

Attachment A

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

Adopt a Resolution to:

- a. Amend an existing Pavement Maintenance Agreement between San Benito Supply and the County of Monterey extending the termination date to March 30, 2045 (Amendment No. 1).
- b. Authorize the Chair to execute Amendment No. 1 and
- c. Direct the Clerk of the Board to submit Amendment No. 1 to the Recorder for filing.

WHEREAS, San Benito Supply (“Owner”) conducts a surface mining operation on Metz Road approximately three (3) miles east of City of Greenfield in the County of Monterey (commonly known as the Hidden Canyon Quarry) under Use Permit No. PLN010239 (“Permit”), as set forth in the County Planning Commission Resolution No. 05019, dated March 30, 2005; and

WHEREAS, San Benito Supply (“Owner”) and the County of Monterey (“County”), collectively referred as to “the Parties” entered into a Pavement Maintenance Agreement (“Agreement”) effective as of June 1, 2006 as a condition to authorizing the Use Permit (Condition of Approval No. 71); and

WHEREAS, the Agreement provides for a pavement maintenance and rehabilitation program (“Program”) that consists of patchwork of chip seal work of portions of Metz Road and Elm Avenue consistent with the Pavement Evaluation Study, Maintenance, and Rehabilitation Strategy for Metz Road and Elm Avenue, by Kleinfelder, dated August 3, 1999. The Kleinfelder study outlined a twenty (20) year maintenance and rehabilitation strategy to maintain an average Pavement Condition Index (PCI) of 54 for Metz Road and Elm Avenue; and

WHEREAS, Section 6. TERM of said Agreement provided that the Agreement shall terminate on the first to occur of (i) a period of twenty (20) years from the Effective Date of the Agreement, or (ii) termination of Use Permit; and

WHEREAS, The Conditional Use Permit expired March 30, 2025 and the applicant is currently processing an extension of the use permit (PLN010239-EXT1) to continue mining operations for an additional 20 years. Approval of Amendment No. 1 to the maintenance agreement satisfies condition of approval No. 70 and allows the Condition Use Permit extension to move forward.

WHEREAS, The Parties desire to extend the agreement for an additional twenty (20) years. The term of this agreement is set to terminate on the first to occur of (i) March 30, 2045, or (ii) termination of the Use Permit.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Monterey hereby:

1. Amend a Pavement Maintenance Agreement between San Benito Supply Inc. and the County of Monterey for an additional twenty (20) years with a termination date of March 30, 2045 (Amendment No. 1); and
2. Authorize the Chair to execute Amendment No. 1 and;
3. Direct the Clerk of the Board to submit Amendment No.1 to the Recorder for filing.

PASSED AND ADOPTED on this ____ day of _____ 2025, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____, for the meeting on _____, 2022.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy