



# Monterey County

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## Board Report

Legistar File Number: 15-0287

March 24, 2015

**Introduced:** 3/19/2015

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

- a. Approve the Quitclaim Deed for a portion of tract number 1 in Fort Hunter Liggett under and surrounding the Tidball Store in Jolon, California; and
- b. Authorize the Chair of the Board of Supervisors to execute the Certificate of Acceptance and Consent to Recordation of the Quitclaim Deed; and
- c. Authorize the County Administrative Officer or his designee to submit the executed Quitclaim Deed to the County Recorder for recordation; and
- d. Approve and authorize the Chair of the Board of Supervisors to execute a Memorandum of Agreement with United States Army Garrison Fort Hunter Liggett for water access rights for the Tidball store. (ADDED VIA ADDENDUM)

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve the Quitclaim Deed for a portion of tract number 1 in Fort Hunter Liggett under and surrounding the Tidball Store in Jolon, California; and
- b. Authorize the Chair of the Board of Supervisors to execute the Certificate of Acceptance and Consent to Recordation of the Quitclaim Deed; and
- c. Authorize the County Administrative Officer or his designee to submit the executed Quitclaim Deed to the County Recorder for recordation; and
- d. Approve and authorize the Chair of the Board of Supervisors to execute a Memorandum of Agreement with United States Army Garrison Fort Hunter Liggett for water access rights for the Tidball store.

### SUMMARY/DISCUSSION:

The Tidball Store in Jolon, California was placed on the National Register of Historic Places in 1976 (#76000503 NRIS) and was subsequently donated to Monterey County in 1978. Upon acceptance of the property, the Board of Supervisors authorized the Parks Department to request from the U.S. Army a lease of the property upon which the Tidball Store is located and the eventual transfer of the lands under and surrounding the Tidball Store.

In 1982 the County entered into a no cost lease of the Tidball Store property with the Combat Support Training Center (CSTC) at Fort Hunter Liggett for a 25 year period, which ended on May 31, 2007. Since 2007 the County has obtained an annual Right-of-Entry from the U.S. Army to enter the Tidball Store property for maintenance and rehabilitation purposes.

In 2012 the Parks Director submitted a formal request to the U.S. Army for the transfer of the property surrounding the Tidball Store.

In order to better facilitate the on-going maintenance of the property, the Army agreed to transfer ownership to Monterey County the 2.5 acre parcel of land containing the Tidball Store.

This parcel is a portion of the larger archaeological site CA-MNT-794H which is part of the historic town of Jolon. The transfer of historic properties outside of federal ownership is considered an adverse effect (National Historic Preservation Act, 36 CFR 800.5) unless protections are put in place for preservation of the property.

On November 4, 2014, the Board of Supervisors approved the transfer of the Tidball Store parcel per stipulations in a Memorandum of Agreement (MOA) between the Army, the County of Monterey and the California State Historic Preservation Office in order to protect and preserve the property.

The Army has prepared a Quitclaim Deed for the transfer of the Tidball Store property, which requires acceptance, and subsequent recordation, on the part of Monterey County. A transfer ceremony is scheduled for March 27, 2015, at the store site in Jolon. This transfer is subject to several reservations and restrictions. Of note, all water rights are reserved to the Grantor. Any use of the property by the County is subject to prior approval by the US Army Garrison Fort Hunter Liggett; violation of this restriction allows the Grantor to purchase the property back from the County at fair market value. If the County sells the property in the next three years, all proceeds are to be remitted to the Grantor.

To address the lack of water rights in the Quitclaim Deed, the County separately negotiated a Memorandum of Agreement with the United States Army Garrison Fort Hunter Liggett. The purpose of the Agreement is to ensure that the County has a water connection for its use of the property via the Garrison's water line which runs adjacent to the property.

OTHER AGENCY INVOLVEMENT:

The transfer of the Tidball Store property has been an objective of the County's Legislative Program for a number of years. The County Administrative Office-Intergovernmental and Legislative Affairs Division has worked extensively with Congressman Sam Farr and his staff on this effort. The Office of County Counsel provided extensive assistance in the negotiation of the Quitclaim Deed and Memorandum of Agreement surrounding water use.

FINANCING:

The County is responsible to pay \$100 as fair market value for the Tidball Store property to the Army, which will come from the Parks Department's approved FY14-15 budget, otherwise, the transfer of the Tidball Store property will have no impact to the County's General Fund. Since 1978, the Parks Department has been responsible for the bi-annual mowing of the property. In addition, in 1978, the Board of Supervisors granted permission to the San Antonio Valley Historical Association (SAVHA) to engage in activities to preserve and protect the building. For the past 36 years SAVHA has invested in the preservation of the building, including the recent painting of the building's exterior. If the County wishes to establish a connection to the Fort Hunter Liggett water supply line in the future, the County will need to reimburse Fort Hunter Liggett for the installation of the water utility connection lines as outlined in the Memorandum of Agreement related to water use

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Approved by:

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Nicholas E. Chiulos  
Assistant County Administrative Officer

Attachments:

Exhibit A - Quitclaim Deed

Exhibit B - Memorandum of Agreement