



Legislation Details (With Board Report)

**File #:** 12-1130      **Name:** Deed Restriction on CO Property Conveyed from FORA

**Type:** General Agenda Item      **Status:** Passed

**File created:** 11/26/2012      **In control:** Board of Supervisors

**On agenda:** 12/11/2012      **Final action:** 12/11/2012

**Title:** a. Approve and authorize the Chair to execute the Deed Restriction and Covenants on County-owned properties previously conveyed from the Fort Ord Reuse Authority, as identified in Exhibit A of the Deed Restriction and Covenants; and  
b. Authorize the Director of Public Works to submit the Deed Restriction and Covenants to the County Recorder for recordation.

**Sponsors:** Public Works / RMA

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A Conveyed Properties to County, 2. Deed Restriction and Covenants, 3. Location Map, 4. Completed Board Order & Fully executed Deed Restriction & Covenants, 5. Completed Board Order and Recorded Deed

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

a. Approve and authorize the Chair to execute the Deed Restriction and Covenants on County-owned properties previously conveyed from the Fort Ord Reuse Authority, as identified in Exhibit A of the Deed Restriction and Covenants; and  
b. Authorize the Director of Public Works to submit the Deed Restriction and Covenants to the County Recorder for recordation.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Chair to execute the Deed Restriction and Covenants on County-owned properties previously conveyed from the Fort Ord Reuse Authority, as identified in Exhibit A of the Deed Restriction and Covenants; and
- b. Authorize the Director of Public Works to submit the Deed Restriction and Covenants to the County Recorder for recordation.

SUMMARY/DISCUSSION:

The Resource Management Agency - Public Works received a request from the Fort Ord Reuse Authority (FORA) to record certain deed restrictions and covenants on properties that had been conveyed from FORA to the County. These restrictions and covenants reference the Fort Ord Base Reuse Plan and require that the use and development of the properties conform to the provisions of the Reuse Plan.

During the 2000s, properties within the former Fort Ord base were conveyed from the United States Government to FORA, subject to conditions and requirements within a Memorandum of Agreement between the U.S. Government and FORA. Properties were then transferred and quitclaimed by FORA to local jurisdictions, including the County.

In accordance with the Implementation Agreement between FORA and the County of Monterey (Document 2001088380, recorded in the Office of the Monterey County Recorder), properties shall be transferred in compliance with the Base Reuse Plan, the Settlement Agreement in Sierra Club vs. FORA (Monterey County Superior Court Case No. 112014), the Fort Ord Master Resolution (Section 8.01.010(j)), and the Implementation Agreement. Exhibit B of the Settlement Agreement and Exhibit F of the Implementation Agreement include these Deed Restrictions and Covenants.

The quitclaims for the properties conveyed to the County identified in Exhibit A either reference the restrictions but did not include them with the recorded quitclaim documents, or did not include language referencing these deed restrictions. Moreover, these restrictions were not recorded separately on the quitclaimed properties. Recording of these deed restrictions and covenants will ensure that these restrictions are included on the property titles and alert property owners of the restrictions, in compliance with the terms of the quitclaims, the Base Reuse Plan, the Settlement Agreement, the Master Resolution and the Implementation Agreement.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the Deed Restriction and Covenants as to form.

FINANCING:

There is no financial impact to the General Fund. The estimated costs of \$200 associated with the Deed Restriction and Covenants were not identified in the FY 2012-13 Adopted Budget for the RMA - Public Works and will be captured by Facilities fund, Unit 8183, Appropriations Unit RMA006. RMA-PW is not asking for a budget modification at this time but will return to the Board if the approved budget is unable to fully absorb the unbudgeted costs.

Prepared by: Saba Engineer, PE, Senior Civil Engineer, (831) 755-4940

Approved by:

---

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

---

Benny J. Young, RMA Director

Dated: November 30, 2012

Attachments: Exhibit A - Conveyed Properties to County; Deed Restriction and Covenants; Location Map