

Attachment D

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Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN130552

(as of 11/26/2019)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Minor Subdivision (PLN130552) allows the division of a 940.272 acre parcel into six (6) parcels (Parcel 1, 142.36 acres; Parcel 2, 395.15 acres; Parcel 3, 171.44 acres; Parcel 4, 134.52 acres; Parcel 5, 52.933 acres; and Parcel 6, 43.869 acres). The property is located at 581 River Road (Assessor's Parcel Numbers 139-083-002-000, 139-083-004-000, 139-084-003-000, and 139-084-008-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

1/2/2019 12:57:46PM

FRIEDRICHM

Condition Compliance Status Report for PLN130552

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Minor Subdivision (Resolution Number 15-002) was approved by the Planning Commission for Assessor's Parcel Numbers 139-083-002-000, 139-083-004-000, 139-084-003-000, and 139-084-008-000 on January 14, 2015. The permit was granted subject to fourteen (14) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to recordation of the Record of Survey. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Record of Survey, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

January 2, 2019: Agent submitted copy of recorded Permit Approval Notice via email on December 20, 2018. Notice was recorded on December 19, 2018. Document no. 2018057191. Condition is MET. (Entered by Joseph Sidor, Associate Planner)

1/2/2019 12:57:39PM

FRIEDRICHM

12/14/2018: Call from Alisa from Horan Lloyd. Permit Approval Notice rejected by Recorder's Office. Email sent by Planning to County Counsel re: how to proceed. (Monique Kakimoto)

12/6/2018: Permit Approval Notice updated with signature block for Court Appointed Referee mailed to Agent per his instructions. (Monique Kakimoto)

9/10/2018: Legal documents mailed to Agent, per his instructions. (Monique Kakimoto)

8/25/2018: Received via inter-office mail with corrections. (Monique Kakimoto)

8/20/2018: Received corrected Condition of Title Report. Legal documents prepped and forwarded via inter-office mail to County Counsel for review. (Monique Kakimoto)

8/17/2018: Requested clarification regarding Condition of Title Report (possible typos) (Monique Kakimoto)

8/14/2018: Agent requested update to legal documents due to change in ownership. (Monique Kakimoto)

9/26/2016: Mailed to Agent, Mark Blum, per his instructions. (Monique Kakimoto)

10/21/15: Mailed to Agent, Mark Blum, per his instructions. (Monique Kakimoto)

1/27/15: Contacted Agent, Mark Blum, for Grant Deed (Monique Kakimoto)

Condition Compliance Status Report for PLN130552

3. PD005 - FISH & GAME FEE NEG DEC/EIR

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the Record of Survey.

Comments By Staff

Last Update on:

Updated By:

The Notice of Determination and the filing fee in the amount of \$2,260.00 was filed/paid on January 21, 2015; Receipt #: 137665. A copy is on file (PLN130552). This condition is met and cleared. Joseph Sidor, Associate Planner

1/2/2019 12:57:54PM

FRIEDRICHM

4. PD006(A) - CONDITION COMPLIANCE FEE

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

Comments By Staff

Last Update on:

Updated By:

April 24, 2017: The Agent paid the Condition Compliance Fee on November 15, 2016.
CLEARED
(Entered by Joseph Sidor, Associate Planner)

1/2/2019 12:58:01PM

FRIEDRICHM

Condition Compliance Status Report for PLN130552

5. PD037 - WILLIAMSON ACT

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner shall enter into a new or amended Land Conservation contract or contracts with the Board of Supervisors of the County of Monterey for the subdivision of Williamson Act lands deemed necessary by the Office of the County Counsel. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel, the property owners of record shall execute a new or amended contract or contracts to be prepared by the Office of the County Counsel, which shall be recorded concurrent with the recordation of the Certificate of Compliance.

