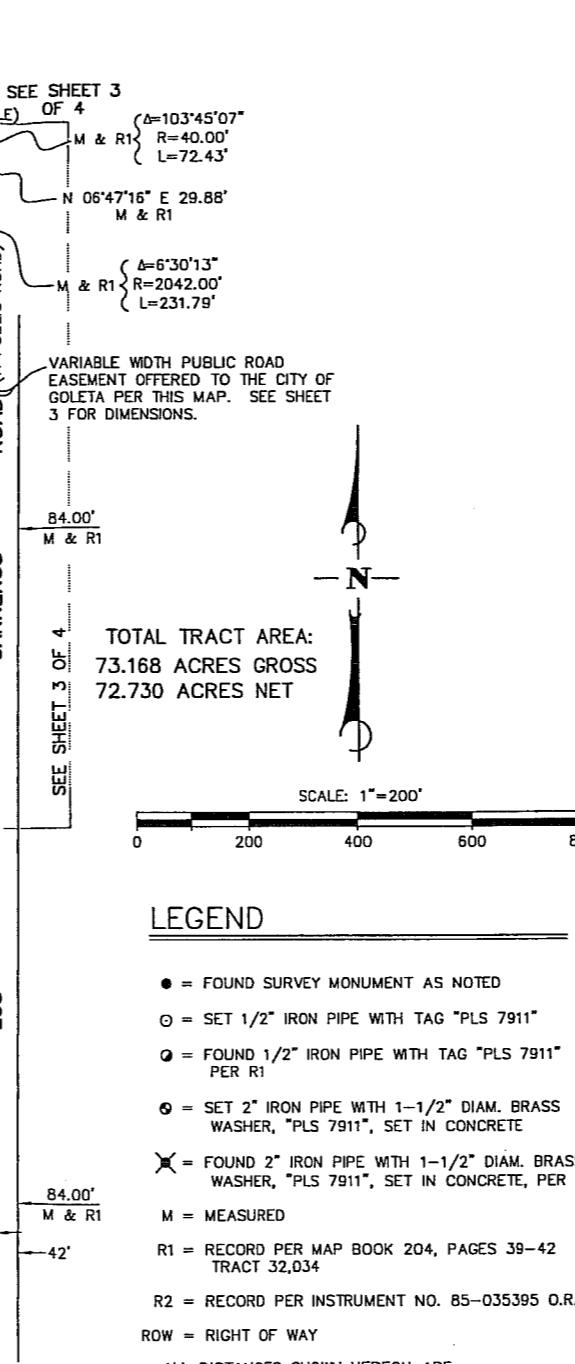
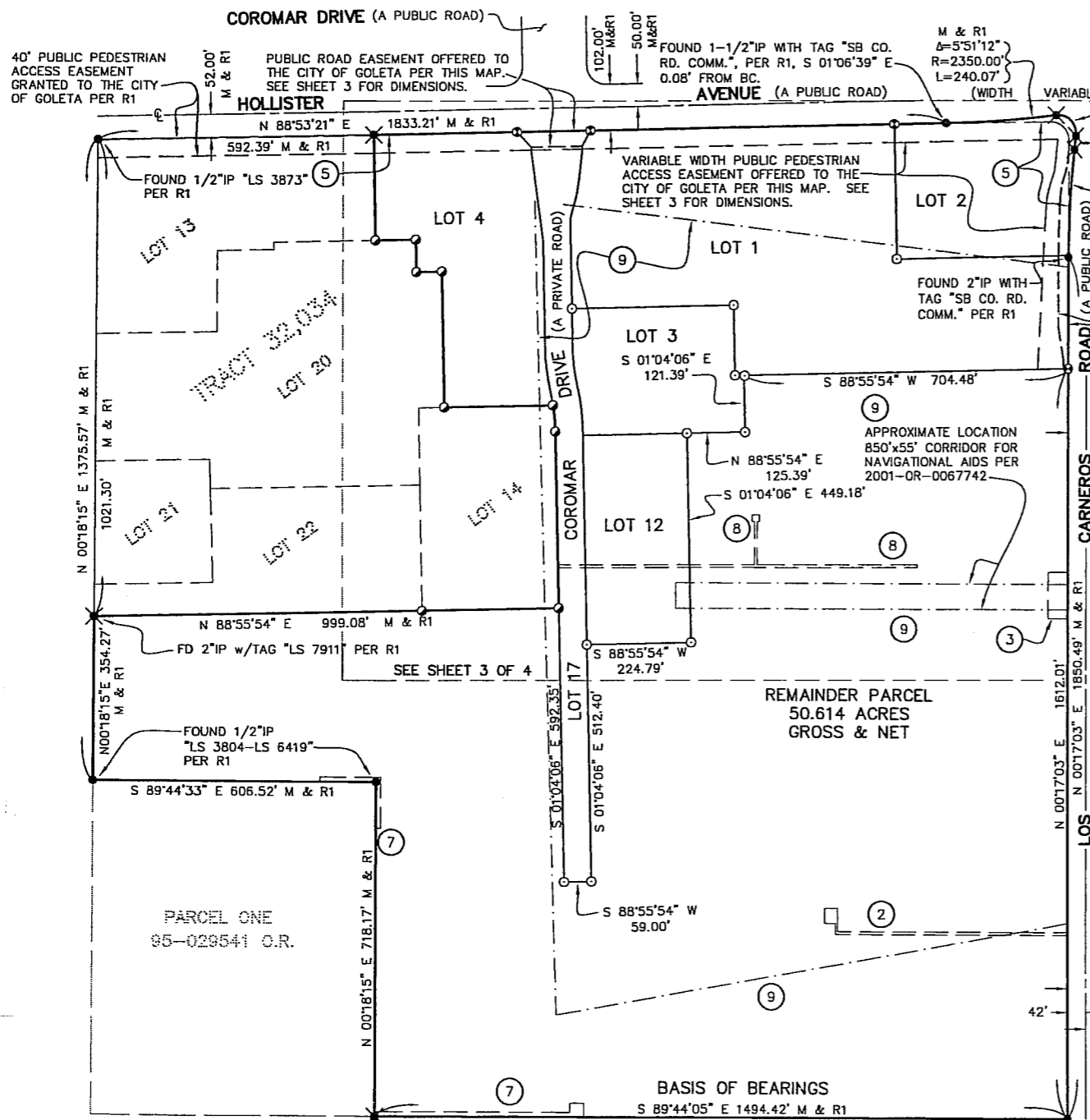
CITY CLERK OF THE DATE _____
CITY OF GOLETA

