

MONTEREY COUNTY

PUBLIC WORKS, FACILITIES & PARKS



Randell Ishii, MS, PE, TE, PTOE, Director

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831) 755-4800
www.co.monterey.ca.us

MEMORANDUM

Date: MAY 12, 2022

To: CLERK TO THE BOARD

From: RACHEL ENOSARAN x5197
PUBLIC WORKS, FACILITIES & PARKS

Subject: ORIGINAL EXECUTED AGREEMENT No A-15201 Amendment #1
LEG # A21-125 AGENDA ITEM 33

Please find enclosed an original executed agreement (No A-15201; Amendment No 1) between the County of Monterey and Greg and Lynn Brown Revocable Trust along with the board order for your files.

Thank you.



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066
www.co.monterey.ca.us

Board Order

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to:

Agreement No.: A-15201; Amendment No.: 1

- a. Approve an Amendment to the Agreement for Purchase of Real Property between the County of Monterey and the Greg and Lynn Brown Revocable Trust dated April 11, 2005 (APN 424-091-021), to amend the term the of the Temporary Construction Easement (TCE) to begin on May 1, 2020 for the construction of the Nacimiento Lake Drive Bridge Project, Project No. 2202; and
- b. Authorize the Director of Public Works, Facilities and Parks to execute the Amendment to the Agreement for Purchase of Real Property on behalf of the County.

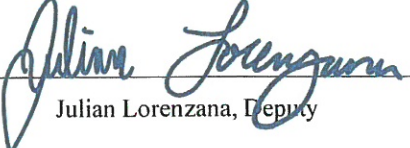
PASSED AND ADOPTED on this 27th day of April 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams
NOES: None
ABSENT: None
(Government Code 54953)

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 82 for the meeting April 27, 2021.

Dated: May 5, 2021
File ID: A 21-125
Agenda Item No.: 33

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


Julian Lorenzana, Deputy

**AMENDMENT NO. 2
TO AGREEMENT FOR PURCHASE OF REAL PROPERTY
BETWEEN COUNTY OF MONTEREY AND
GREGORY NEIL BROWN AND ROBIN LYNN BROWN,
TRUSTEES OF THE GREG AND LYNN BROWN REVOCABLE TRUST
DATED AUGUST 11, 2005**

THIS AMENDMENT NO. 2 to “Agreement For Purchase of Real Property” between the County of Monterey, a political subdivision of the State of California (hereinafter, “County” or “Grantee”) and Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust dated August 11, 2005 (hereinafter, “Grantor”) is hereby entered into between the Grantee and the Grantor (collectively, the “Parties”) and effective as of the last date opposite the respective signatures below.

WHEREAS, Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust dated August 11, 2005 entered into “Agreement for Purchase of Real Property with County” on April 18, 2019 (hereinafter, “Agreement”) and added Amendment No. 1 to the Agreement on May 5, 2021 to grant a permanent Roadway Easement and Temporary Construction Easement (TCE) for use by County to construct the Nacimiento Lake Drive Bridge Replacement Project (Project); and

WHEREAS, the TCE is needed by the County for the purpose of providing access, staging area, use of equipment for construction, construction of a new bridge, and removal of the old bridge for the Project; and

WHEREAS, County requires two additional years to complete the construction of the Project and requires the change of the ending date of the TCE from May 1, 2022 to May 1, 2024 which will allow County to utilize the TCE to complete the construction of the Project ; and

WHEREAS, the Parties wish to amend the Agreement and Amendment No. 1 with Amendment No. 2 to change the TCE from “beginning date of the Temporary Construction Easement on May 1st, 2020 for the term of two (2) years until May 1, 2022” to “beginning date of the Temporary Construction Easement on May 1st, 2020 for the term of four (4) years until May 1, 2024” to allow GRANTEE to provide for the necessary area for construction of the Nacimiento Lake Drive Bridge Replacement Project as identified in the Agreement and as amended by Amendment No. 1 and this Amendment No. 2; and

WHEREAS, a waiver appraisal of the additional TCE was conducted by Grantee’s right of way consultant “Bender Rosenthal” and the just compensation value of the additional 2 (two) years of TCE was determined to be \$1,150.00

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Amend the second sentence of Clause 6 “Temporary Construction Easement:” of the Agreement, to read as follows:

The Temporary Construction Easement shall be for a period of forty-eight (48) months from beginning date of May 1, 2020 to ending date of May 1, 2024.

2. Add the following paragraph 1-A2 to Clause 6 “Temporary Construction Easement:” of the Agreement, as follows:

The Temporary Construction Easement shall be limited to the 0.972 acres along the west side of the existing bridge as displayed in Exhibit E of this Agreement. The 0.413 acres located along the north side of the project as displayed in Exhibit E that is outside the County Right-of-Way will be limited to use as required by a public utility owner (i.e. PG&E, AT&T, etc.) and not used for bridge construction activity. Any use of 0.413 acres outside the County Right-of-Way required by the contractor shall be a separate agreement from this TCE with Monterey County. Property owner ingress and egress is to remain open and unobstructed at all times in all directions for the purposes of moving livestock and farm equipment.

3. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
4. This Amendment No. 2 shall be attached to the Agreement and Amendment No. 1 and incorporated therein as if fully set forth in the Agreement.
5. The recitals to this Amendment No. 2 are incorporated into the Agreement, Amendment No. 1, and this Amendment No. 2.

