



Legislation Details (With Board Report)

File #: 20-545 **Name:** a. Find the action to be not a project as defined by section 15378.a of the CEQA guidelines since the action, which is only transferring ownership of land, does not have the potential for resulting in either a direct physical change in the environment, o

Type: General Agenda Item **Status:** Passed - RMA Administration

File created: 6/25/2020 **In control:** Board of Supervisors

On agenda: 6/30/2020 **Final action:** 6/30/2020

Title: a. Find the action to be not a project pursuant to section 15378.b.5 of the CEQA guidelines since this is an administrative governmental activity transferring ownership of land which does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment;
 b. Accept a Quitclaim Deed from the Fort Ord Reuse Authority (FORA) of the following former Fort Ord properties to: 1) transfer ownership of parcels E11b.6.1; E11b.7.1.1; E11b.8; Portions of E18.1.2, - consisting of Parcels H, I, J, L, M and N; Parcel U containing portions of E19a.1, E19a.2, E19a.3; E19a.4; L20.3.1; L20.3.2; L20.5.1;L20.5.2; L20.5.3; L20.5.4; L20.8; L20.18; and L20.19.1.1; and 2) extinguish and modify certain Land Use Controls and issue the Warranty under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for Parcels E11b.6.1; E11b.7.1.1; E11b.8; Portions of E18.1.2, - consisting of Parcels H, I, J, L, M and N; Parcel U containing portions of E19a.1, E19a.2, E19a.3; E19a.4;L5.7; L20.2.1; L20.3.1; L20.3.2; L20.5.1;L20.5.2; L20.5.3; L20.5.4; L20.8; L20.18; L20.19.1.1;and L32.1;
 c. Authorize the Chair of the Board to sign the certificate of acceptance of the Quitclaim Deed on behalf of the County and consent to record the deed; and
 d. Authorize the Resource Management Agency to record the deed. (ADDED VIA ADDENDA)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A-Draft QuitclaimDeed, 3. Attachment B-Map of Properties, 4. Attachment C-Quitclaim Deed from Army to FORA, 5. Attachment D-Detailed Background and IDiscussion, 6. Item No. 34.1 Completed Board Order, 7. Executed Doc Kutak Rock- LLP 20200331379

Date	Ver.	Action By	Action	Result
6/30/2020	1	Board of Supervisors		

a. Find the action to be not a project pursuant to section 15378.b.5 of the CEQA guidelines since this is an administrative governmental activity transferring ownership of land which does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment;

b. Accept a Quitclaim Deed from the Fort Ord Reuse Authority (FORA) of the following former Fort Ord properties to: 1) transfer ownership of parcels E11b.6.1; E11b.7.1.1; E11b.8; Portions of E18.1.2, - consisting of Parcels H, I, J, L, M and N; Parcel U containing portions of E19a.1, E19a.2, E19a.3; E19a.4; L20.3.1; L20.3.2; L20.5.1;L20.5.2; L20.5.3; L20.5.4; L20.8; L20.18; and L20.19.1.1; and 2) extinguish and modify certain Land Use Controls and issue the Warranty under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for Parcels E11b.6.1; E11b.7.1.1; E11b.8; Portions of E18.1.2, - consisting of Parcels H, I, J, L, M and N; Parcel U containing portions of E19a.1, E19a.2, E19a.3; E19a.4;L5.7; L20.2.1; L20.3.1; L20.3.2; L20.5.1;L20.5.2; L20.5.3; L20.5.4; L20.8; L20.18; L20.19.1.1;and L32.1;

- c. Authorize the Chair of the Board to sign the certificate of acceptance of the Quitclaim Deed on behalf of the County and consent to record the deed; and
- d. Authorize the Resource Management Agency to record the deed. (ADDED VIA ADDENDA)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find the action to be not a project pursuant to section 15378.b.5 of the CEQA guidelines since this is an administrative governmental activity transferring ownership of land which does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment;
- b. Accept a Quitclaim Deed from the Fort Ord Reuse Authority (FORA) of the following former Fort Ord properties to: 1) transfer ownership of parcels E11b.6.1; E11b.7.1.1; E11b.8; Portions of E18.1.2, - consisting of Parcels H, I, J, L, M and N; Parcel U containing portions of E19a.1, E19a.2, E19a.3; E19a.4; L20.3.1; L20.3.2; L20.5.1;L20.5.2; L20.5.3; L20.5.4; L20.8; L20.18; and L20.19.1.1; and 2) extinguish and modify certain Land Use Controls and issue the Warranty under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for Parcels E11b.6.1; E11b.7.1.1; E11b.8; Portions of E18.1.2, - consisting of Parcels H, I, J, L, M and N; Parcel U containing portions of E19a.1, E19a.2, E19a.3; E19a.4;L5.7; L20.2.1; L20.3.1; L20.3.2; L20.5.1;L20.5.2; L20.5.3; L20.5.4; L20.8; L20.18; L20.19.1.1;and L32.1;
- c. Authorize the Chair of the Board to sign the certificate of acceptance of the Quitclaim Deed on behalf of the County and consent to record the deed; and
- d. Authorize the Resource Management Agency to record the deed.

SUMMARY:

The recommended action will accept transfer of ownership of an approximate 855 acres and release restrictions that were withheld by the Army on those acres as well as 335 acres that previously transferred (totaling 1,190 acres) from the Fort Ord Reuse Authority (FORA) to the County of Monterey. pursuant to the Implementation Agreement entered into by FORA and the County, dated May 8, 2001. The recommended action will allow for the recordation of the Quitclaim Deed to Extinguish Certain Land Use Controls and to Modify Certain Land Use Controls and Issue CERCLA Warranty (Attachment A) for the following parcels:

Current Property Transfers

- COE Parcel E11b.6.1 (APN: To Be Determined (TBD) - 47.82 acres
- COE Parcel E11b.7.1.1 (APN: TBD) - 129.87 acres
- COE Parcel E11b.8 (APN: 031-161-033) - 67.69 acres
- Portions of COE parcel E18.1.2 (APN: TBD), consisting of Parcels H, I, J, L, M and N - 25.78 acres
- Portions of COE parcels E19a.1, E19a.2, E19a.3 and E19a.4, contained within Parcel U - 287.60 acres
- COE Parcels L20.3.1 and L20.3.2 (APN: 031-011-020) - 79.13 acres
- COE Parcel L20.5.1 (APN: 031-131-008) - 131.36 acres
- COE Parcel L20.5.2 (APN: 131-131-009) - 54.53 acres
- COE Parcel L20.5.3 (APN: 031-131-010) - 9.69 acres
- COE Parcel L20.5.4 (APN: 031-131-011) - .51 acres
- COE Parcel L20.8 (APN: TBD) - 7.25 acres
- COE Parcel L20.18 (APN: TBD) - 7.24 acres
- COE Parcel L20.19.1.1 (APN: TBD) - 6.43 acres

Prior Property Transfers

- COE Parcel L5.7 (APN: 031-101-026) - 73 acres
- COE Parcel L20.2.1 (APN: 031-161-030) - 259 acres
- COE Parcel L32.1 (APN: 031-101-060) - 2.9 acres

The Resource Management Agency will manage 914.58 acres of the total 1,190 acres, including prior property transfers. The Wolf Hill and Lookout Ridge parcels, totaling 275.22 acres, will be managed by the County Administrative Office (CAO) as part of Laguna Seca operations. Attachment B provides a location map of these properties. All of the properties underwent munitions and environmental hazards cleanup to receive environmental clearances necessary for the United States Department of the Army (US Army) to extinguish and/or modify certain land use controls and issue the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) warranty for the properties (Attachment C). The US Army issued the quitclaim deed to FORA on June 22, 2020. All the properties are subject to certain ongoing 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). With acceptance of the quitclaim deed, the County now accepts the properties as is, subject to the deed restrictions and land use controls.