RECORDER'S STATEMENT:

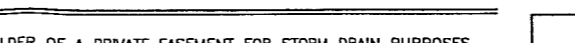
FILED THIS _____ DAY OF _____ 2008, AT _____ M. IN BOOK _____ OF MAPS, RECORDS OF SANTA BARBARA COUNTY, AT PAGES _____ AT THE REQUEST OF PENFIELD & SMITH ENGINEERS • SURVEYORS.

FEE: _____

JOSEPH E. HOLLAND DEPUTY
COUNTY CLERK-RECORDER
ASSESSOR

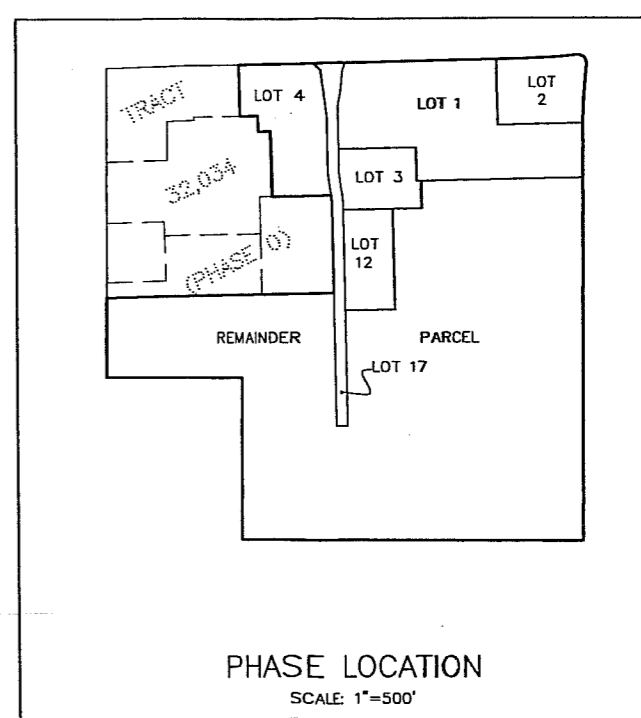


TOTAL TRACT AREA:
73.168 ACRES GROSS
72.730 ACRES NET



LEGEND

- = FOUND SURVEY MONUMENT AS NOTED
 - = SET 1/2" IRON PIPE WITH TAG "PLS 7911"
 - ⊙ = FOUND 1/2" IRON PIPE WITH TAG "PLS 7911" PER R1
 - ⊗ = SET 2" IRON PIPE WITH 1-1/2" DIAM. BRASS WASHER, "PLS 7911", SET IN CONCRETE
 - ⊗ = FOUND 2" IRON PIPE WITH 1-1/2" DIAM. BRASS WASHER, "PLS 7911", SET IN CONCRETE, PER R1
 - M = MEASURED
 - R1 = RECORD PER MAP BOOK 204, PAGES 39-42 TRACT 32,034
 - R2 = RECORD PER INSTRUMENT NO. 85-035395 O.R.
 - ROW = RIGHT OF WAY
- ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN U.S. SURVEY FEET



RECORD EASEMENTS (SEE SHEET 4 FOR DIMENSIONS)

- ② SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF A PUBLIC UTILITY EASEMENT FOR UNDERGROUND ELECTRIC LINES PURPOSES AS GRANTED TO IN THE DOCUMENT RECORDED SEPTEMBER 12, 1968 AS INSTRUMENT NO. 28457 IN BOOK 2245, PAGE 105 OF OFFICIAL RECORDS.
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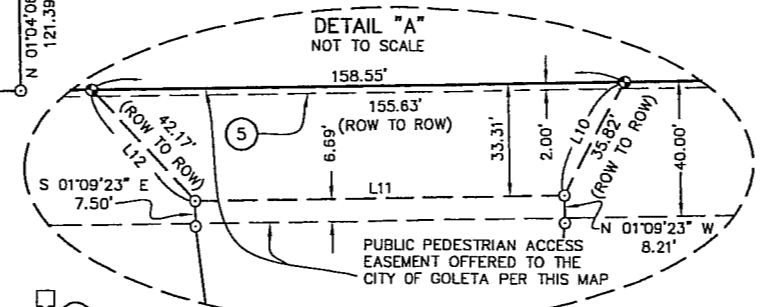
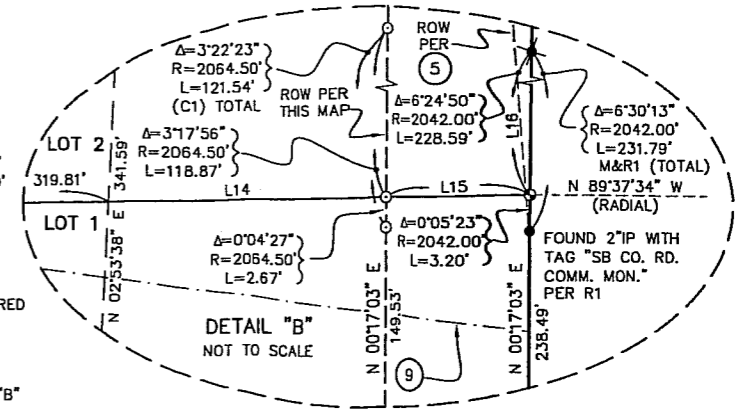
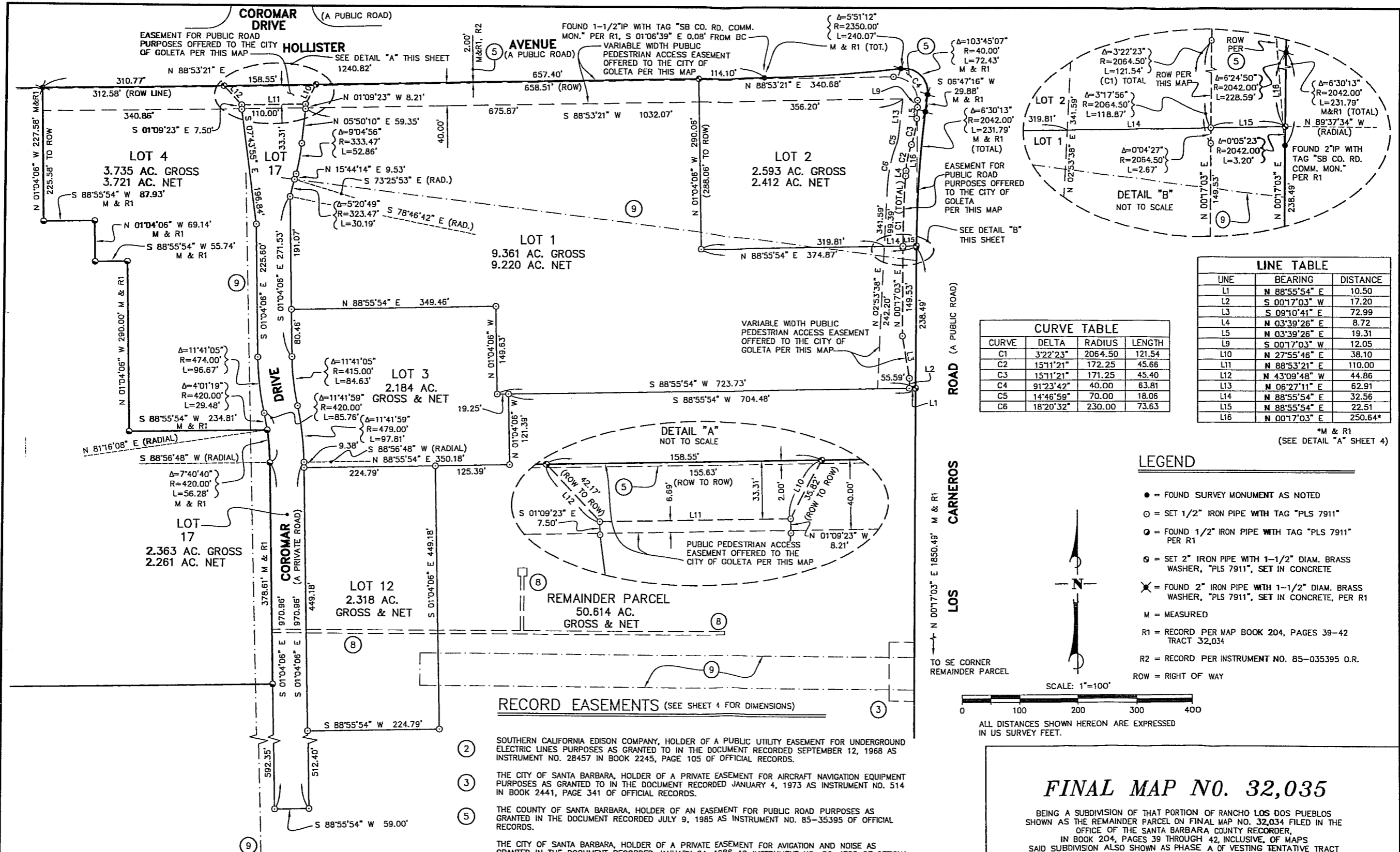
FINAL MAP NO. 32,035

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IN THE CITY OF GOLETA
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

