

Central Services
Joan Araujo, Director

Engineering Services
Christopher Cooper, Director

Roads & Transportation
Christopher Kurgan, Director

Water & Sanitation
Joseph Pope, Director

Watershed Protection
Glenn Shephard, Director

December 13, 2022

Board of Supervisors
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

Subject: **Adoption of a Resolution to Approve the Quitclaim of a Flowage Easement (Easement) to the Rancho Matilija Corporation and the Rancho Matilija Partnership Because it is No Longer Necessary for the Purpose for Which it was Granted; Authorize the Director of the Public Works Agency or Designee to Execute and Record a Quitclaim Deed to Extinguish the Easement; Find that the Proposed Quitclaim of the Flowage Easement is Categorically Exempt from the California Environmental Quality Act; Supervisorial District No. 1.**

Recommendations:

1. Adopt the attached resolution to approve the quitclaim of a flowage easement to the Rancho Matilija Corporation and the Rancho Matilija Partnership.
2. Authorize the Director of the Public Works Agency or designee to prepare, execute and record a quitclaim deed to extinguish the flowage easement (Easement).
3. Find that the proposed quitclaim of the Easement is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the disposition of the Easement may cause a significant effect on the environment, and that no substantial evidence exists precluding the use of the categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2.



Fiscal/Mandates Impact:

Mandatory: No
Source of Funding: The proponent, Jurgen Gramckow
Funding Match Required: None
Impact on Other Department(s): No

Summary of Revenue and Total Costs:

		<u>FY 2022-23</u>		<u>FY 2023-24</u>
Revenue:	\$	5,000	\$	0
Costs:				
Direct	\$	3,370	\$	0
Indirect – Agency/Dept.	\$	1,575	\$	0
Indirect – County CAP	\$	55	\$	0
Total Costs	\$	5,000	\$	0
Net Costs	\$	0	\$	0
Recovered Indirect Costs	\$	1,630	\$	0

Current Fiscal Year (FY) Budget Projections:

Current FY 2022-23 Budget Projection for Watershed Protection District Administration - Unit 4200				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$6,129,782	\$6,414,914	\$6,414,914	\$ 0
Revenue	\$4,647,200	\$4,647,200	\$4,647,200	\$ 0
Net Cost	\$1,482,582	\$1,767,714	\$1,767,714	\$ 0

A \$2,000 deposit was collected from Jurgen Gramckow to cover the processing costs associated with the quitclaim of this flowage easement. Jurgen Gramckow will be responsible for any actual costs exceeding the deposit. Sufficient appropriations and revenue are included in the FY 2022-23 Adjusted Budget.



Discussion:

The flowage easement (Easement) proposed to be quitclaimed was dedicated to the District on June 17, 1983, on Map 95 MR 42 for Tract No. 3209-2 (Exhibit 3). The Easement is a flowage easement that allows for the periodic inundation of the Easement with flood and/or storm drainage waters, and the right to prohibit the construction of any structure or channel improvements within the Easement. The Easement is depicted on Sheets 4, 6, 7 and 8 of Exhibit 3. However, since the drainage over the Easement has been rerouted and will no longer flow across the Easement, the Easement is no longer necessary to be retained for the uses and purposes of a flowage easement.

The Ranch Matilija Corporation and the Rancho Matilija Partnership (collectively, Property Owners) have requested that Ventura County Watershed Protection District (District) quitclaim the Easement on their property to clear the title with a lot line adjustment for a planned sale of the property on which the Easement is located. Your Board may dispose of the Easement pursuant to California Water Code App. Section 46-11 if it is determined, by resolution, that any property, real or personal, held by the District is no longer necessary, as in this case, to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property.

Further, the District disavowing an interest in the Easement is not a gift of public funds because the Easement only has value if in use; here, the Easement is no longer used or needed for the purpose for which it was granted so any value is nominal at best. Further, as consideration for quitclaiming the Easement, the Property Owners will reimburse the District for the District's staff time to process the quitclaim if it is approved by your Board. The quitclaim at this time would also allow the District to potentially avoid future costs associated with extinguishing the Easement at a later date.

Staff has determined, and recommends that your Board find, that the quitclaim of the Easement, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the disposition of the Easement may cause a significant effect on the environment, and that there are no unusual circumstances or other circumstances prohibiting use of this exemption pursuant to CEQA Guidelines section 15300.2(c).

The Resolution is in a format previously reviewed and approved by County Counsel. This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.



If you have any questions concerning this item, please contact Charles Alvarez, Manager of the Real Estate Services Division, at (805) 654-2402 or the undersigned at (805) 654-2084.

Sincerely,



Joan Araujo, Director
Central Services Department

Attachments:

Resolution – Quitclaim of Flowage Easement
Exhibit 1 – Vicinity Map
Exhibit 2 – Location Map
Exhibit 3 – Map 95 MR 42 for Tract No. 3209-2
Exhibit 4 – Legal Description of Property

