

Attachment D

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DETAILED BACKGROUND AND DISCUSSION

Fort Ord was a United States military base that closed on September 30, 1994 in accordance with the federal Defense Base Closure and Realignment Act. The Fort Ord Reuse Authority (FORA) was established by state statute to “plan for, finance, and manage the transition of property known as Fort Ord from military to civilian use” Gov’t Code §67658. In accordance with the Base Closure Act, the United States, acting through the United States Department of the Army (US Army), and FORA entered into a Memorandum of Agreement (EDC MOA) dated June 20, 2000 whereby the United States agreed to convey to FORA, and FORA agreed to acquire, by means of a “No Cost Economic Development Conveyance”, real property located in the bounds of the former Fort Ord subject to various conditions.

Subsequently, FORA and the County of Monterey entered into an Implementation Agreement, dated May 8, 2001, setting forth certain terms and conditions relating to the transfer of real property to the County. Under the Implementation Agreement, FORA must transfer certain property, when it is ready, to the County, unless the County directs FORA to transfer property directly to a third party rather than the County. FORA entered into an Environmental Services Cooperative Agreement (ESCA) with the US Army allowing FORA to receive deeds from the Army in connection with early transfer, enabling FORA to perform environmental remediation necessary for development and future use. The properties have been remediated, received environmental clearance from the United States Environmental Protection Agency (USEPA) and California Department of Toxic Substances Control (DTSC), and just last week the US Army provided FORA with the needed warranty (in the form of a deed addition) making the properties ready for transfer.

Pursuant to California Government Code Section 67700, FORA will dissolve on June 30, 2020, and FORA has requested the jurisdictions to receive properties that are ready to transfer. On February 21, 2020, FORA approved the execution of a contract with the City of Seaside to become its successor to the ESCA and to serve as the Department of Defense recognized Local Redevelopment Authority (LRA) to complete the remaining ESCA tasks and outstanding property transfers. However, FORA will need to divest itself of the properties that were transferred early to FORA from the US Army, and those properties must be accepted by the receiving jurisdiction with clean transfer of title by or before FORA’s dissolution on June 30, 2020 to ensure the properties transfer without ambiguities that could otherwise arise. In addition, FORA was able to negotiate for its Pollution Legal Liability insurance policy, providing \$15,000,000 of coverage to transfer to the City of Seaside based on the completed transfer of all property under the grant process held by FORA by June 30, 2020.

All the properties are subject to land use controls and covenants, and many of the properties are subject to the 1997 *Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California* (HMP), detailed as follows:

Current Property Transfers

-- APN 031-161-033 (portion of Parcel E11b.8) referred to as East Garrison II (Ammunition Supply Point), is 67.69 acres in size. This parcel is designated as Planned Development Mixed Use in the County General Plan and is subject to the Group 4 Land Use Controls Implementation

Plan/Operations and Maintenance Plan (LUCIP/OMP) (<https://www.foraescarp.com/docs-group4>).

-- APN 031-071-022 and To Be Determined (Parcel E19a.1 and portion of Parcel E19a.3) referred to as portion of the former Monterey Downs/Horse park, are 72 acres and 69.6 acres in size respectively, and is designated as Planned Development Mixed Use in the County General Plan and is subject to the Group 1 LUCIP/OMP (<https://www.foraescarp.com/docs-group1>).

--APN To Be Determined (Parcel E19a.2) referred to as Habitat Reserve (Oak Oval), is 73 acres in size and is designated as Planned Development Mixed Use and Habitat Reserve in the County General Plan, subject to habitat management pursuant to the HMP and also is subject to the Group 1 LUCIP/OMP (<https://www.foraescarp.com/docs-group1>).

--APN To Be Determined (portion of Parcel E19a.4) referred to as Habitat Reserve (Parker Flat), is 73 acres in size and is designated as Planned Development Mixed Use and Habitat Reserve in the County General Plan and is subject to habitat management pursuant to the HMP and to the Group 1 LUCIP/OMP (<https://www.foraescarp.com/docs-group1>).

--APN To Be Determined (Parcels E11b.6.1 and Parcel E11b.7.1.1) referred to as Habitat Reserve near East Garrison II, are 47.82 acres and 129.87 acres in size respectively and are designated as Habitat Reserve in the County General Plan, are subject to habitat management pursuant to the HMP, and are subject to the Group 4 LUCIP/OMP (<https://www.foraescarp.com/docs-group4>).

--APN 031-011-020 (Parcel L20.3.1 and Parcel L20.3.2) referred to as Wolf Hill near Laguna Seca are collectively 79.13 acres in size and are designated as Planned Development with Restrictions in the County General Plan and are subject to the Group 3 LUCIP/OMP (<https://www.foraescarp.com/mra-3>).

--APNs 031-131-008, 031-131-009, 031-131-010, 031-131-011 (Parcel L20.5.1, Parcel L20.5.2 and Parcel L20.5.3) referred to as Lookout Ridge near Laguna Seca are collectively 196.09 acres in size and are designated as Planned Development with Restrictions in the County General Plan, are subject to habitat management pursuant to the HMP, and are subject to the Group 3 LUCIP/OMP (<https://www.foraescarp.com/mra-3>).

--APN Not Applicable (Parcel L20.8) Barloy Canyon Road south of Eucalyptus Road is 7.25 acres in size and provide gated access to Laguna Seca and is subject to the Group 3 LUCIP/OMP (<https://www.foraescarp.com/mra-3>).

--APN Not Applicable (Parcel L20.18) Eucalyptus Road in the Parker Flat and Monterey Peninsula College area is 7.24 acres in size and is subject to the Group 1 LUCIP/OMP (<https://www.foraescarp.com/docs-group1>).

--APN Not Applicable (Parcel L20.19.1.1) Barloy Canyon Road north of Eucalyptus Road is 6.43 acres in size and is subject to the Group 4 LUCIP/OMP (<https://www.foraescarp.com/docs-group4>).

Prior Property Transfers

--APN 031-101-026 (parcel L5.7) referred as County North is 73 acres in size and is designated as Planned Development Mixed use in the County General Plan and subject land use controls via deed restriction.

--APN 031-161-030 (Parcel L20.2.1) referred to as Travel Camp and County North is 259 acres and is designated as Habitat Reserve in the County General Plan and subject to land use controls via deed restriction.

--APN 031-101-060 (Parcel L32.1) is part of what is referred to Parker Flats Phase 1 at Eighth Avenue and Durham Street is 2.9 acres and is designated Public Facility/Institutional in the County General Plan and subject to land use controls via deed restriction.

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