Comments By Staff

Last Update on:

Updated By:

November 26, 2019: On November 11, 2019, the agent executed and returned the amended Land Conservation contract to County Counsel. This condition is MET. (Entered by Joseph Sidor, Associate Planner)

11/26/2019 2:41:08PM

SIDORJ

Condition Compliance Status Report for PLN130552

6. PDSP001 - CERTIFICATES OF COMPLIANCE (NON-STANDARD)

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall request certificates of compliance for the newly configured parcels. The lots are not formally created until new grant deeds or judgment of partition are recorded. The following conditions shall be met prior to issuance of the certificates of compliance: 1) The property owner shall enter into a new or amended Land Conservation contract or contracts with the Board of Supervisors of the County of Monterey for the subdivision of Williamson Act lands; 2) The property owner shall record a deed restriction regarding water quality and quantity as directed by the Monterey County Environmental Health Bureau; 3) The property owner shall record a deed restriction regarding an onsite wastewater disposal system as directed by the Monterey County Environmental Health Bureau; 4) The property owner shall record a deed restriction regarding payment of recreation fees as directed by the Monterey County Parks Department; 5) The property owner shall record a deed restriction regarding single-family dwellings and structural development as directed by Monterey County RMA-Planning; 6) The property owner shall submit a conservation and scenic easement for that area of Parcel E and Parcel F that contain riparian forest habitat; and 7) The property owner shall record a Record of Survey as directed by Monterey County RMA-Public Works. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

Comments By Staff

Last Update on:

Updated By:

5/22/2019: Certificates of Compliance CC190010 (Document No. 2019020136), CC190011 (Document No. 2019020137), CC190012 (Document No. 2019020138), CC190013 (Document No. 2019020139), CC190014 (Document No. 2019020140) and CC190015 (Document No. 2019020141) were recorded on 5/20/19. The condition is Met (Michele Friedrich on behalf of Joe Sidor)

5/22/2019 7:41:25PM

FRIEDRICHM

4/30/2019: Certificates of Compliance and legal descriptions to Secretary for John Dugan's notarized signature (Michele Friedrich)

3/11/2019: Legal descriptions & memos submitted to clerical staff to process the Certificates of Compliance (Joe Sidor)

12/17/2018: Agent submitted legal descriptions & maps to process Certificates of Compliance as a condition of approval. (Joe Sidor)

Condition Compliance Status Report for PLN130552

7. PDSP002 - SINGLE-FAMILY DWELLINGS ACCESSORY TO AGRICULTURAL USE (NON-STANDARD)

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall record a deed restriction that states: "All future single-family dwelling(s) proposed for each lot of record shall be located in areas that minimize the removal of agriculturally-productive land to maintain the agricultural viability of each lot of record. The location of each proposed single-family dwelling(s) shall be approved by the Director of Planning prior to issuance of any construction permit. No residences will be permitted on either Parcel E or Parcel F." (RMA-Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit a signed and notarized deed restriction document to the Director of RMA-Planning for review and signature by the County.

Concurrent with filing the record of survey, record the County approved Deed Restriction on each parcel/lot created by the subdivision and provide proof of recordation to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

01/10/2019: Proof of recorded Deed Restriction submitted on 01/09/19; Document No. 2019000630. Condition is MET. (Monique Kakimoto for Joseph Sidor)

2/1/2019 8:39:19AM

SIDORJ

10/7/2016: Sent to Agent, Mark Blum (Monique Kakimoto)

9/26/2016: Deed Restriction prepared and forwarded to County Counsel for review. (Monique Kakimoto)

Condition Compliance Status Report for PLN130552

8. EHSP01 - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISIONS: WATER (NON-STANDARD)

Current Status: **Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A Deed Restriction shall be recorded on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision. The provision is as follows:

“The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby notified that the parcels/lots created by this subdivision are not guaranteed to have water of sufficient quality or quantity to meet state standards and local drinking water standards set forth in the Monterey County Code (MCC) Title 15, Chapters 15.04 and 15.08, and MCC Title 19. At the time of the subdivision, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that each parcel/lot has water quality and quantity meeting state and local drinking water standards. The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby further notified that no development will be permitted and no building permit will be issued for development on any parcel/lot in this subdivision until the owner of that parcel/lot proposed for development demonstrates to the satisfaction of the County that the parcel/lot has a water source meeting all state and local drinking water quality and quantity standards, without treatment, as set forth in MCC Title 15, Chapters 15.04 and 15.08, and Title 19. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.” (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a certificate of compliance, the Applicant shall submit a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel, and the approved Deed Restriction shall be recorded.

