



Legislation Details (With Board Report)

File #: 12-1165 **Name:** McIntosh/Monterey Design Group, LLC
Type: General Agenda Item **Status:** Passed
File created: 12/3/2012 **In control:** Board of Supervisors
On agenda: 12/11/2012 **Final action:** 12/11/2012
Title: Approve and Authorize the Director of Planning to execute the Release of Liability from Indemnification Agreement between Monterey Design Group, LLC (PLN000413) and the County of Monterey.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Cornett Investments, LLC ..., 2. Attachment B - Indemnification Agreement ..., 3. Attachment C - Proposed Release of Liability, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
12/11/2012	1	Board of Supervisors	approved	

Approve and Authorize the Director of Planning to execute the Release of Liability from Indemnification Agreement between Monterey Design Group, LLC (PLN000413) and the County of Monterey.

PROJECT INFORMATION:

Planning File Number: PLN000413
Owner: Laguna Seca Office Condominium Association
Project Location: 9681 Blue Larkspur Lane (Lot 10), Monterey (Previously APN: 173-121-010-000); 9699 Blue Larkspur Lane, Suite #202 (APN 173-123-006), Laguna Seca Office Park
Developer: Monterey Design Group, LLC
Current Owner: Cornett Investments LLC, 9699 Blue Larkspur Lane #202, APN173-123-006
Plan Area: Greater Monterey Peninsula Area Plan
Flagged and Staked: No

RECOMMENDATION:

It is recommended that the Board of Supervisors:
Approve and Authorize the Director of Planning to execute the Release of Liability from Indemnification Agreement between Monterey Design Group, LLC (PLN000413) and the County of Monterey.

SUMMARY:

The Property Owner, Cornett Investments, LLC, current owner of property located at 9699 Blue Larkspur Lane, Suite #202, Monterey (APN 173-123-006) located in the Laguna Seca Office Park (the Property) has requested a Release of Liability from Document No. 2001079620, the Indemnification Agreement (hereafter, "Agreement" or "Document") between the previous Owner, Monterey Design Group, LLC and the County of Monterey required per Project Condition of Approval No. 2 of PLN000413. Project Conditions of Approval for PLN000413 have been met. The statute of limitations for filing a claim, action or proceeding for approval of said Project has expired. Said Agreement was executed by the previous Owner, Monterey Design Group LLC,

on August 20, 2001 and by Planning Director on September 19, 2001 and approved as to form by the Office of County Counsel, on behalf of the County.

DISCUSSION:

The Indemnification Agreement was required per PLN000413, Planning Commission Resolution No. 01036, for then APN 173-121-010-000, Project Condition of Approval No. 2, approved on June 27, 2001. The Indemnification Agreement was recorded with the County Recorder's Office as Document No. 2001079620, on September 20, 2001. Project Conditions of Approval and the terms of the Indemnification Agreement have been met. No claim, action or proceeding has been filed against the County. The proposed Release of Liability has been approved as to form by the Office of the County Counsel. The proposed Release of Liability would release the property described in Exhibit A to the Indemnification Agreement (Document No. 2001079620) including the subject property at 9699 Blue Larkspur Lane, Suite # 202, Monterey (APN 173-123-006), from liability for said Document.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in preparation of this report and the Release of Liability. Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy or other implication to the County of Monterey.

FINANCING:

Funding for staff time associated with this project is included in the FY 12-13 Adopted Budget for the Planning Department.

Prepared by: Bob Schubert, Senior Planner ext. 5183

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

This report was prepared with assistance by Mary Grace Perry, Office of the County Counsel.

cc: Front Counter Copy; Board of Supervisors (10); Wanda Hickman, Planning Services Manager; Cornett Investments LLC; Monterey Peninsula Surgery Center; Pamela H. Silkwood, Esq. of Horan Lloyd; The Open Monterey Project; LandWatch; Project File PLN000413

The following attachments are on file with the Clerk of the Board:

Attachment A	Cornett Investments, LLC, Current Owner's Letter Request for Release of Liability
Attachment B	Indemnification Agreement w/Exhibits A (Legal Description) and B (Planning Commission Resolution No. 01036)
Attachment C	Proposed Release of Liability