

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

**Resolution No.**

Resolution of the Monterey County Board of Supervisors waiving County's right to receive title to that certain property in the Fort Ord Master Plan area that is proposed as a site for a state Veterans Cemetery and directing FORA to transfer the property directly to the State of California subject to certain conditions

**RECITALS**

**WHEREAS**, the former Fort Ord served as an active military installation for nearly a century and was closed on September 30, 1994 pursuant to and in accordance with the Defense Base Closure and Realignment Act of 1990, as amended (Public Law 101-510); and

**WHEREAS**, the Fort Ord Reuse Authority (FORA) is a regional agency established under California Government Code section 67650 et seq. whose goals, as set forth in Government Code section 67651, are to facilitate the transfer and reuse of former Fort Ord property, to minimize the economic disruption caused by base closure, to provide for reuse and development of the property in ways that enhance the economy and quality of life of the Monterey Bay community, and to maintain and protect the unique environmental resources of the area; and

**WHEREAS**, on June 13, 1997, FORA certified an environmental impact report and adopted the Fort Ord Base Reuse Plan (BRP); and

**WHEREAS**, pursuant to an Implementation Agreement, dated May 8, 2001, between FORA and the County ("Implementation Agreement"), when property in the former Fort Ord is ready for transfer to the County, FORA must convey the property to the County and the County must accept the property, except that the County "may direct FOR A to transfer property directly to a third party" rather than to the County. (Implementation Agreement, section 4.e.); and

**WHEREAS**, Figure 3.3-1 of the BRP, entitled "Land Use Concept – Ultimate Development," designates desirable uses of the former Fort Ord and identifies a site for a Veterans Cemetery in an area generally located east of General Jim Moore Boulevard and bounded by Parker Flats Road and Parker Flats Cutoff; and

**WHEREAS**, Figure LU 6a of the Ford Ord Master Plan, which is part of the Monterey County 2010 General Plan, designates the portion of the site that is within the unincorporated area of the County as "SFD Low Density Residential" and identifies the site as an opportunity area for a Veterans Cemetery; and

**WHEREAS**, the proposed site for a Veterans Cemetery as shown on Figure 3.3-1 of the BRP and Figure LU 6a of the 2010 General Plan straddles the County and the City of Seaside and is generally located on Polygons 21a (APN: 031-011-050-000, within County) and 20c (portion of APN: 031-151-048-000, within City of Seaside), as such Polygons are identified on the map of Planning Areas (Figure 3.10-1 of the BRP) (hereafter collectively "the Veterans' Cemetery site"). (The parcels are also identified as Parcel number E18.1.2 (within the County) and E18.1.1

(within the City of Seaside) on the Environmental Services Cooperative Agreement (ESCA) Remediation Program map.); and

**WHEREAS**, a legal description prepared by FORA of the portion of the Veterans Cemetery site designated for burials, comprising some 78.7 acres, is attached hereto as **Exhibit A** and incorporated herein by reference (“hereafter Burial Site”); and

**WHEREAS**, Parcel Y as denoted in the legal description is that portion of the Burial Site that lies within the County of Monterey and is the property which is the subject of this resolution (hereafter “the Property”); and

**WHEREAS**, FORA currently holds title to the Property, and FORA has not yet tendered title to the Property to the County; and

**WHEREAS**, in light of the dissolution of the Redevelopment Agency of the County of Monterey pursuant to state law and in light of the fact that FORA has not conveyed the Property to either the County or Redevelopment Agency, this resolution supersedes Board of Supervisors’ Resolution No. 06-243 to the extent Resolution No. 06-243 authorized FOR A to convey County’s interest in the Property to the Redevelopment Agency of the County of Monterey; and

**WHEREAS**, subdivision (a) of section 1450.1 of the California Military and Veterans Code provides that the California Department of Veterans Affairs “in voluntary cooperation with the Board of Supervisors of the County of Monterey, City of Seaside, the Fort Ord Reuse Authority (FORA), and surrounding counties, cities, and local agencies, shall design, develop, and construct the state-owned and state-operated veterans cemetery, which shall be located on the site of the former Fort Ord”; and

**WHEREAS**, FORA staff, Congressman Farr, and State Senator Monning have requested that the County take action prior to April 1, 2013 to waive County’s right to receive title to the Property and to direct FORA to convey the Property to the State of California in order to enable the State of California to apply for and be eligible for consideration for federal grant money for the proposed Veterans Cemetery; and

**WHEREAS**, at the Board of Supervisors Fort Ord Committee meeting on February 25, 2013, representatives from the offices of Congressman Sam Farr and State Senator Bill Monning expressed the need for the state to hold title to the subject parcels in both the City of Seaside and the County of Monterey by August 15, 2013 in order to retain priority for federal grant funding, and the Fort Ord Committee recommended that the Board of Supervisors consider adopting a resolution to waive County’s right to receive title to that portion of the Veterans Cemetery lying within County’s jurisdiction and direct FORA to transfer the Property to the state; and

