



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 13-101 to waive the County's right to receive title to certain property in the Fort Ord Master Plan area that is proposed as a site for a state Veterans Cemetery and direct the Fort Ord Reuse Authority (FORA) to transfer the property directly to the State of California subject to certain conditions.

PASSED AND ADOPTED on this 26th day of March 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas, Parker, and Potter

NOES: None

ABSENT: Supervisor Calcagno

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 76 for the meeting on March 26, 2013.

Dated: March 28, 2013
File Number: 12-0285

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

By Denise Hancock
Deputy

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

Resolution No. 13-101

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 FORA 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 84.4 acres, is attached hereto as **Exhibit A** and incorporated herein by reference (“hereafter Burial Site”); and

WHEREAS, Parcel K 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 FORA 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 K 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 in writing 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 in writing 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; 3) the failure of the Veterans Cemetery to be constructed on the Property; 4) the reconveyance by the State of the City of Seaside's portion of the Veteran's Cemetery property to the City of Seaside; or 5) June 30, 2020, unless the County consents to additional time.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Parker, and carried this 26th day of March 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

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 76 for the meeting on March 26, 2013.

Dated: March 26, 2013
File Number: 13-0285

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

By Denise Hancock
Deputy

**Parcel K
Legal Description**

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 June 26, 2000 in Volume 23 of Surveys at Page 105, also being a portion of Parcel D on the map filed December 2, 2008 in Volume 30 of Surveys at Page 41, Official Records of said County, more particularly described as follows:

Beginning at point on the westerly boundary of said of Parcel 1, said point being distant South 18° 59' 46" West, 2026.20 feet from the northerly terminus of the course shown as N18° 59' 46E, 4944.93 on said map, said line also being the City limit line of the City of Seaside, Official Records of said County, thence from said point of beginning

- 1) Northeasterly along an arc to the right, the center of which bears South 24° 40' 48" East, having a radius of 468.00 feet, through a central angle of 27° 50' 55", an arc length of 227.47 feet; thence tangentially
- 2) South 86° 49' 53" East, 249.09 feet to a point in the westerly boundary of Parcel B shown on Volume 30 of Surveys at Page 41; thence southerly along said westerly boundary of said Parcel B
- 3) South 4° 34' 26" East, 255.58 feet; thence
- 4) South 14° 47' 14" East, 1369.35 feet; thence
- 5) South 20° 28' 20" West, 520.37 feet; thence
- 6) South 30° 46' 05" West, 373.86 feet; thence departing the westerly line of said Parcel B
- 7) North 59° 56' 41" West, 185.18 feet; thence
- 8) Westerly along a non-tangent arc to the right, the center of which bears North 31° 48' 45" West, having a radius of 245.00 feet, through a central angle of 64° 30' 09", an arc length of 275.82 feet; thence
- 9) South 48° 26' 44" West, 151.26 feet; thence
- 10) Westerly along a non-tangent arc to the left, the center of which bears South 48° 25' 40" West, having a radius of 632.00 feet, through a central angle of 1° 44' 28", an arc length of 19.21 feet; thence tangentially
- 11) North 43° 18' 48" West, 400.48 feet; thence

LEGAL DESCRIPTION

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- 12) Northwesterly along a tangent arc to the left, having a radius of 1302.00 feet, through a central angle of $12^{\circ} 17' 09''$, an arc length of 279.18 feet, to a point on a reverse curve; thence
- 13) Northwesterly along a arc to the right, having a radius of 2468.00 feet, through a central angle of $1^{\circ} 48' 08''$, an arc length of 77.63 feet to a point on the westerly boundary of said Parcel 1 said point also being the city limit line of the City of Seaside; thence northerly along said line
- 14) North $18^{\circ} 59' 46''$ East, 1938.87 feet to the point of beginning.

Containing an area of 52.17 acres, more or less.

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

END OF DESCRIPTION

PREPARED BY:

WHITSON ENGINEERS



RICHARD P. WEBER P.L.S.
L.S. NO. 8002

Job No.: 1827.13



ATTACHMENT TO EXHIBIT "A"

PARCEL U

PARCEL A

2026.20'

PARCEL N

PARCEL M

PARCEL P

POINT OF BEGINNING

PARCEL L

PARCEL O

PARCEL B

PARCEL C

1

2

3

S24°40'48"E (R)



PARCEL B
EDC PARCEL E19.d.5
30-SUR-41

PARCEL E

N18°59'46"E

PARCEL I
MONTEREY COUNTY III
(PARKER FLATS)
23-SUR-105

PARCEL K
52.18 AC.

PARCEL Q

PARCEL D
EDC PARCELS
E18.1.2 E19d.1 E19d.2
E19d.3 E19d.4 E19d.5
30-SUR-41

14

4

PARCEL F

13

12

9

10

8

7

5

PARCEL G

CITY OF SEASIDE
COUNTY OF MONTEREY

PARCEL I

11

PARCEL J

N31°48'45"W (R)

6

S48°25'40"W (R)

PARCEL H

400 0 400

SCALE: 1" = 400'

1 COURSE NUMBER
PER LEGAL
DESCRIPTION



PARCEL K

COUNTY OF MONTEREY

CALIFORNIA

DATE: MARCH 22, 2012

SHEET

SCALE: 1" = 300'

DRAWN: SMG

1

CHECKED: RPW

PROJECT No.: 1827.13

OF 1

DRAWING PATH: T:\Monterey Projects\1827\182713\182713 - ROS - Parcel Plats.dwg