



Monterey County

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

Board Report

Legistar File Number: RES 18-171

April 02, 2019

Introduced: 12/19/2018

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a Resolution to:

- a. Certify that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously adopted for the Moss Landing Underground application (PLN130590);
- b. Approve and authorize the Chair to sign a Contract to Purchase from Keith Family Investments, LLC a Public Utility Easements (APN 133-221-001 - PUE "X") in the amount of \$5,943.50 for the Moss Landing Rule 20A Underground Utility District Project in the community of Moss Landing;
- c. Approve and authorize the Chair to sign the Acceptance and Consent to Recordation for the Grant of the Public Utility Easement; and
- d. Direct the Clerk of the Board to record the executed Easement with the County Recorder's Office.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt a resolution:
 - i. Certifying that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously adopted for the Moss Landing Underground application (PLN130590);
 - ii. Approving and authorizing the Chair to sign a Contract to Purchase from Keith Family Investments, LLC a Public Utility Easements (APN 133-221-001 - PUE "X") in the amount of \$5,943.50 for the Moss Landing Rule 20A Underground Utility District Project in the community of Moss Landing;
 - iii. Approving and authorizing the Chair to sign the Acceptance and Consent to Recordation for the Grant of the Public Utility Easement; and
 - iv. Directing the Clerk of the Board to record the executed Easement with the County Recorder's Office.
- b. Find that:
 - i. There are no substantial changes are proposed in the project which would require major revisions to the previous mitigated negative declaration;
 - ii. There are no substantial changes with respect to the circumstances under which the project is undertaken which would require major revisions to the previous mitigated negative declaration;
 - iii. There is no new information of substantial importance that would show (i) the project would have one or more significant effects no discussed in the previous mitigated negative declaration; (ii) significant effects previously examined would be substantially more severe than shown in the previous mitigated negative declaration; (iii) that any mitigation measures or alternatives previously thought not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, and; (iv) that any mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

- c. Approve and authorize the Chair to sign a Contract to Purchase from Keith Family Investments, LLC a Public Utility Easements (APN 133-221-001 - PUE "X") in the amount of \$5,943.50 for the Moss Landing Rule 20A Underground Utility District Project in the community of Moss Landing;
- d. Approve and authorize the Chair to sign the Acceptance and Consent to Recordation for the Grant of the Public Utility Easement; and
- e. Direct the Clerk of the Board to record the executed Easement with the County Recorder's Office.

SUMMARY:

The recommended action will formalize the acquisition of a Public Utility Easement (PUE) over, under, and upon the subject properties for the construction, maintenance, use, and operation of electricity and gas transmission lines, telephone lines, cable television lines, internet service provider lines, sanitary sewers, storm drains and water pipelines, and all the necessary appurtenances thereto, together with the right of ingress and egress from said easement, for the Moss Landing Rule 20A Underground Utility District. This is the last one of ten PUEs to be recorded which are required for the project to be built.

DISCUSSION:

On June 7, 2005, the Board of Supervisors approved Resolution No. 05-120 creating the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the Community of Moss Landing. This resolution set the completion date for underground utility companies and reconnection no later than December 2009, and removal of poles, overhead wires and other associated overhead structures no later than May 2010. On July 26, 2011, the Board approved Resolution No. 11-271 extending these dates to March 2015 and June 2015, respectively. On May 12, 2015, the Board approved Resolution No. 15-110 again extending these dates to March 2020 and June 2020, respectively.

During preparation of engineering designs of the project by the utility companies, it was determined that PUEs over private property will be required at ten different locations to facilitate placement of the overhead lines underground.

The subject PUE consists of a total of approximately 5,187 square feet. The majority of the easement is coterminous with an existing public access easement along the rear of the property. The property owner, Keith Family Investments, LLC, has accepted the County's offer to purchase the easement at the total appraised and negotiated value of \$5,943.50, and executed the Grant of Easement.

On December 11, 2016, the Zoning Administrator approved Resolution No. 140-041 adopting a Mitigated Negative Declaration, approving a Combined Development Permit, and adopting a Mitigation Monitoring and Reporting Plan for the Moss Landing Rule 20A Underground Utility District project (PLN130590). On December 16, 2014, the Board of Supervisors approved Resolution No. 14-364 adopting the Conditions of Approval and Mitigation Monitoring and Reporting Program for the project. While the purchase of the easement in and of itself will cause no physical effect to the environment, it will facilitate future construction. The potential environmental impacts of the full project and mitigation measures to reduce the potential effects to insignificance are described in the aforementioned CEQA document.

On August 17, 2018, the County issued an encroachment permit to AT&T which is the last document needed to acquire a contractor to perform the work. Construction is anticipated to begin as soon as the subject PUE is recorded.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the Public Utility Easements, Offer to Purchase, and Contract to Purchase as to form.

FINANCING:

There is no financial impact to the General Fund. The total cost of the Moss Landing Rule 20A Underground Utility District project will be borne by the utilities involved. Any costs not eligible for reimbursement by Rule 20A funds, such as acquisition of easements and rights of entry, will be borne by the Moss Landing Deposit Account in the Road Fund (Fund 002, Account 2686) funded by Duke Energy/ Dynegy.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action complies with the Board of Supervisors' Initiative for Infrastructure, "Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results," by providing up-to-date utility infrastructure in the community of Moss Landing, and by improving the quality of life of County residents in the community by removing unsightly overhead wires and poles.

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

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Approved by: Carl P. Holm, AICP, RMA Director

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

- Attachment A - Resolution
- Attachment B - Contract to Purchase Public Utility Easement,
- Attachment C - Easement Deed
- Attachment D - LLC Operating Agreement