Agreements for purchase of Project Property and Amendments to the Agreement are contingent upon the approval of the County of Monterey.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

GRANTORS

Greg and Lynn Brown Revocable Trust dated August 11, 2005

By: Gregory Neil Brown Date: 2/22/22
Gregory Neil Brown

By: Robin Lynn Brown Date: 2/22/22
Robin Lynn Brown

GRANTEE

County of Monterey

By: _____ Date: _____
Randell Ishii, MS, PE, TE, PTOE
Director - Department of
Public Works, Facilities and Parks

APPROVED AS TO FORM:
County Counsel

By: _____ Date: _____
Mary Grace Perry
Deputy County Counsel

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

Agreements for purchase of Project Property and Amendments to the Agreement are contingent upon the approval of the County of Monterey.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

GRANTORS

Greg and Lynn Brown Revocable Trust dated August 11, 2005

By: *Gregory Neil Brown* Date: 2/22/22
Gregory Neil Brown

By: *Robin Lynn Brown* Date: 2/22/22
Robin Lynn Brown

GRANTEE

County of Monterey

By: _____ Date: _____
Randell Ishii, MS, PE, TE, PTOE
Director - Department of
Public Works, Facilities and Parks

APPROVED AS TO FORM:
County Counsel

By: *Mary Grace Perry* Date: 4/12/2022 | 5:20 PM PDT
DocuSigned by:
A1933820E717442...
Mary Grace Perry
Deputy County Counsel

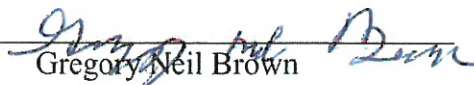
*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

Agreements for purchase of Project Property and Amendments to the Agreement are contingent upon the approval of the County of Monterey.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

GRANTORS

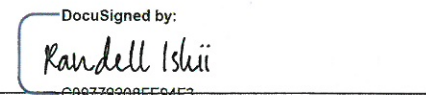
Greg and Lynn Brown Revocable Trust dated August 11, 2005

By:  Date: 2/22/22
Gregory Neil Brown

By:  Date: 2/22/22
Robin Lynn Brown

GRANTEE

County of Monterey

By:  Date: 5/5/2022 | 4:57 PM PDT
Randell Ishii, MS, PE, TE, PTOE
Director - Department of
Public Works, Facilities and Parks

APPROVED AS TO FORM:
County Counsel

By:  Date: 4/12/2022 | 5:20 PM PDT
Mary Grace Perry
Deputy County Counsel

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

RECORDATION Not Required:

NOT FOR RECORDATION

TEMPORARY CONSTRUCTION EASEMENT

Portion of APN: 424-091-021 and 424-091-022

Nacimiento Lake Drive Bridge Project

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust dated August 11, 2005 (GRANTOR)**, hereby **GRANT** to the **County of Monterey, a political subdivision of the State of California (GRANTEE)**, a Temporary Construction Easement upon, over and across the certain real property for the Nacimiento Lake Drive Bridge Project in the County of Monterey, State of California, for public roadway and utility purposes as described and depicted in Exhibit "E" attached hereto and incorporated herein by this reference.

This Temporary Construction Easement shall be for the purpose of construction activities related to the Project including, but not limited to use for ingress and egress, road and sidewalk construction areas, removal of existing bridge, parking of vehicles and all other activities whatsoever in nature incidental to the construction of the specified project.

This Temporary Construction Easement shall become effective on May 1, 2020 and shall terminate on May 1, 2024 for a period of 48-months from the effective date.

SEE EXHIBIT "E" ATTACHED HERETO AND MADE A PART HEREOF.

SEE 27-SUR-20

TEMPORARY
CONSTRUCTION
EASEMENT
0.972 ACRES
(42377 SQ FT)

0.413 AC (17985 SQ FT)

APN 424-091-015
JOSEPH VINEYARD
ESTATES LLC



APN 424-091-020
DON & SUSAN JOHNSTON

NACIMIENTO LAKE DRIVE
(A COUNTY ROAD EASEMENT,
60' WIDE PER V 4 OR 155)

FUTURE ROAD ALIGNMENT

APN 424-091-021
THE GREG AND LYNN BROWN
TRUST
DOC. NO. 2008013595

APN 424-091-016
JOSEPH VINEYARD
ESTATES LLC



SW CORNER OF
APN 424-091-021
PER 27-SURVEYS-20

DATE February 15, 2022
Michael K. Goetz
MICHAEL K. GOETZ, COUNTY SURVEYOR
PLS NO. 5667



COUNTY OF MONTEREY
RESOURCE MANAGEMENT AGENCY
OFFICE OF THE COUNTY SURVEYOR
1441 SCHILLING PLACE, SOUTH 2ND FLOOR
SALINAS, CALIFORNIA 93901
(831) 755-4800/FAX (831) 755-4958

NACIMIENTO LAKE DRIVE BRIDGE
TEMPORARY CONSTRUCTION EASEMENT
PROJECT NO. 2202

EXHIBIT "E"

DATE	02/15/22	DRAWING	NACIMIENTO LAKE DR	SHEET 1 OF 1
SCALE	1"=60'	VIEW	424-091-021-E	