



Monterey County

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Board Report

Legistar File Number: SARDA G 15-003

March 03, 2015

Introduced: 2/13/2015

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 Public Utility Easement over a portion of APN 031-161-032 (East Garrison II South of Watkins Gate Road) 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 Public Utility Easement 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 Public Utility Easement over a portion of APN 031-161-032 (East Garrison II South of Watkins Gate Road) 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 Public Utility 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 create a Public Utility Easement (PUE) over a portion of that property to permit construction and maintenance of public utilities as part of the infrastructure necessary to serve development of the Phase 2 area of the East Garrison development project, 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...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.

Implementation of Phase 2 of the East Garrison development project will require the construction of public utilities to serve the site. The recommended Public Utility Easement will allow public utility companies to construct, operate, and maintain utility systems serving the East Garrison development along the edges of the subject property, consistent with the obligations of the Successor Agency in the DDA.

OTHER AGENCY INVOLVEMENT:

Agency Counsel has approved the recommended PUE 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 public utility 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 construction, operation, and maintenance of public utilities will be borne by the various utility companies.

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 Public Utility Easement; Resolution No. 75-39; Vicinity Map

