



Legislation Details (With Board Report)

File #: A 22-514 **Name:**

Type: BoS Agreement **Status:** Passed

File created: 9/19/2022 **In control:** Board of Supervisors

On agenda: 10/4/2022 **Final action:** 10/4/2022

Title: a. Approve the Memorandum of Understanding and Quitclaim Deed between the County of Monterey and the City of Seaside, acting as the Federally Recognized Local Redevelopment Authority and successor to the Fort Ord Reuse Authority, for the conveyance of an approximately 31.19-acre portion of Blanco Road located within the former Fort Ord, identified as Army Corps of Engineers number L20.11.1, from the City of Seaside to the County of Monterey;
 b. Authorize the Director of Public Works, Facilities, and Parks to execute the Memorandum of Understanding, Quitclaim Deed, and any related documents needed to complete the transaction, including, but not limited to, any future amendments subject to the review and approval of the Office of the County Counsel;
 c. Find that the subject property transfer is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Location Map, 3. Attachment B - Memorandum of Understanding, 4. Attachment C - Quitclaim Deed, 5. Completed Board Order Item No. 30

Date	Ver.	Action By	Action	Result
10/4/2022	1	Board of Supervisors	approved	

a. Approve the Memorandum of Understanding and Quitclaim Deed between the County of Monterey and the City of Seaside, acting as the Federally Recognized Local Redevelopment Authority and successor to the Fort Ord Reuse Authority, for the conveyance of an approximately 31.19-acre portion of Blanco Road located within the former Fort Ord, identified as Army Corps of Engineers number L20.11.1, from the City of Seaside to the County of Monterey;

b. Authorize the Director of Public Works, Facilities, and Parks to execute the Memorandum of Understanding, Quitclaim Deed, and any related documents needed to complete the transaction, including, but not limited to, any future amendments subject to the review and approval of the Office of the County Counsel;

c. Find that the subject property transfer is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve the Memorandum of Understanding and Quitclaim Deed between the County of Monterey and the City of Seaside, acting as the Federally Recognized Local Redevelopment Authority and successor to the Fort Ord Reuse Authority, for the conveyance of an approximately 31.19-acre portion of Blanco Road located within the former Fort Ord, identified as Army Corps of Engineers number L20.11.1, from the City of Seaside to the County of Monterey;

b. Authorize the Director of Public Works, Facilities, and Parks to execute the Memorandum of Understanding, Quitclaim Deed, and any related documents needed to complete the transaction, including, but not limited to, any future amendments subject to the review and approval of the Office of the County

Counsel;

c. Find that the subject property transfer is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312.

SUMMARY:

Approval of the recommended actions will formally transfer ownership of an approximately 31.19-acre portion of Blanco Road located within the former Fort Ord, identified as Army Corps of Engineers number L20.11.1, from the City of Seaside, acting as the Federally Recognized Local Redevelopment Authority and successor to the Fort Ord Reuse Authority, to the County of Monterey.

DISCUSSION:

In 1994, the Fort Ord Reuse Authority (FORA), a regional governmental entity, was established pursuant to the Fort Ord Reuse Authority Act (California Government Code Sections 67650 et seq.) to plan, facilitate, and manage the transfer of property of the former Fort Ord from the United States Army to the governing local jurisdictions or their designee(s). On June 23, 2000, FORA and the Army entered into an Economic Development Conveyance Memorandum of Agreement (EDC MOA), whereby FORA acquired portions of the former Fort Ord including buildings, personal property, appurtenances, rights-of-way, drainage areas, and other real property interests as defined in Document No. 2000040124, recorded on June 23, 2000, in the Office of the Monterey County Recorder.

The EDC MOA identified Army Corps of Engineers Parcel Number L20.11.1, (Parcel L20.11.1), to be transferred to the County. FORA and the County entered into an Implementation Agreement, dated May 8, 2000, setting forth terms and conditions for transfer of certain identified properties to the County, including Parcel L20.11.1. Parcel L20.11.1 consists of a 31.19-acre portion of Blanco Road, including road and right-of-way improvements located north of Reservation Road within the County jurisdictional limits.

FORA dissolved by operation of law on June 30, 2020, pursuant to California Government Code section 67700. On February 21, 2020, in anticipation of the dissolution of FORA, FORA and the City of Seaside entered into an agreement in which FORA nominated the City of Seaside as the Local Redevelopment Authority (LRA) to succeed FORA, and the City of Seaside agreed to assume the LRA designation and the remaining responsibilities under the EDC after FORA dissolution. On April 30, 2020, the United States Department of Defense accepted the City of Seaside as the successor LRA to FORA, effective July 1, 2020, for the purpose of implementing the EDC MOA.

Shortly after the dissolution of FORA, the County discovered that it had no record of transfer of Parcel L20.11.1 from FORA to the County. The City of Seaside and the County confirmed through research that the Army had transferred Parcel L20.11.1 to FORA via quitclaim deed (Document No. 2000050371, recorded on August 8, 2000, in the in the Office of the Monterey County Recorder), however FORA had not transferred Parcel L20.11.1 to the County.

The parties recognize that the City of Seaside as LRA has the authority and responsibility to transfer Parcel L20.11.1 to the County. The parties intend by this MOU to set forth their mutual understandings to complete the transfer of Parcel L20.11.1. The transfer of Parcel L20.11.1 is not a project under California Environmental Quality Act Guidelines section 15378(b)(5) because it is an administrative action that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment.

Approval and execution of the Quitclaim Deed will officially place Parcel L20.11.1 under the ownership of the County.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel-Risk Management reviewed and approved the MOU and Quitclaim Deed as to form. The Public Works, Facilities, and Parks (PWFP) Real Property Section collaborated with the City of Seaside to develop the MOU and Quitclaim Deed.

FINANCING:

The Board Report, MOU, and Quitclaim Deed were developed by the PWFP Department staff and funded as part of the FY2022-23 PWFP Adopted Budget, General Fund 001, Facilities Appropriation Unit PFP054. Parcel L20.11.1 consists of road and right-of-way improvements and was previously believed to be under County ownership; as such, maintenance costs related to Parcel L20.11.1 are included within the Road Fund.

BOARD OF SUPERVISORS' STRATEGIC INITIATIVES:

If approved, this action correlates to the Infrastructure initiative adopted by the Board of Supervisors by supporting consistent development and property ownership.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Ivo N. Basor, Management Analyst II (831) 796-6427

Reviewed by: George K. Salcido, PWFP-Real Property Specialist

Approved by: Lindsay Lerable, Chief of Facilities

Approved by: Tom Bonigut, PE, Assistant Director of Public Works, Facilities & Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities & Parks

Attachments are on file with the Clerk of the Board:

Attachment A - Location Map

Attachment B - Memorandum of Understanding

Attachment C - Quitclaim Deed