JANUARY 2009

SHEET 2 OF 4 SHEETS



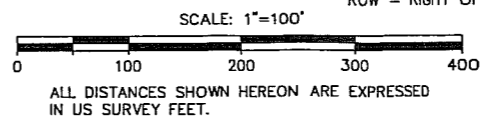
CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	3°22'23"	2064.50	121.54
C2	15°11'21"	172.25	45.66
C3	15°11'21"	171.25	45.40
C4	91°23'42"	40.00	63.81
C5	14°46'59"	70.00	18.06
C6	18°20'32"	230.00	73.63

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 88°55'54" E	10.50
L2	S 00°17'03" W	17.20
L3	S 09°10'41" E	72.99
L4	N 03°39'26" E	8.72
L5	N 03°39'26" E	19.31
L9	S 00°17'03" W	12.05
L10	N 27°55'46" E	38.10
L11	N 88°53'21" E	110.00
L12	N 43°09'48" W	44.86
L13	N 06°27'11" E	62.91
L14	N 88°55'54" E	32.56
L15	N 88°55'54" E	22.51
L16	N 00°17'03" E	250.64*

- LEGEND**
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 - ⊙ = FOUND 1/2" IRON PIPE WITH TAG "PLS 7911" PER R1
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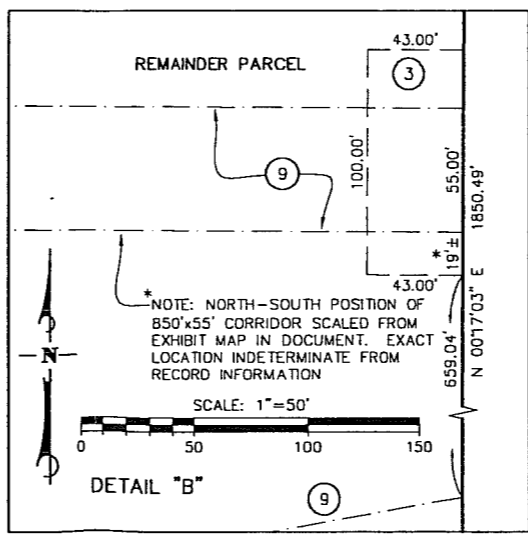
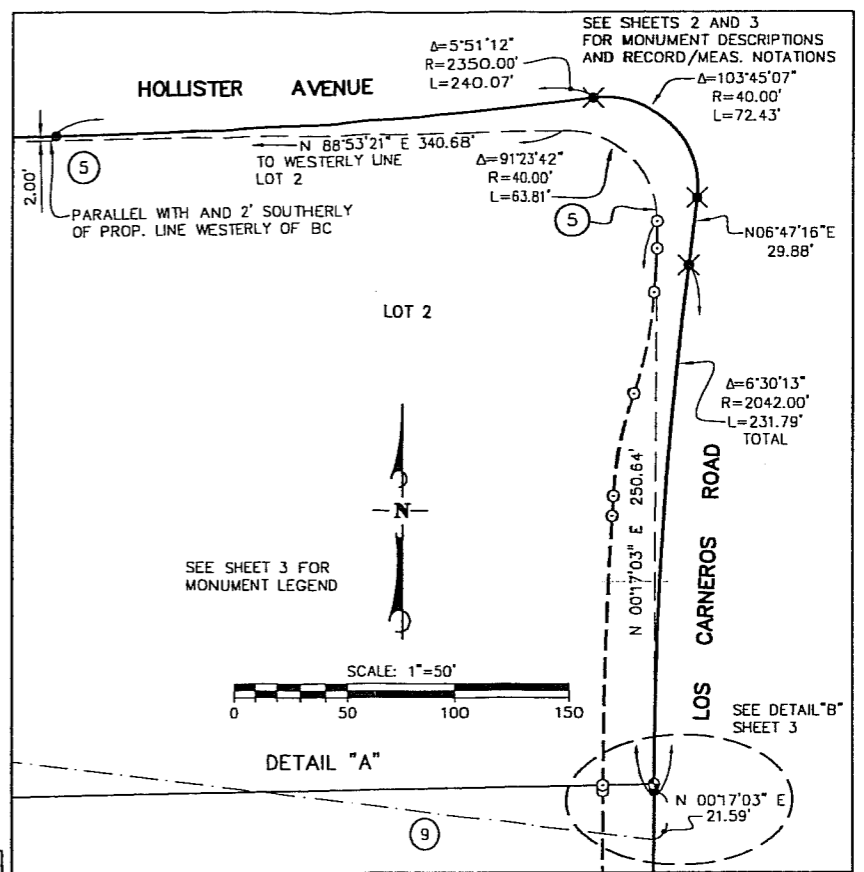
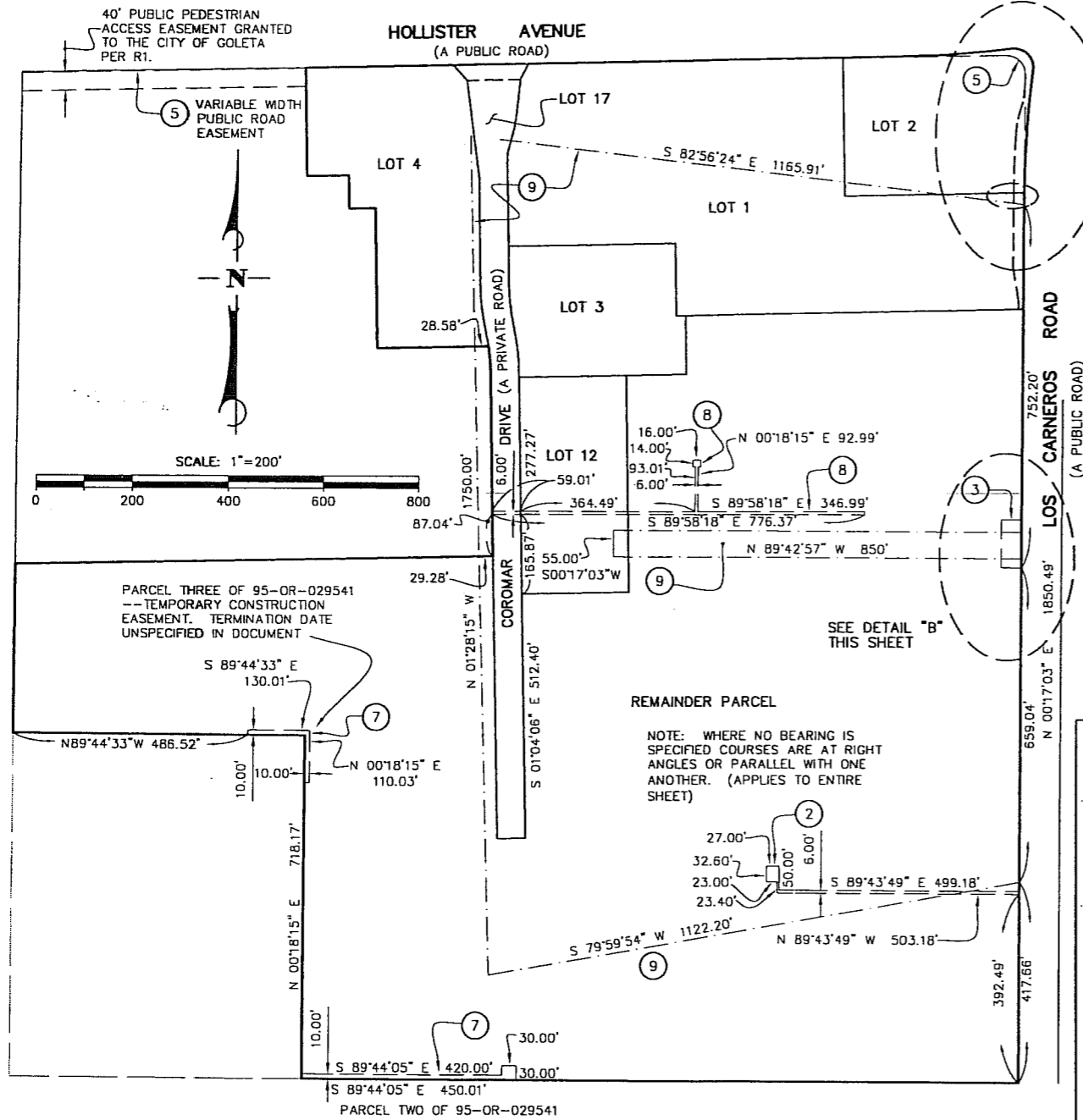
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RECORD EASEMENT DIMENSIONS
ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN U.S. SURVEY FEET