**WHEREAS**, the Board of Supervisors received letters from United States Congressman Sam Farr, State Senator Bill Monning, and State Assembly member Mark Stone requesting Monterey County to transfer the portion of the Veterans Cemetery designated for burials; and

**WHEREAS**, the Board of Supervisors finds that this transfer of title does not obligate the County or the State to proceed with the Veterans Cemetery project, that the decision to proceed with the Veterans Cemetery project is in the purview and within the discretion of the state, and that any such decision would occur only after completion of environmental review required by law; and

**WHEREAS**, the Board of Supervisors further recognizes and finds that the exact site of a Veterans Cemetery would be determined only after the necessary environmental review and entitlement process and that the County's action herein does not and is not intended to limit the choice of alternatives or mitigation measures, including consideration of alternative sites or configurations; and

**WHEREAS**, the Board's actions herein are intended to be and are conditioned upon the state complying with the California Environmental Quality Act (CEQA) and, if necessary, the National Environmental Policy Act (NEPA), before deciding whether to use the Property for a Veterans Cemetery; and

**WHEREAS**, in recognition that transfer of title is necessary to qualify for federal grant funding but does not commit the state to approval of a Veterans Cemetery on the Property, the County's action is conditioned upon the state conveying the Property back to the County, or such other entity as the County may identify or direct, if the Veterans Cemetery on the Property is neither a) funded, b) approved, or c) constructed; and

**WHEREAS**, the Board of Supervisors finds, pursuant to CEQA Guidelines section 15004(b), that County's waiver of its right to receive title to the Property and direction to FORA to transfer title to the Property to the state subject to the conditions stated herein is not a decision to approve or carry out a project within the meaning of the California Environmental Quality Act; County's action pertains only to land acquisition that is conditioned upon CEQA review of the proposed use of the site as a Veterans Cemetery before a decision whether to authorize such use would be made, and furthermore, the County's action does not commit to the use of the site, does not commit to a definite course of action, and does not limit or foreclose alternatives or mitigation measures or approve any use of the site before CEQA compliance; **NOW, THEREFORE**

### **DECISION**

**BE IT RESOLVED**, by the Board of Supervisors in and for the County of Monterey as follows:

- a. The foregoing recitals are true and correct.
- b. The County hereby waives its right to receive title to that certain Property in the Fort Ord Master Plan area that is proposed as a site for a state Veterans Cemetery, more particularly described as Parcel Y in **Exhibit A** attached hereto and incorporated herein by reference.
- c. FORA is directed to transfer the above-described Property directly to the State of California, subject to the state's agreement that the state will comply with the California Environmental Quality Act and, if necessary, the National Environmental Policy Act, before deciding whether to approve the use of the Property as a Veterans Cemetery, and subject to the state's further agreement that the state will convey the Property back to the County, or such other entity as the County may identify or direct, upon the earlier to happen of: 1) the failure of the Veterans Cemetery project to receive funding; 2) the failure of the Veterans Cemetery to be approved; or 3) the failure of the Veterans Cemetery to be constructed on the Property.

**PASSED AND ADOPTED** on this 26<sup>th</sup> day of March, 2013 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, 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 \_\_\_\_\_.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**CALIFORNIA CENTRAL COAST VETERANS CEMETERY**

**Parcel X**

Certain real property situate in the incorporated area of the City of Seaside, also situate in the City Lands of Monterey, Tract No. 1, County of Monterey, State of California, described as follows:

Being a portion of the land shown as Parcel B on the map filed in Volume 29 of Surveys at Page 106, Official Records of said County, particularly described as follows:

**Beginning** at the most northeasterly corner of said Parcel B, thence along the easterly boundary line of said Parcel B, South 18°59'46" West, 1951.16 feet, said line also being the City Limit line of the City of Seaside, to the **True Point of Beginning**; thence continuing along said line

