



# Monterey County

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## Board Report

Legistar File Number: WRAG 18-265

January 08, 2019

**Introduced:** 12/10/2018

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** WR General Agenda

Approve an encroachment request to allow for an extension to an existing retaining wall in the floodage easement of Nacimiento Reservoir; and authorize the General Manager to execute an encroachment agreement related to the request for modifications to this existing retaining wall for life and safety reasons.

### RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board Supervisors:

- a. Approve an encroachment request to allow for an extension to an existing retaining wall in the Floodage Easement of Nacimiento Reservoir; and
- b. Authorize the General Manager to execute an encroachment agreement related to the request for modifications to this existing retaining wall for life and safety reasons.

### SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency ("MCWRA") has received a request to grant permission to allow the continued and previously unauthorized use within the MCWRA's Floodage Easement ("Floodage Easement") that surrounds Nacimiento Reservoir. In this request, San Luis Obispo County officials and property owners, Michel J. Orradre and Mary F. Orradre, have requested that MCWRA authorize necessary life and safety improvements to a retaining wall in the located within the Floodage Easement.

The retaining wall supports a dwelling structure at 2888 Land's End Road in Bradley within the Oaks Shores Resort, and needs immediate emergency repairs. The retaining wall in its current configuration is approximately 45 feet long and 14 feet in height. The average bottom of the wall is at an elevation 790 feet and the top of the wall at 804 feet (per GPS observations from benchmark TCS #71). This encroachment request is to allow the construction of a 33 feet long extension to the current retaining wall. According to John Kulda, R.C.E, with JK Engineering, the proposal is an extension to the current retaining wall designed to stop the natural erosion and instability which is evident due to high water line during the wet seasons. The extension will also stop soil creep which occurs on steep banks due to lack of moisture and natural vegetation during the remainder of the seasons. JK Engineering has asserted that by providing the wall extension it will eliminate any life and safety concerns (Attachment 1 - supporting materials provided by Owner).

At its December 2018 meeting, the Personnel and Administration Committee received an update on the request. The Committee stated its support for the authorization request contingent upon the Owner providing a certification from a licensed civil engineer attesting to the need for the emergency repairs. The Committee also stated there should be a processing fee included for these types of

requests to cover the costs of MCWRA staff time, as well as, charges for use of occupying the Floodage Easement area. Staff will discuss these items with the Owner and address them prior to the execution of the Encroachment Agreement.

The Encroachment Agreement contains numerous provisions to protect MCWRA, including that the Owner must agree to the following: acknowledge MCWRA's Floodage Easement; build only for life and safety reasons; waive and release MCWRA and Monterey County for MCWRA's reasonable exercise of any of its rights under the Floodage Easement; and indemnify MCWRA and Monterey County. (Attachment 2). As the wall repairs will be constructed in San Luis Obispo County, the Owner will need to obtain all necessary building permits from San Luis Obispo County after the Agreement is recorded.

OTHER AGENCY INVOLVEMENT:

Counsel County has reviewed the proposed Encroachment Agreement as to form.

FINANCING:

None

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Approved by: \_\_\_\_\_  
David E. Chardavoyne, General Manager, (831) 755-4860

Attachment:

1. Supporting materials from the Owner
2. Draft Encroachment Agreement