RECORD EASEMENTS

- ① SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN EASEMENT FOR PUBLIC UTILITIES PURPOSES AS GRANTED IN THE DOCUMENT RECORDED DECEMBER 28, 1956 AS INSTRUMENT NO. 25042 IN BOOK 1421, PAGE 16 OF OFFICIAL RECORDS.
- ② SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF A PUBLIC UTILITY EASEMENT FOR UNDERGROUND ELECTRIC LINES PURPOSES AS GRANTED TO IN THE DOCUMENT RECORDED SEPTEMBER 12, 1968 AS INSTRUMENT NO. 28457 IN BOOK 2245, PAGE 105 OF OFFICIAL RECORDS.
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- ④ SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF A PUBLIC UTILITY EASEMENT FOR UNDERGROUND ELECTRICAL SUPPLY SYSTEMS PURPOSES AS GRANTED IN THE DOCUMENT RECORDED OCTOBER 18, 1984 AS INSTRUMENT NO. 1984-56783 OF OFFICIAL RECORDS.
- ⑤ THE COUNTY OF SANTA BARBARA, HOLDER OF AN EASEMENT FOR PUBLIC ROAD PURPOSES AS GRANTED IN THE DOCUMENT RECORDED JULY 9, 1985 AS INSTRUMENT NO. 85-35395 OF OFFICIAL RECORDS.

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NOTE: EASEMENTS 1 AND 4 DO NOT APPEAR GRAPHICALLY HEREON AS THEY DO NOT ENCUMBER THIS PHASE OF THE PROJECT.

FINAL MAP NO. 32,035

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Phone: (805) 963-9532 Fax: (805) 966-9801

Attachment 2

**Amendment No. 1 to Improvement Agreement Between the City of Goleta
and Santa Barbara Reality Holding Company, LLC, a Delaware Limited
Liability Company**

RECORDING REQUESTED BY:
Peter N. Brown

AND WHEN RECORDED, RETURN TO:

CITY OF GOLETA
130 Cremona Drive, Suite B
Goleta, CA 93117

**IMPROVEMENT AGREEMENT
BETWEEN
THE CITY OF GOLETA
AND
SANTA BARBARA REALTY HOLDING COMPANY, LLC.**

AMENDMENT No. 1

This Amendment No. 1 to the Improvement Agreement dated November 14, 2008 by and between the City of Goleta (“**CITY**”) and Santa Barbara Realty Holding Company, LLC, A Delaware limited liability company (“**DEVELOPER**”) which is recorded in the official records of the County of Santa Barbara as ocument No. 2008-0064494. (“**Amendment No. 1**”) is made and entered this ____ day of February, 2009

WHEREAS, an Improvement Agreement (“**AGREEMENT**”), was entered into the 14th day of November 2008, by and among the City of Goleta, a California municipal corporation (“**CITY**”) and Santa Barbara Realty Holding Company, LLC, a Delaware limited liability company (“**DEVELOPER**”); and

WHEREAS, DEVELOPER has submitted and CITY has accepted a tract map for Phase A of the developement and the parties desire that this agreement be extended to Phase A; and

WHEREAS, on February 3, 2009, the City Council authorized the City Manager to execute this Amendment; and

WHEREAS, paragraph 21.5 of said Agreement provides for amendment and/or modification of the Agreement upon written agreement of both parties.

NOW, THEREFORE, In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

SECTION 1:

Terms 2.0 of the Improvement Agreement is hereby amended to read in its entirety:

“Developer shall construct or have constructed at its own cost, expense, and liability all improvements required by City as part of the approval of the Project, including, but not limited to, all grading, roads, paving, curbs and gutters,

pathways, bikeways, water systems, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, ornamental street trees, street lights, and all other required facilities as shown in detail on the plans, profiles, and specifications which have been prepared by or on behalf of Developer for the Project ("Improvements"). The Improvements are more specifically described in Exhibit "B-1," which is attached hereto and incorporated herein by this reference. Construction of the Improvements shall include any transitions and/or other incidental work deemed necessary by the City. The Developer shall be responsible for the replacement, relocation, or removal of any underground utilities or improvements in conflict with the construction or installation of the Improvements. Such replacement, relocation, or removal shall be performed to the complete satisfaction of the City Engineer and the owner of such the improvements. Developer further promises and agrees to provide all equipment, tools, materials, labor, tests, design work, and engineering services necessary or required by City to fully and adequately complete the Improvements."

SECTION 2:

Terms 13.1 of the Improvement Agreement is hereby amended to read in its entirety:

"To guarantee the faithful performance of the Improvements and all the provisions of this Agreement, to protect City if Developer is in default as set forth in Section 8.0 et seq. of this Agreement, and to secure Developer's one-year guarantee and warranty of the Improvements, including the maintenance of all landscaping in a vigorous and thriving condition, Developer shall provide City a faithful performance security in the amount of One Million Nine Hundred Seventy Nine Thousand Two Hundred Nine and no/100 Dollars (\$1,979,209.00), which sum shall be not less than one hundred percent (100%) of the Estimated Costs. The Community Services Director may, in Community Services Director's sole and absolute discretion and upon recommendation of the City Engineer, partially release a portion or portions of the security provided under this section as the Improvements are accepted by City, provided that Developer is not in default on any provision of this Agreement or condition of approval for the Project, and the total remaining security is not less than twenty-five percent (25%) of the Estimated Costs. All security provided under this section shall be released at the end of the Warranty period, or any extension thereof as provided in Section 12.0 of this Agreement, provided that Developer is not in default on any provision of this Agreement or condition of approval for the Project."

SECTION 3:

Terms 13.2 of the Improvement Agreement is hereby amended to read in its entirety:

"To secure payment to the contractors, subcontractors, laborers, material men, and other persons furnishing labor, materials, or equipment for performance of the Improvements and this Agreement, Developer shall provide City a labor and materials security in the amount of, One Million, Nine Hundred Seventy Nine Thousand, Two Hundred Nine and no/100 Dollars (\$1,979,209.00), which sum shall not be less than one hundred percent (100%) of the Estimated Costs. The security provided under this section may be released by written authorization of

the Community Services Director after six (6) months from the date City accepts the final Improvements. The amount of release of such security shall be reduced by the total of all stop notice or mechanic's lien claims of which City is aware, plus an amount equal to twenty percent (20%) of such claims for reimbursement of City's anticipated administrative and legal expenses arising out of such claims.

SECTION 4:

The Improvement Agreement is hereby amended to replace Exhibit "A" with Exhibit "A-1" and replace Exhibit "C" with Exhibit "C-1" attached hereto and incorporated here in by this reference.

SECTION 4:

The Improvement Agreement is hereby amended to include Exhibit "B-1" attached hereto and incorporated here in by this reference.

SECTION 5:

Except as otherwise specifically provided herein, all other provisions of the Improvement Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT No. 1 to be executed the 3rd day of February 2009.