- X-1) South 18° 59' 46" West, 1938.75 feet; thence departing said easterly line and said City Limit line
- X-2) Along the arc of a non-tangent curve, the center of which bears North 36° 12' 19" East, 2468.00 feet distant, through a central angle of 11° 54' 41", for an arc distance of 513.08 feet; thence
- X-3) North 41° 53' 00" West, 1237.64 feet to a point which bears North 48° 07' 00" East, 59.00 feet from the northwesterly terminus of the course shown as N41°53'00"W, 791.67' on said map filed in Volume 29 of Surveys at Page 106; thence
- X-4) Along the arc of a tangent curve, the center of which bears North 48° 07' 00" East, 91.00 feet distant, through a central angle of 30° 00' 00", for an arc distance of 47.65 feet; thence
- X-5) North 11° 53' 00" West, 59.60 feet; thence
- X-6) Along the arc of a tangent curve, the center of which bears North 78° 07' 00" East, 20.00 feet distant, through a central angle of 117° 07' 49", for an arc distance of 40.89 feet; thence
- X-7) Along the arc of a tangent reverse curve, the center of which bears North 15° 14' 49" East, 552 feet distant, through a central angle of 13° 02' 02", for an arc distance of 125.57 feet; thence
- X-8) South 05° 24' 15" East, 194.48 feet; thence
- X-9) South 41° 53' 00" East, 53.63 feet; thence
- X-10) North 84° 35' 45" East, 278.11 feet; thence
- X-11) North 05° 24' 15" West, 232.73 feet; thence

- X-12) North  $84^{\circ} 35' 45''$  East, 297.28 feet; thence
- X-13) Along the arc of a tangent curve, the center of which bears North  $05^{\circ} 24' 15''$  West, 1832.00 feet distant, through a central angle of  $20^{\circ} 16' 03''$ , for an arc distance of 648.04 feet; thence
- X-14) North  $64^{\circ} 19' 42''$  East, 542.01 feet; thence
- X-15) Along the arc of a tangent curve, the center of which bears South  $25^{\circ} 40' 18''$  East, 468.00 feet distant, through a central angle of  $00^{\circ} 58' 31''$ , for an arc distance of 7.97 feet, more or less, to the True Point of Beginning.

Containing an area of 32.22 acres, more or less.

### **Parcel Y**

Certain real property situate in the unincorporated area of Monterey County, also situate in the City Lands of Monterey, Tract No. 1, County of Monterey, State of California, described as follows:

Being a portion of the land shown as Parcel 1 on the map filed in Volume 23 of Surveys at Page 105, Official Records of said County, particularly described as follows:

**Beginning** at the most northeasterly corner of Parcel B, as shown on the map filed in Volume 29 of Surveys at Page 106, Official Records of said County, thence along the easterly boundary line of said Parcel B, South  $18^{\circ} 59' 46''$  West (shown as S  $18^{\circ} 59' 35''$  W on the map filed in Volume 30 of Surveys at Page 41), 1951.16 feet, said line also being the City Limit line of the City of Seaside, to the **True Point of Beginning**; thence departing said line

- Y-1) Along the arc of a non-tangent curve, the center of which bears South  $24^{\circ} 41' 47''$  East, 468.00 feet distant, through a central angle of  $27^{\circ} 51' 54''$ , for an arc distance of 227.61 feet; thence
- Y-2) South  $86^{\circ} 49' 53''$  East, 248.88 feet, more or less, to a point on the easterly line of Parcel D, as shown on the map filed in Volume 30 of Surveys at Page 41; thence along said easterly line
- Y-3) South  $04^{\circ} 34' 26''$  East, 255.63 feet; thence
- Y-4) South  $14^{\circ} 47' 14''$  East, 1369.35 feet; thence
- Y-5) South  $20^{\circ} 28' 20''$  West, 520.37 feet; thence
- Y-6) South  $30^{\circ} 46' 05''$  West, 373.72 feet; thence departing said easterly line
- Y-7) North  $59^{\circ} 56' 41''$  West, 185.02 feet; thence
- Y-8) Along the arc of a non-tangent curve, the center of which bears North  $31^{\circ} 48' 45''$  West, 245.00 feet distant, through a central angle of  $64^{\circ} 30' 09''$ , for an arc distance of 275.82 feet; thence

- Y-9) South 48° 26' 44" West, 151.27 feet; thence
- Y-10) Along the arc of a tangent curve, the center of which bears South 48° 26' 44" West, 632.00 feet distant, through a central angle of 01° 45' 32", for an arc distance of 19.40 feet; thence
- Y-11) North 43° 18' 48" West, 400.28 feet; thence
- Y-12) Along the arc of a tangent curve, the center of which bears South 46° 41' 12" West, 1302.00 feet distant, through a central angle of 12° 17' 09", for an arc distance of 279.19 feet; thence
- Y-13) Along the arc of a tangent reverse curve, the center of which bears North 34° 24' 03" East, 2468.00 feet distant, through a central angle of 01° 48' 16", for an arc distance of 77.73 feet, more or less, to a point on the easterly line of said Parcel B as shown on said map filed in Volume 29 of Surveys at Page 106, said point also being on the City Limit line of the City of Seaside; thence along said easterly line
- Y-14) North 18° 59' 46" East (shown as S 18° 59' 35" W on said map filed in Volume 30 of Surveys at Page 41), 1938.75 feet to the true point of beginning.

Containing an area of 52.16 acres, more or less.

Attached hereto is a plat to accompany this legal description, and by this reference made a part hereof.

**END OF DESCRIPTION**

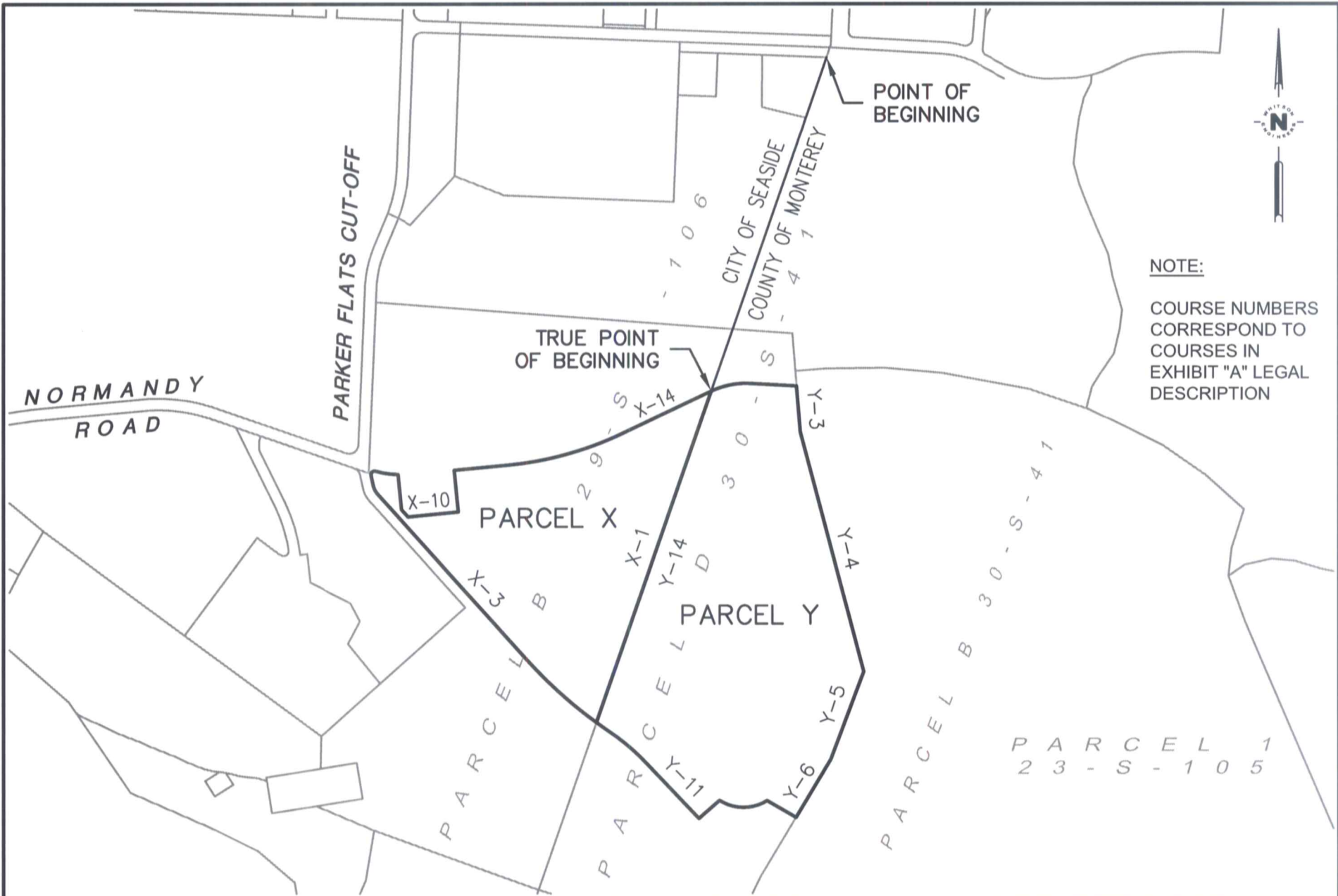
PREPARED BY:

WHITSON ENGINEERS

*Kenneth M. Whitson*

KENNETH M. WHITSON, P.E.  
R.C.E. NO. 25766





# ATTACHMENT TO EXHIBIT 'A'

MONTEREY COUNTY

CALIFORNIA

CALIFORNIA CENTRAL COAST VETERANS CEMETERY

DRAWING PATH: T:\Monterey Projects\2232\223201\CAD\Exhibits\Plats\CCCVC Plat-Attachment A.dwg

|              |              |
|--------------|--------------|
| DATE:        | MAY 31, 2011 |
| SCALE:       | 1" = 700'    |
| DRAWN:       | APH          |
| CHECKED:     | KMW          |
| PROJECT No.: | 2232.01      |

|       |          |
|-------|----------|
| SHEET | <b>1</b> |
| OF 1  |          |