



Monterey County

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Board Report

Legistar File Number: SARDA G 15-004

March 03, 2015

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Version: 1

Current Status: Agenda Ready

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 Private Roadway (Ord Avenue) over a portion of APN 031-161-032 (East Garrison II) to UCP East Garrison, LLC 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 after receiving appropriate fees from the Developer.

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 Private Roadway (Ord Avenue) over a portion of APN 031-161-032 (East Garrison II) to UCP East Garrison, LLC 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 after receiving appropriate fees from the Developer.

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 creation of a private road easement over a portion of that parcel to permit the East Garrison Homeowners Association to connect the on-site private street (Ord Avenue) to the County-owned Watkins Gate Road in accordance with the requirements of the East Garrison Disposition and Development Agreement.

DISCUSSION:

On October 5, 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...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 “on-site” private streets, some of which will connect to County roads. In accordance with the Board’s approvals, the East Garrison Homeowners Association will own and maintain these private streets upon completion. A short portion of one of these streets, Ord Avenue, will cross Agency-owned property to accomplish its connection to Watkins Gate Road. The recommended easement will grant the Agency’s permission to the Developer to own and maintain this portion of the street on Agency-owned property on behalf of the future homeowners association, consistent with the obligations of the Successor Agency in the DDA.

OTHER AGENCY INVOLVEMENT:

Agency Counsel has approved the recommended Easement as to form. The developer of the East Garrison project, acting on behalf of the East Garrison Homeowners Association, has signed its acceptance of the easement and will submit the appropriate recording fees. 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 or the Road Fund. Costs associated with operating and maintaining the private street will be borne by the East Garrison Homeowners Association.

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 Private Roadway; Vicinity Map