



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 22-229

March 22, 2022

Introduced: 3/7/2022

Current Status: Agenda Ready

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Adopt a Resolution pursuant to California Streets and Highways Code Sections 940 and 943(a) to authorize acceptance of a Quitclaim deed for a portion of Scenic Road and execute an Irrevocable Offer to Dedicate to the State California:

- a. Finding that acceptance of a Quitclaim deed for a portion of road right-of-way affects existing highways and streets and minor alterations to land which qualify as Class 1 and Class 4 categorical exemptions respectively pursuant to California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15301(c) - existing highways and streets, CCR Section 15304 - minor public alterations in the condition of the land, and there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2;
- b. Approving and authorizing the Chair to sign the Acceptance and Consent to Recordation of a Quitclaim deed from the State Coastal Conservancy for 420 square feet of land adjacent to Scenic Road along the frontage of Assessor's Parcel Number 009-463-021-000 for the purpose of becoming a part of the Scenic Road right-of-way.
- c. Approving and authorizing the Chair to execute an Irrevocable Offer to Dedicate Title in Fee and Declaration of Restrictive Covenants for said 420 square feet of land adjacent to Scenic Road along the frontage of Assessor's Parcel Number 009-463-021-000; and
- e. Directing the Clerk of the Board to first record the executed Quitclaim deed with the County's Acceptance and Consent to Recordation, and second, record the Irrevocable Offer to Dedicate in the Office of the County Recorder.

Proposed CEQA Action: Categorically exempt pursuant to CEQA Guidelines CCR Section 15301(c) - existing highways and streets and CCR Section 15304 - minor public alterations in the condition of the land, and there are no exceptions pursuant to CCR Section 15300.2.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution, pursuant to California Streets and Highways Code Sections 940 and 943(a) to authorize acceptance of a Quitclaim deed for a portion of Scenic Road and execute an Irrevocable Offer to Dedicate to the State California:

- a. Finding that acceptance of a Quitclaim deed for a portion of road right-of-way affects existing highways and streets and minor alterations to land which qualify as Class 1 and Class 4 categorical exemptions respectively pursuant to California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15301(c) - existing highways and streets, CCR Section 15304 - minor public alterations in the condition of the land, and there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2;
- b. Approving and authorizing the Chair to sign the Acceptance and Consent to Recordation of a Quitclaim deed from the State Coastal Conservancy for 420 square feet of land adjacent to Scenic

Road along the frontage of Assessor's Parcel Number 009-463-021-000 for the purpose of becoming a part of the Scenic Road right-of-way.

c. Approving and authorizing the Chair to execute an Irrevocable Offer to Dedicate Title in Fee and Declaration of Restrictive Covenants for said 420 square feet of land adjacent to Scenic Road along the frontage of Assessor's Parcel Number 009-463-021-000: and

d. Directing the Clerk of the Board to first record the executed Quitclaim deed with the County's Acceptance and Consent to Recordation, and second, record the Irrevocable Offer to Dedicate in the Office of the County Recorder.

PROJECT INFORMATION:

Project Location: 26405 Scenic Road, (APN 009-463-021-000) being approximately 0.19 miles northwest of the Carmel River Beach parking lot entrance (Vicinity Map - Attachment A), Carmel Land Use Plan.

SUMMARY/DISCUSSION:

The recommended action is consistent with Coastal Development Permit No. P-79-392 (CDP), granted on August 20, 1979, which was subject to the following condition:

3. *"Prior to commencement of construction, permittee shall offer to dedicate the following areas to the County of Monterey (or successor jurisdiction) for purposes of future road improvements:*
 1. *All existing paved areas now utilized as part of Scenic Road.*
 2. *Any other areas within 5 (five) feet of the seaward boundary of the subject parcel along Scenic Road."*

(*Note: Items 1 and 2 are hereafter described as, "420 sq. ft. subject parcel" or "subject property.")

An Irrevocable Offer to Dedicate was executed by the permittee and the Coastal Commission consented to its recordation, and it was first recorded December 9, 1981, and rerecorded January 14, 1982 (Attachment B). On December 6, 2002, a Certificate of Acceptance was recorded whereby the California State Coastal Conservancy (Conservancy) accepted the Irrevocable Offer to Dedicate (Attachment C).

Consistent with the requirements of the CDP, the Conservancy desires to transfer fee title to the 420 sq. ft. subject parcel to the County of Monterey for the subject property to become part of the Scenic Road right-of-way. The Conservancy has executed a Quitclaim deed to transfer all its interest in the 420 sq. ft. subject parcel to the County (Attachment D). However, pursuant to California Public Resources Code section 31402.3(b), the Conservancy requires the County to record an Irrevocable Offer to Dedicate Title in Fee and Declaration of Restrictive Covenants (Attachment E). This Offer allows the State to reclaim fee ownership of the 420 square feet if the County fails to comply with the terms of the Offer.

California Environmental Quality Act (CEQA)

Acceptance of this Quitclaim deed involves a negligible change to existing streets. Such minor alterations to land qualify as Class 1 and Class 4 categorical exemptions respectively pursuant to CEQA Guidelines CCR section 15301(c) - existing highways and streets, CCR section 15304 - minor

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public alterations in the condition of the land and there are no exceptions under CEQA Guidelines CCR section 15300.2.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the documents and has approved them for recordation.

FINANCING:

The Conservancy is transferring its fee title interest at no cost to the County. The only County cost is for staff time to process this item. Sufficient appropriations are available in the PWWP Roads and Bridges budget (Fund 002, Unit 8558) to process this action.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action will increase public safety by providing additional pavement width along Scenic Road which has a generally narrow pavement width. This action also enhances County Road infrastructure.

Check the related Board of Supervisors Strategic Initiatives:

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

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Reviewed by: Tom Bonigut, P.E., Assistant Director of Public Works, Facilities and Parks

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

DS


The following attachments are on file with the Clerk of the Board:

- Attachment A - Vicinity Map
- Attachment B - 1981 Irrevocable Offer to Dedicate
- Attachment C - 2002 Certificate of Acceptance by Conservancy
- Attachment D - Executed Quitclaim Deed with Certificate of Acceptance
- Attachment E - Irrevocable Offer to Dedicate Title in Fee and Declaration of Restrictive Covenants
- Attachment F - Draft Board Resolution