CITY OF GOLETA

DEVELOPER

Daniel Singer, City Manager

SANTA BARBARA REALTY HOLDING COMPANY, LLC, a Delaware limited liability company

ATTEST:

By: SRG Santa Barbara, LLC, a Delaware limited liability company
Its: Managing Member

Deborah Constantino, City Clerk

By: _____
John Hagestad, Trustee of the J/M Hagestad Family Trust u/d/t dated June 30, 1992, Managing Member

APPROVED AS TO FORM

Its: Authorized Member

Tim W. Giles, City Attorney

By: _____
Russell A. Goodman

EXHIBIT "A-1"

LEGAL DESCRIPTION OF PROPERTY

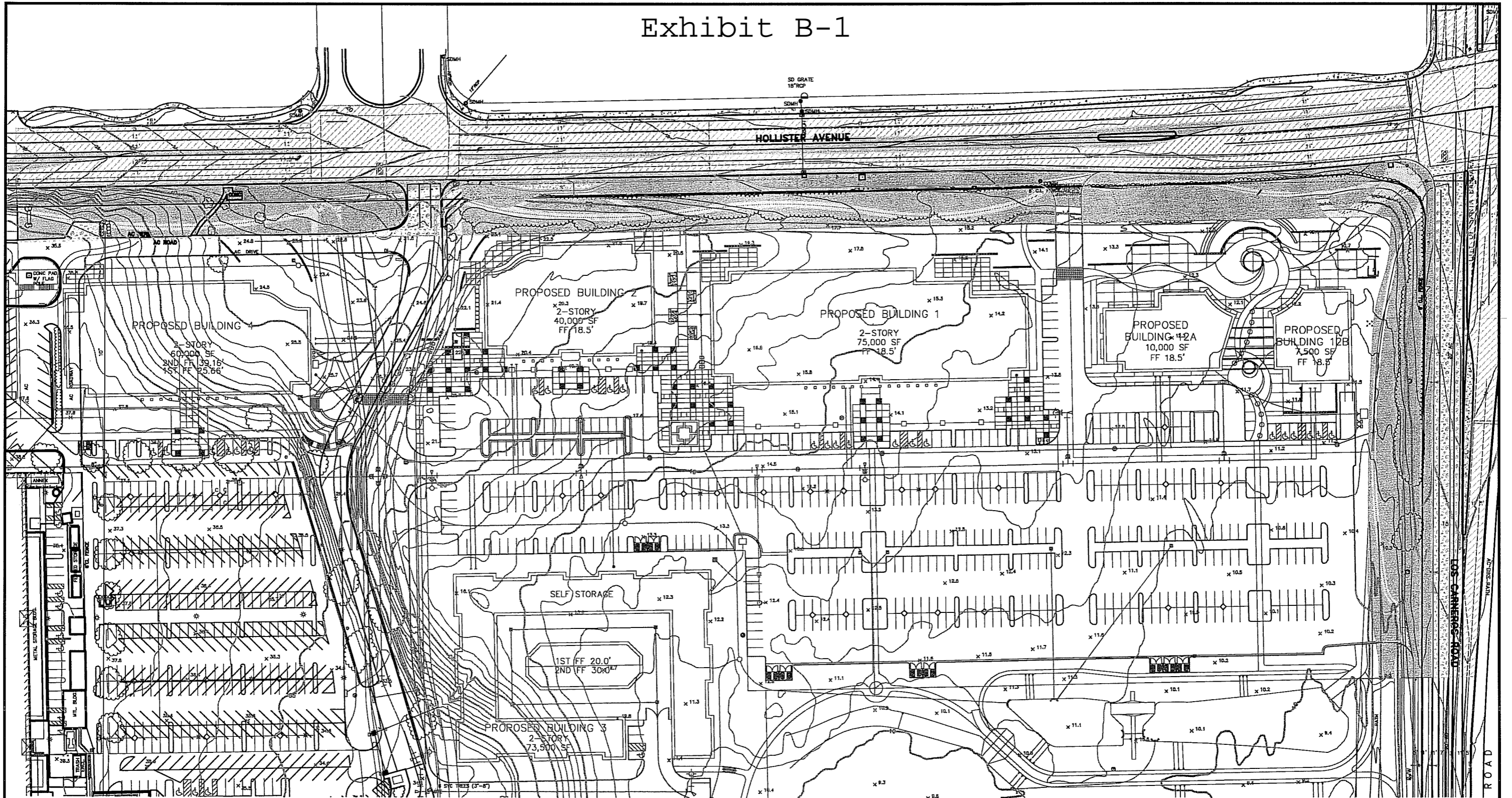
That portion of Rancho Los Dos Pueblos, in the City of Goleta, County of Santa Barbara, State of California, described as Parcel One in the deed recorded in the office of the Santa Barbara County Recorder May 31, 1998, as instrument No. 98-020481 of Official Records.

EXHIBIT "B-1"

LIST OF IMPROVEMENTS

The Improvements include the work on Hollister Avenue and Los Carneros Road as shown on the plans entitled "Street Widening Improvements Hollister Ave. & Los Carneros Rd." from approximately Station 9+00 to approximately Station 31+00 on Hollister Avenue and from approximately Station 28+00 to approximately Station 33+00 on Los Carneros Road, and as shown on the attached pictorial "Cabrillo Business Park "Phase A" Frontage Improvements Bond Estimate Exhibit, " dated January 20, 2008 for the portion of the development in conjunction with Tract Map Nos. 32,034 and 32,035, Phase 0 and A, respectively.

