



## Legislation Details (With Board Report)

<b>File #:</b>	RES 13-035	<b>Name:</b>	Accept Stormdrain Easement Crml Meadows Jagers
<b>Type:</b>	BoS Resolution	<b>Status:</b>	Passed
<b>File created:</b>	4/12/2013	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	5/7/2013	<b>Final action:</b>	5/7/2013

**Title:** Adopt a Resolution:

- a. Authorizing the Director of Public Works to accept a new Storm Drain Easement on Assessor's Parcel No. 243-031-033 in the Carmel Meadows Subdivision, in the Community of Carmel;
- b. Determining summary vacation of a drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
- c. Summarily vacating the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
- d. Quitclaiming any interest Monterey County has in said easement to the property owner;
- e. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
- f. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
- g. Directing the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.

**Sponsors:** Public Works / RMA

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Notice of Exemption, 3. Quit Claim Deed, 4. Storm Drain Easement, 5. Memo Dated February 21, 2013 from RMA-Planning, 6. Location Map, 7. Completed Board Order / Resolution / Executed Quit Claim Deed

Date	Ver.	Action By	Action	Result
5/7/2013	1	Board of Supervisors	adopted	Pass

Adopt a Resolution:

- a. Authorizing the Director of Public Works to accept a new Storm Drain Easement on Assessor's Parcel No. 243-031-033 in the Carmel Meadows Subdivision, in the Community of Carmel;
- b. Determining summary vacation of a drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
- c. Summarily vacating the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
- d. Quitclaiming any interest Monterey County has in said easement to the property owner;
- e. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
- f. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
- g. Directing the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.

### RECOMMENDATIONS:

It is recommended that the Board of Supervisors adopt a Resolution:

a. Authorizing the Director of Public Works to accept a new Storm Drain Easement on Assessor's Parcel No.

- 243-031-033 in the Carmel Meadows Subdivision, in the Community of Carmel;
- b. Determining summary vacation of a drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
  - c. Summarily vacating the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
  - d. Quitclaiming any interest Monterey County has in said easement to the property owner;
  - e. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
  - f. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
  - g. Directing the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.

SUMMARY/DISCUSSION:

At its April 8, 2010 hearing, the Monterey County Zoning Administrator approved a Combined Development Permit (PLN090253, Jagers) for the demolition of an existing 4,095 square foot single family dwelling, and the construction of a new 5,080 square foot single family dwelling.

During grading and construction, a storm drain pipe was unearthed within the footprint area of the new structure and removed. The storm drain pipe was located within an easement that was dedicated for public use as part of the original subdivision, and accepted by the Board of Supervisors in 1955. To accommodate the new residential structure, the existing storm drain needs to be relocated. Consequently, the Resource Management Agency - Public Works (RMA-PW) received a request from the property owner to vacate the existing drainage easement. The property owner has also offered to dedicate a new storm drain easement along the southeasterly side of the property as shown on the Storm Drain Easement. The proposed realigned storm drain will serve the same function and capacity as the storm drain to be abandoned, and will be located within the new easement.

The property is located at 2741 Calle La Cruz (APN 243-031-033). This property consists of Lot 5 of the Carmel Meadows Subdivision, Tract 269, Carmel Meadows Unit No. 3, which was approved by the Board of Supervisors in 1955 and recorded in Volume 6 of Cities and Towns at Page 54. The existing drainage easement was located along the southeasterly portion of the perimeter of Lot 5, as shown on Attachment A of the Quitclaim Deed. Some time after the creation of Lot 5, the property was expanded through an addition of land from the southeasterly adjacent property, which changed the configuration of the lot such that the drainage easement would now be located within the middle area of the lot, in the location of the approved new residence structure.

The County proposes to accept the dedication of the new storm drain easement to replace the existing drainage easement and accommodate the realigned storm drain pipe, summarily vacate the existing drainage easement that is no longer needed, and quitclaim all interest in the existing easement to the current property owner.

RMA- Planning considered this vacation per Section 8313 of the Streets and Highways Code and recommends to the Board that the proposed vacation is consistent with the Monterey County General Plan and Carmel Land Use Plan. Said vacation will not have a significant impact on the environment and is exempt from environmental review in accordance with Section 15302(c) of the California Environmental Quality Act Guidelines.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the Quitclaim Deed and Storm Drain Easement as to form. RMA - Planning reviewed the proposed vacation and had no opposition to the vacation.

FINANCING:

There is no financial impact to the General Fund or the Road Fund, as a result of this action.

Prepared by: Saba Engineer, M.S., P.E., Senior Civil Engineer, (831) 755-4940

Approved by:

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Robert K. Murdoch, P.E., Director of Public Works

Approved by:

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Benny J. Young, RMA Director

Dated: April 26, 2013

Attachments: Resolution; Notice of Exemption; Quitclaim Deed; Storm Drain Easement; Memo dated February 21, 2013 from RMA - Planning; Location Map