



# Monterey County

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## Board Report

Legistar File Number: SARDA G 15-001

March 03, 2015

**Introduced:** 2/12/2015

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Successor General

Acting as the Board of Directors of the Successor Agency to the Redevelopment Agency of the County of Monterey:

- a. Approve and authorize the Chair to sign a Grant of Easement for Public Road Purposes (Watkins Gate Road) over a portion of APN 031-161-032 (East Garrison II) to the County of Monterey in conjunction with the East Garrison development project on the former Fort Ord; and
- b. Authorize and direct the Clerk of the Board to record the executed Grant of Easement for Public Road Purposes with the County Recorder's Office.

### RECOMMENDATION:

It is recommended that the Board of Supervisors, acting as the Board of Directors of the Successor Agency to the Redevelopment Agency of the County of Monterey take the following actions:

- a. Approve and authorize the Chair to sign a Grant of Easement for Public Road Purposes (Watkins Gate Road) over a portion of APN 031-161-032 (East Garrison II) to the County of Monterey in conjunction with the East Garrison development project on the former Fort Ord; and
- b. Authorize and direct the Clerk of the Board to record the executed Grant of Easement with the County Recorder's Office.

### SUMMARY:

The Successor Agency to the Redevelopment Agency of the County of Monterey (Successor Agency) currently owns a 63-acre undeveloped parcel of land adjacent to the East Garrison Development Project. The recommended action will formalize the dedication of a public road easement over 1.65 acres of that parcel for the purpose of constructing and maintaining Watkins Gate Road as a County Road, in accordance with the requirements of the East Garrison Disposition and Development Agreement.

### DISCUSSION:

On October 4, 2005 the Board of Supervisors approved the Conditional Use Permit and Tentative Subdivision Map for the East Garrison development project. On June 22, 2007 the Board approved the Final Subdivision Map for Phase 1 of the development.

On May 16, 2006 the Board of Directors of the Redevelopment Agency of the County of Monterey recorded a *Memorandum of Disposition and Development Agreement* confirming that the Agency and the Developer had entered into a Disposition and Development Agreement (DDA) dated October 4, 2005. Paragraph III.B (§310) of the DDA provides that "...The

Agency and the County shall diligently cooperate with the Developer...to provide...such easements, licenses, dedications and rights-of-way or other rights of entry to, and use of, property outside of the Site, to facilitate development of the Site...”

In accordance with the 2002 *Implementation Agreement* between the County and the Fort Ord Reuse Authority, and Resolution No. 06-243, on May 25, 2010 the Board of Directors of the Redevelopment Agency accepted ownership of APN 031-161-032 (East Garrison II, formerly COE Parcel No. L23.3.3.1) for the potential development of future residential housing.

California Assembly Bill 1X 26, enacted on June 28, 2011 and upheld by the California Supreme Court on December 29, 2011, dissolved all California redevelopment agencies effective February 1, 2011 through amendments to the California Health and Safety Code (the Amended Code). Pursuant to Sections 34173, 34175, and 34176 of the Amended Code, and by operation of law, the County of Monterey as Successor Agency to the Redevelopment Agency of the County of Monterey, has assumed the rights, duties, and obligations pertaining to all functions of the original Agency, and as such has assumed the rights, duties, and obligations pertaining to the Property.

The 2005 County-approved Conditions of Approval for the East Garrison development project require the Developer to construct and dedicate to the County certain road improvements adjacent to the project to mitigate project-generated traffic and to comply with Base-wide mitigations contained within the Fort Ord Reuse Authority Base Reuse Plan. Among these road improvements is the partial realignment of Watkins Gate Road between Barloy Canyon Road and West Camp Street adjacent to Redevelopment Agency property. A portion of the required alignment of this road over-laps onto the Successor Agency property, requiring the granting of an easement for public road purposes over 1.65 acres of this property, consistent with the obligations of the Successor Agency in the DDA.

OTHER AGENCY INVOLVEMENT:

Agency Counsel has approved the recommended Grant of Easement for Public Road Purposes as to form. In accordance with Resolution No. 75-39 dated February 4, 1975 the Director of Public Works will accept and authorize the recording of the Grant of Easement on behalf of the County. The State Department of Finance is currently considering the Agency’s proposed Long Range Property Management Plan for the disposition of Agency-owned property. Granting the requested easement for road purposes, however, should not impact the ultimate disposition of the remaining property.

FINANCING:

This action has no impact on the General Fund. Costs associated with operating and maintaining the future road improvements when completed will be funded through Fund 002, Road Fund.

Prepared by: G.H. Nichols, P.E., Civil Engineer

Approved by: Robert K. Murdoch, P.E., Director of Public Works

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

Attachments: Grant of Easement for Public Road Purposes; Resolution No. 75-39; Vicinity Map