Exhibit B-1



CABRILLO BUSINESS PARK
"PHASE A" FRONTAGE IMPROVEMENTS
BOND ESTIMATE EXHIBIT
CITY OF GOLETA, CALIFORNIA



EXHIBIT "C-1"

SURETY BONDS AND OTHER SECURITY

FINAL MAP Nos. 32,034 and 32,035

As evidence of understanding the provisions contained in this Agreement, and of the Developer's intent to comply with same, the Developer has submitted the below described security in the amounts required by this Agreement, and has affixed the appropriate signatures thereto:

PERFORMANCE BOND PRINCIPAL AMOUNT: \$ 278,209
Surety: _____ Phase 0
Attorney-in-
fact: _____
Address: _____

MATERIAL AND LABOR BOND PRINCIPAL AMOUNT: \$ 278,209
Surety: _____ Phase 0
Attorney-in-
fact: _____
Address: _____

PERFORMANCE BOND PRINCIPAL AMOUNT: \$ 1,701,000
Surety: _____ Phase A
Attorney-in-
fact: _____
Address: _____

MATERIAL AND LABOR BOND PRINCIPAL AMOUNT: \$ 1,701,000
Surety: _____ Phase A
Attorney-in-
fact: _____
Address: _____

CASH MONUMENT SECURITY: \$ 21,500
Amount deposited per Cash Receipt _____ Date: _____
No. _____

Attachment 3

Amendment No. 1 to Landscape Maintenance Agreement Between the City of Goleta and Santa Barbara Reality Holding Company, LLC, a Delaware Limited Liability Company

RECORDING REQUESTED BY:
Peter N. Brown

AND WHEN RECORDED, RETURN TO:

CITY OF GOLETA
130 Cremona Drive, Suite B
Goleta, CA 93117

**LANDSCAPE MAINTENANCE AGREEMENT
BETWEEN
THE CITY OF GOLETA
AND
SANTA BARBARA REALTY HOLDING COMPANY, LLC.**

AMENDMENT No. 1

This Amendment No.1 to the Landscape Maintenance Agreement dated October 21, 2008 by and between the City of Goleta (“**CITY**”) and Santa Barbara Realty Holding Company, LLC, A Delaware Limited Liability Company (“**DEVELOPER**”) which is recorded in the official records of the County of Santa Barbara as document No. 2008-0064495. “**Amendment No.1**” is made and entered this ____ day of February, 2009.

WHEREAS, DEVELOPER has submitted and CITY has accepted a tract map for Phase A of the development and the parties desire that this agreement be extended to Phase A; and

WHEREAS, on February 3, 2009, the City Council authorized the City Manager to execute this amendment; and

WHEREAS, paragraph 6 of said Agreement provides for amendment and/or modification of the agreement upon written agreement of both parties.

NOW, THEREFORE, In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

SECTION 1:

Recital C of the Landscape Maintenance Agreement is hereby amended to read in its entirety:

“C. Pursuant to the final conditions of approval, the DEVELOPER shall install certain landscaping improvements which are located along or within certain City lands that abut the development (“**Landscape Improvements**”). The plans described in Exhibits “B” and “B-1” attached hereto depict in part the landscape improvements. The landscape improvements subject to the maintenance requirements or this agreement shall not include any streets, curbs, gutters or other improvements which may abut the Landscape Improvements.”

SECTION 3:

SB Realty Holding Company, LLC Landscape Maint Agreement CBP Amendment No. 1

Recital D of the Landscape Maintenance Agreement is hereby amended to read in its entirety:

“D. The landscape improvements are or shall be located within those certain rights of way owned by or benefiting the City (“**City Property**”) which are depicted on plans more fully described on Exhibits “C” and “C-1” attached hereto or which will be indicated on one or more recorded subdivision maps for the development. Upon completion of construction, the landscaping improvements are anticipated to be dedicated to, and accepted by the CITY.”

SECTION 4:

The Landscaping Maintenance Agreement is hereby amend to replace Exhibit “A” with Exhibit “A-1” attached hereto and incorporated herein by this reference.

SECTION 5:

The Landscaping Maintenance Agreement is hereby amend to include Exhibit “B-1” and “C-1” attached hereto and incorporated herein by this reference.

SECTION 6:

Except as otherwise specifically provided herein, all other provisions of the Landscape Maintenance Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT No. 1 to be executed the 3rd day of February 2009.

CITY OF GOLETA

DEVELOPER

Daniel Singer, City Manager

SANTA BARBARA REALTY HOLDING COMPANY, LLC, a Delaware limited liability company

ATTEST:

By: SRG Santa Barbara, LLC, a Delaware limited liability company
Its: Managing Member

Deborah Constantino, City Clerk

By: _____
John Hagestad, Trustee of the J/M Hagestad Family Trust u/d/t dated June 30, 1992, Managing Member

APPROVED AS TO FORM

Tim W. Giles, City Attorney

Its: Authorized Member

By: _____
Russell A. Goodman

EXHIBIT A-1

Legal Description of Property

That portion of Rancho Los Dos Pueblos, in the City of Goleta, County of Santa Barbara, State of California, described as Parcel One in the deed recorded in the office of the Santa Barbara County Recorder May 31, 1998, as instrument No. 98-020481 of Official Records.

EXHIBIT B-1

Description of Landscape Improvements

Landscape improvements as shown on the City approved Landscape Plans entitled "Cabrillo Business Park Landscape Plan" for the portion of the development in conjunction with Tract Map 32,034, Phase 0 and Tract Map 32,035, Phase A.

EXHIBIT C-1

Description of City Property

The public right of way as shown on the Improvement Plans entitled "Street Widening Improvements Hollister Avenue & Los Carneros Road:" for the portion of the development in conjunction with Tract Map 32,034, Phase 0 and Tract Map 32,035, Phase A.