Comments By Staff

Last Update on:

Updated By:

Condition Compliance Status Report for PLN130552

01/10/2019: Proof of recorded Deed Restriction submitted on 01/09/19; Document No. 2019000630. Condition is MET. (Monique Kakimoto for Joseph Sidor)

2/1/2019 8:39:51AM

SIDORJ

1/7/2019: Ready to record; available for front counter pick up under Saylor Legal Service, per instructions from Agent. (Monique Kakimoto)

1/2/2019: Forwarded to Deputy Director of RMA for signature (Monique Kakimoto)

12/19/2018: County Counsel signed document on 12/18/2018; then returned to Planning via inter-office mail. (Monique Kakimoto)

12/6/2018: Deed Restriction updated with signature block for Court Appointed Referee mailed to Agent per his instructions. (Monique Kakimoto)

9/10/2018: Legal documents mailed to Agent, per his instructions. (Monique Kakimoto)

8/27/2018: Received from County Counsel with corrections. Mail out to Agent pending review of Conservation and Scenic Easement Deed.

8/20/2018: Deed Restriction with language regarding Conditions 8, 9 and 10 forwarded via inter-office mail to County Counsel for review. (Monique Kakimoto)

8/17/2018: Discrepancies in Condition of Title Report; contacted Agent regarding clarification (Monique Kakimoto)

8/14/2018: Ownership changed; Agent requesting to have documents redone and updated with current ownership information. (Monique Kakimoto)

10/7/2016: Sent to Agent, Mark Blum (Monique Kakimoto)

9/26/2016: Deed Restriction prepared and forwarded to County Counsel for review. (Monique Kakimoto)

Condition Compliance Status Report for PLN130552

9. EHSP02 - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISIONS: ONSITE WASTEWATER DISPOS

Current Status: Met

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A Deed Restriction shall be recorded on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision. The provision is as follows:

“The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have a viable site for an onsite wastewater disposal system. No Soils or Percolation Report by a qualified Soils Engineer has been completed which demonstrates that the subject property meets state standards and local standards set forth in the Monterey County Code (MCC), Title 15, Chapter 15.20. At the time of the subdivision creating the subject parcels/lots, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that the subject parcels/lots created by this subdivision have an onsite wastewater site meeting all state standards and local standards set forth in MCC Chapter 15.20. The current property owners of record and all future buyers of the subject property are hereby further notified that no development will be permitted and no building permit will be issued for development on these parcels/lots until the owner(s) of a parcel/lot proposed for development demonstrates to the satisfaction of the County that the subject parcel/lot proposed for development has a suitable onsite wastewater site meeting all state standards and all local standards set forth in MCC Chapter15.20. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.” (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a certificate of compliance, the Applicant shall submit a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel, and the approved Deed Restriction shall be recorded.

Comments By Staff

Last Update on:

Updated By:

Condition Compliance Status Report for PLN130552

01/10/2019: Proof of recorded Deed Restriction submitted on 01/09/19; Document No. 2019000630. Condition is MET.
(Monique Kakimoto for Joseph Sidor)

2/1/2019 8:40:31AM

SIDORJ

1/7/2019: Ready to record; available for front counter pick up under Saylor Legal Service, per instructions from Agent. (Monique Kakimoto)

1/2/2019: Forwarded to Deputy Director of RMA for signature (Monique Kakimoto)

12/19/2018: County Counsel signed document on 12/18/2018; then returned to Planning via inter-office mail. (Monique Kakimoto)

12/14/2018: Court-Appointed Referee signed document received via post. Forwarded via inter office mail to County Counsel for signature. (Monique Kakimoto)

12/6/2018: Deed Restriction updated with signature block for Court Appointed Referee mailed to Agent per his instructions. (Monique Kakimoto)

9/10/2018: Legal documents mailed to Agent, per his instructions. (Monique Kakimoto)

8/25/2018: Received from County Counsel with corrections. Mail out to Agent pending review of Conservation and Scenic Easement Deed.

