



# Monterey County

## Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

Upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 13-148:

- a. Authorizing the Director of Public Works to accept a new Storm Drain Easement on Assessor's Parcel No. 243-031-033 in the Carmel Meadows Subdivision, in the Community of Carmel;
- b. Determining summary vacation of a drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
- c. Summarily vacating the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
- d. Quitclaiming any interest Monterey County has in said easement to the property owner;
- e. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
- f. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
- g. Directing the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.

PASSED AND ADOPTED on this 7th day of May 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on May 7, 2013.

Dated: May 8, 2013  
File Number: RES 13-035

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

Before the Board of Supervisors and for the County of Monterey, State of California

Resolution No.13-148

- Adopts a Resolution:
a. Authorizing the Director of Public Works to accept a new Storm Drain Easement on Assessor's Parcel No. 243-031-033 within the Carmel Meadows Subdivision, in the Community of Carmel;
b. Determining summary vacation of a drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
c. Summarily vacating the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
d. Quitclaiming any interest Monterey County has in said easement to the property owner;
e. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
f. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
g. Directing the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.....)

WHEREAS, the County of Monterey accepted dedication of the drainage easement as part of the Carmel Meadows Subdivision, Tract 269, approved by the Board of Supervisors in 1955; and

WHEREAS, on April 8, 2010, the Monterey County Zoning Administrator approved a Combined Development Permit (PLN090253, Jagers) for the demolition of an existing 4,095 square foot single family dwelling, and the construction of a new 5080 square foot single family dwelling; and

WHEREAS, the existing storm drain pipe and drainage easement is currently being used and is necessary for drainage for the subdivision; and

WHEREAS, the existing storm drain pipe and drainage easement need to be relocated to accommodate the new residential structure; and

WHEREAS, the property owner grants a new permanent easement along Assessor's Parcel No. 243-031-033, of the Carmel Meadows Subdivision, in the Community of Carmel for the relocated storm drain pipe; and

WHEREAS, said existing drainage easement will be superceded by the newly granted easement, and will no longer be required for future public use purposes; and

WHEREAS, the property owner has requested that the County vacate the existing drainage easement along Lot 5, of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed; and



WHEREAS, the Resource Management Agency - Planning considered this vacation and found that the proposed vacation is consistent with the Monterey County General Plan and Carmel Land Use Plan, and

WHEREAS, that said vacation will not have a significant impact on the environment and is exempt from environmental review in accordance with Section 15302(c) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, any storm drain(s) found after the fact will be the property owner's responsibility to relocate as required by the affected party; and

WHEREAS, said drainage easement is considered a public service easement pursuant to California Streets and Highways Code Section 8306; and

WHEREAS, the Board of Supervisors is authorized to vacate public service easements superceded by relocation pursuant to California Streets and Highways Code Section 8333.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Monterey hereby:

1. Finds that the foregoing recitals are true and correct and so declares and determines.
2. Authorizes the Director of Public Works to accept the new Storm Drain Easement on Assessor's Parcel No. 243-031-033 within the Carmel Meadows Subdivision, in the Community of Carmel.
3. Pursuant to Article 1 of Chapter 4, Section 8333, of California Streets and Highways Code, summarily vacates the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed and more fully described in the Quitclaim Deed which is attached hereto and incorporated herein.
4. From and after the date that this resolution is recorded, the drainage easement vacated shall no longer constitute a drainage easement of Monterey County.
5. Quitclaims any interest Monterey County has in said easement to the property owner.
6. Directs the Director of Public Works to file a Notice of Exemption with the County Clerk, as vacation is exempt from environmental review in accordance with Section 15302(c) of the California Environmental Quality Act (CEQA) Guidelines.
7. Authorizes the Chair of the Board to execute the Quitclaim Deed.
8. Directs the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.

**PASSED AND ADOPTED** upon motion of Supervisor Salinas seconded by Supervisor Parker and carried this 7th day of May 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on May 7, 2013.

Dated: May 8, 2013  
File Number: RES 13-035

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By *Denise Hancock*  
Deputy

**Recording Requested by and  
When recorded Mail to:**  
County of Monterey  
Resource Management Agency - Public Works  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas CA 93901

**THE UNDERSIGNED GRANTOR(S) DECLARE(S)**

DOCUMENTARY TRANSFER TAX is \$ 0.00 Reason: \_\_\_\_\_  
 Computed on full value of property conveyed, or  
 Computed on full value less value of liens or encumbrances remaining at time of sale,  
 Unincorporated area       City of \_\_\_\_\_

\_\_\_\_\_  
Signature of Declarant or agent – Firm Name

**QUITCLAIM DEED**

**FOR A VALUABLE CONSIDERATION, receipt is hereby acknowledged,**

Grantor: **the COUNTY OF MONTEREY, a political subdivision of the State of California, (“County”)**

**Does hereby remises, releases, and quitclaims to**

**Grantee:** Kurt R. Jagers and Suzanne K. Jagers

all its right, title, and interest in the real property situate in Rancho San Jose y Sur Chiquito, County of Monterey, State of California, and being a portion of Lot 5, as said lot is shown and so designated on the certain map entitled “Carmel Meadows Unit No. 3,” Tract No. 269, filed for record May 25, 1955, in Volume 6 of Cities and Towns, Page 54, Records of Monterey County, said portion being that certain 5’ Drainage Easement shown and so designated on the aforesaid filed map, a copy of which is attached as Attachment “A” and made a part of.

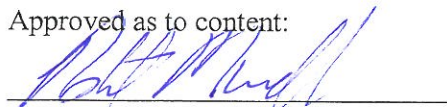
This Quitclaim Deed is executed this 7 day of MAY, 2013.

GRANTOR  
County of Monterey



Fernando Armenta  
Board of Supervisors, Chair  
County of Monterey

Approved as to content:



Robert K. Murdoch, P.E.  
Director of RMA - Public Works

Approved as to form:  
CHARLES J. MCKEE  
COUNTY COUNSEL

By: 

Cynthia L. Hasson  
Deputy County Counsel

ACKNOWLEDGMENT

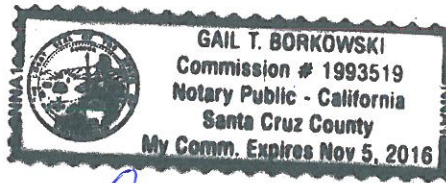
State of California )  
County of Monterey )

On May 7, 2013 before me, Gail T. Borkowski  
personally appeared Fernando Armenta

, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~-  
subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same  
in he/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument  
the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Gail T. Borkowski

Place Notary Seal Above