

***Before the Monterey County Water Resources Agency Board of Supervisors
County of Monterey, State of California***

BOARD RESOLUTION No. 17-____

Resolution of The Monterey County Water Resources Agency Board of Supervisors Authorizing and Directing the General Manager to determine the probable compensation due to any private property owner for actual damage to property, and for substantial interference with its possession and use, as a result of Agency access to conduct soil and water testing, boring and related Geotechnical Studies.

Recitals

1. The Agency is actively considering the Interlake Tunnel and Spillway Modification Project, which entails the construction of a tunnel conveying water from the Nacimiento Reservoir to the San Antonio Reservoir for the purposes of consumption, groundwater recharge, flood management, prevention of saltwater intrusion, and recreation in the Salinas Valley.
2. As part of the study necessary to determine the feasibility of the Project, contractors and employees of the Agency must enter upon property along the tunnel alignment in order to test soil and water, collect soil and water samples, drill test bores, and to gain access to other parcels, among other things (collectively, Geotechnical Studies).
3. Some owners have been reluctant to grant the Agency access for the Geotechnical Studies, expressing concerns regarding potential interference with the operation of private water wells along the tunnel alignment.
4. In order to assure property owners whose property is subject to access and testing that the Agency is fully disposed and prepared to provide compensation as required by law to such owners for Geotechnical Studies.

NOW, THEREFORE, BE IT RESOLVED BY THE MONTEREY COUNTY WATER RESOURCES AGENCY BOARD OF SUPERVISORS that:

1. Prior to gaining access to any individual site for Geotechnical Studies, the General Manager will offer every private property owner from whom access is sought the ability

to receive an amount that the General Manager determines is the probable compensation to the owner:

- a. for actual damage to the property and substantial interference with its possession and use directly resulting from access to the property, or
 - b. from damage or substantial interference with the property caused by the entry or by the Geotechnical Activities.
2. If the General Manager, in consultation with the County Counsel, determines that it is necessary to apply to the Superior Court for an order allowing access, testing, and boring, then the General Manager shall deposit with the Court the amounts determined to compensate the private property owner under paragraphs 1. a. and b. of this resolution.
3. In determining and depositing the amounts of probable compensation, the General Manager shall comply with the requirements of the pre-condemnation access statutes (California Code of Civil Procedure Sections 1245.010-1245.060).
4. A property owner can elect to have a jury determine whether the Agency should pay compensation greater than that deposited by the General Manager.
5. Nothing in this resolution shall be construed as:
 - a. Pre-determination of any decision required by law to be taken after a hearing or after an environmental analysis under the California Environmental Quality Act (including, but not limited to, approval of the Tunnel Project);
 - b. Pre-determination to acquire a permanent easement for the Tunnel Project;
 - c. Determination of the probable compensation for any damage to property resulting from the construction or operation of the Tunnel Project.

PASSED AND ADOPTED on this __ day of November 2017, by the following vote, to-wit:

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 Minute Book____, on_____.

Dated: _____

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

By _____ Deputy