8/20/2018: Received corrected Condition of Title Report. Deed Restriction with language regarding Conditions 8, 9 and 10 forwarded via inter-office mail to County Counsel for review. (Monique Kakimoto)

8/17/2018: Discrepancies in Condition of Title Report; contacted Agent regarding clarification (Monique Kakimoto)

8/14/2018: Ownership changed; Agent requesting to have documents redone and updated with current ownership information. (Monique Kakimoto)

10/7/2016: Sent to Agent, Mark Blum (Monique Kakimoto)

9/26/2016: Deed Restriction prepared and forwarded to County Counsel for review. (Monique Kakimoto)

Condition Compliance Status Report for PLN130552

10. PKS002 - RECREATION IN-LIEU FEE (NON-STANDARD)

Current Status: **Met**

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction as a condition of project approval stating: "The subdivision is subject to recreation fees based on Section 19.12.010 E. (2.) Recreation Requirements of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication if the property owner requests building permits for the construction of a residential structure or structures on one or more of the parcels created by the subdivision within four (4) years after the approval of the subdivision".

Proof of the recordation of a deed restriction shall be furnished to the Director of Parks and RMA-Planning.

The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D). (Parks Department)

Compliance or Monitoring Action to be Performed: Proof of the recordation of a deed restriction shall be furnished to the Directors of Parks and RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

01/10/2019: Proof of recorded Deed Restriction submitted on 01/09/19; Document No. 2019000630. Condition is MET.
(Monique Kakimoto for Joseph Sidor)

2/1/2019 8:41:06AM

SIDORJ

9/10/2018: Legal documents mailed to Agent, per his instructions. (Monique Kakimoto)

8/25/2018: Received from County Counsel with corrections. Mail out to Agent pending review of Conservation and Scenic Easement Deed.

8/20/2018: Received corrected Condition of Title Report. Deed Restriction with language regarding Conditions 8, 9 and 10 forwarded via inter-office mail to County Counsel for review.
(Monique Kakimoto)

8/17/2018: Discrepancies in Condition of Title Report; contacted Agent regarding clarification
(Monique Kakimoto)

8/14/2018: Ownership changed; Agent requesting to have documents redone and updated with current ownership information. (Monique Kakimoto)

10/7/2016: Sent to Agent, Mark Blum (Monique Kakimoto)

9/26/2016: Deed Restriction prepared and forwarded to County Counsel for review.
(Monique Kakimoto)

Condition Compliance Status Report for PLN130552

11. PW0035 - RECORD OF SURVEY

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a Record of Survey showing the new line and it's monumentation. (RMA-Public Works)

Compliance or Monitoring Action to be Performed: Owner's Surveyor to prepare record of survey and submit to DPW for review and approval prior to recordation of survey.

Comments By Staff

Last Update on:

Updated By:

1/2/2019 12:58:28PM

FRIEDRICHM

Condition Compliance Status Report for PLN130552

12. PD022(A) - EASEMENT-CONSERVATION & SCENIC

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of Parcels E and F that contain riparian forest habitat. The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recording the record of survey. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the record of survey, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to RMA - Planning for review and approval.