Staff is bringing this action to the Board at this late date due to FORA dissolution on June 30, 2020. FORA had been awaiting action by the US Army to issue the CERCLA warranty, which just occurred on or about June 22, 2020. Accordingly, FORA and the City of Seaside are now requesting that the County accept transfer of the properties and release of the warranties by or before FORA's dissolution on June 30, 2020. Taking the action prior to FORA dissolution would ensure the properties transfer without ambiguities that could otherwise arise and would enable the transfer of FORA's \$15 million Pollution Legal Liability insurance coverage to the City of Seaside as the Environmental Services Cooperative Agreement (ESCA) successor and Department of Defense (DOD) recognized Local Reuse Authority (LRA). A detailed background and discussion of the subject properties to be transferred is provided in Attachment D.

As of this writing, County has reviewed the draft quitclaim deed and provided feedback to FORA, however, FORA has not provided the final quitclaim deed. Staff will distribute the quitclaim deed via separate memo to the Board upon receipt from FORA.

The recommended action is not a project pursuant to section 15378.b.5 of the CEQA guidelines since this is an administrative governmental activity transferring ownership of land which does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the Quitclaim Deed as to form. Supervisors Parker and Phillips serve on the County Board of Supervisors' Fort Ord Committee; Supervisors Adams, Parker, and Phillips serve on the FORA Board; and Supervisor Phillips serves as Chair of the FORA Legislative Committee. RMA represents the County on the FORA Administrative Committee, which has considered the FORA transition issues including the Environmental Services Cooperative Agreement (ESCA) property transfer status. The County Administrative Office, the Office of the County Counsel, and Resource Management Agency (RMA) are part of the County's FORA transition team.

FINANCING:

RMA staff time to process these properties for transfer is funded as part of the Fiscal Year (FY) 2019-20 Adopted Budget for the General Fund, Fund 001, Resource Management Agency, Appropriation Unit RMA013.

Habitat management activities on the approximate 855 acres of total habitat management acres to be transferred to the County will be funded with interest earnings from the approximately \$13.58 million FORA Community Facilities District (FORA CFD) funds provided to the County through the Joint Community Facilities Agreement by and between FORA and the County approved by the Board of Supervisors on June 9, 2020. The

RMA has no funding for property management including open space and recreation management in the former Fort Ord, and RMA anticipates returning to the Board at a later date with the Fort Ord Recreational and Habitat Area (FORHA) Master Trail Plan and Open Space Management Strategy for consideration and funding, if needed.

Upon receipt of these properties, the County will own 35 former Army buildings and structures that are in various levels of disrepair. Demolition of these structures will cost an estimated \$12 million for building removal. A number of these structures may have value to retain; however, the condition of these buildings is unknown and costs for potential needed repairs is unknown at this time. Upon acceptance, RMA will evaluate these structures and will return to the Board at a later date if funding is needed to address any immediate health, safety, or security concerns related to these structures.

RMA will determine what the actual property assessments and maintenance needs to be associated with these properties and will return to the Board of Supervisors through the Budget Committee should additional funding be required during FY 2020-21. Maintenance of these properties will be managed out of RMA's General Fund, Fund 001, Facilities Services Appropriation Unit RMA006. Property assessments will be managed out of RMA's General Fund, Fund 001, Utilities Appropriation Unit RMA098.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Today's action to accept the ESCA property transfers supports the Board's Strategic Initiative for Economic Development by continuing to support and facilitate the redevelopment of the former Fort Ord area and economic recovery to the region following the base closure.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Melanie Beretti, Property Administration/Special Programs Manager (831) 755-5285
Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

- Attachment A-Draft Quitclaim Deed
- Attachment B-Map of Properties
- Attachment C-Quitclaim Deed from Army to FORA
- Attachment D-Detailed Background and Discussion
(Attachments are on file with the Clerk of the Board)