Prior to or concurrent with recording the record of survey, the County shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

Condition Compliance Status Report for PLN130552

11/5/2019: Conservation and Scenic Easement Deed approval scheduled for Board of Supervisors. Document submitted to secretary staff. (Monique Kakimoto)

11/5/2019 10:49:48AM

KAKIMOTOM

11/1/2019: Submitted to assigned Planner, Joe Sidor, to be scheduled for Board of Supervisor's hearing. (Monique Kakimoto)

10/31/2019: signed by counsel and returned to Planning via inter-office mail. Board of Supervisors approval pending. (Monique Kakimoto)

10/30/2019: Document re-submitted to County Counsel to include Acceptance and Consent to Recordation. (Monique Kakimoto)

12/19/2018: County Counsel signed document on 12/18/2018; then returned to Planning via inter-office mail. (Monique Kakimoto)

12/6/2018: Conservation and Scenic Easement Deed updated with signature block for Court Appointed Referee mailed to Agent per his instructions. (Monique Kakimoto)

9/10/2018: Available for Front Counter pick up under Blum, Mark. Left voice mail and sent email for Agent regarding document status. (Monique Kakimoto)

9/5/2018: Received Conservation and Scenic Easement Deed via inter-office mail with corrections. Sent email to County Counsel regarding clarification. (Monique Kakimoto)

8/27/2018: Made edits to CSED and forwarded via inter-office mail to County Counsel for review. (Monique Kakimoto)

8/20/2018: Received Exhibit "C-1" and "C-2" from agent. (Monique Kakimoto)

10/7/2016: A new hardcopy of this document with a change made to section C on page 6 has been mailed to Mark Blum (Monique Kakimoto)

9/26/2016: Mailed to Agent, Mark Blum, per his instructions. (Monique Kakimoto)

10/21/15: Mailed to Agent, Mark Blum, per his instructions. (Monique Kakimoto)

10/50/2015: Prepared and forwarded to County Counsel for review. (Monique Kakimoto)

13. PDSP003 - EASEMENT - ACCESS (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Owner of Parcel D shall convey an access easement to the Owners of Parcels E and F. The access easement shall be developed in consultation with certified professionals, and a recorded copy submitted to RMA-Planning prior to recordation of the record of survey. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the record of survey, the Owner/Applicant/Certified Professional shall submit a copy of the recorded access easement to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

3/29/2019 12:54:48PM

FRIEDRICHM

Condition Compliance Status Report for PLN130552

14. PD004 - INDEMNIFICATION AGREEMENT

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

Comments By Staff

Last Update on:

Updated By:

Condition Compliance Status Report for PLN130552

01/10/2019: Proof of recorded Indemnification Agreement submitted on 01/09/19; Document No. 2019000629. Condition is MET. (Monique Kakimoto for Joseph Sidor)

2/7/2019 10:56:57AM

KAKIMOTOM

1/2/2019: Forwarded to Deputy Director of RMA for signature (Monique Kakimoto)

12/19/2018: County Counsel signed document on 12/18/2018; then returned to Planning via inter-office mail. (Monique Kakimoto)

12/14/2018: Court-Appointed Referee signed document received via post. Forwarded via inter office mail to County Counsel for signature. (Monique Kakimoto)

12/6/2018: Indemnification Agreement updated with signature block for Court Appointed Referee mailed to Agent per his instructions. (Monique Kakimoto)

9/10/2018: Legal documents mailed to Agent, per his instructions. (Monique Kakimoto)

8/25/2018: Received via inter-office mail with corrections. (Monique Kakimoto)

8/20/2018: Received corrected Condition of Title Report. Legal documents prepped and forwarded via inter-office mail to County Counsel for review. (Monique Kakimoto)

8/17/2018: Requested clarification regarding Condition of Title Report (possible typos) (Monique Kakimoto)

8/14/2018: Agent requested update to legal documents due to change in ownership. (Monique Kakimoto)

9/26/2016: Mailed to Agent, Mark Blum, per his instructions. (Monique Kakimoto)

10/21/15: Mailed to Agent, Mark Blum, per his instructions. (Monique Kakimoto)

9/16/2015: Indemnification Agreement prepared and forwarded to County Counsel for review (Monique Kakimoto)

1/27/15: Contacted Agent Mark Blum for Grant Deed (Monique Kakimoto)