



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: WRAG 20-240, **Version:** 1

- a. Approve granting a quitclaim deed for a thirty-foot wide fee title and a forty-foot wide fee title near Markley Swamp to Café Tori Investment, LLC (4/5ths vote required);
- b. Approve accepting a permanent easement deed for the Markley Swamp Lateral from Café Tori Investment, LLC;
- c. Authorize the General Manager to execute the documents; and
- d. Find that the transfer of the property to Café Tori Investment, LLC is exempt from environmental review under the California Environmental Quality Act (CEQA) Guideline section 15312.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve granting a quitclaim deed for a thirty-foot wide fee title and a forty-foot wide fee title near Markley Swamp to Café Tori Investment, LLC (4/5ths vote required);
- b. Approve accepting a permanent easement deed for the Markley Swamp Lateral from Café Tori Investment, LLC;
- c. Authorize the General Manager to execute the documents; and
- d. Find that the transfer of the property to Café Tori Investment, LLC is exempt from environmental review under the California Environmental Quality Act (CEQA) Guideline section 15312.

SUMMARY/DISCUSSION:

The Harvest Moon Development (Project) is currently in the planning stage and under review by Monterey County Resource Management Agency (RMA) staff (PLN190127) to construct workforce housing on the site. The property owner requested that the Monterey County Water Resources Agency (MCWRA) quitclaim two existing fee titles on the development parcel, APN 261-011-026-000, in exchange for a new easement that follows the existing lateral running from the Markley Swamp into the Reclamation Ditch. The two existing fee titles on the parcel are a 30-foot wide strip and a 40-foot wide strip, which were granted to MCWRA in 1918 and 1933 respectively for a canal or drainage ditch. MCWRA records show that there has only been one Markley Swamp lateral running across this property and into the Reclamation Ditch over the period between 1944 to present. Historical aerial photos support this finding. According to the 2002 RDIPAC report, 1999 Zone 9 and Reclamation Ditch Drainage System Operation Study, 1979 Monterey County Drainage Study Carr Lake and Reclamation Ditch, and 1944 Report on Reclamation Ditch, only one Markley Swamp lateral was referenced in those reports. There were no other references found that state additional ditches exist or are planned. According to the Monterey County General Plan Adopted October 26, 2010, and the 2000 Boronda Redevelopment Area Storm Drain Master Plan - Phase 1, the drainage system of the Boronda Redevelopment was designed to drain into the Markley Swamp which will drain into the existing lateral and eventually will drain into the Reclamation Ditch.

MCWRA staff is working closely with RMA staff to request additional information to evaluate the off-site impacts to the Markley Swamp lateral and the Reclamation Ditch due to the development project. While this evaluation is pending, it does not preclude proceeding with the title actions of quitclaiming the existing fee titles and accepting a new easement as requested by Café Tori Investment. Per Café Tori Investment, the construction of this project is planned to start in the summer of 2020, and a survey has been conducted to

support the legal description necessary for the new permanent easement. The proposed 70 foot-wide permanent exclusive easement includes the area of the existing Markley Swamp Lateral and the necessary access roads. It also allows access for MCWRA maintenance personnel through the Project Area.

The two properties proposed for this quitclaim are landlocked within the larger property owned by Café Tori Investment and based on the narrow width of 30 feet and 40 feet are incapable of independent development or use. The use of this fee strip for housing is not consistent with the original purpose of use as a drainage ditch; therefore, the MCWRA will be vacating the dedication. Since the subject properties are of limited size, and lie outside of the existing Reclamation Ditch system, no future County use is planned or required, and therefore the property is surplus. Any existing utility easements would be retained.

Staff recommends that the MCWRA Board of Supervisors make a finding that the transfer of the property to Café Tori Investment is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption, section 15312 (Surplus Government Property Sales).

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the Quitclaim Deed and the Permanent Easement. Involvement with the Monterey County Resource Management Agency, as described above.

FINANCING:

None, the Quitclaim Deed will be exchanged for the Easement Deed.

Prepared by: Shaunna Murray, Senior Water Resources Engineer, (831) 755-4860

Approved by: _____
Brent Buche, General Manager, (831) 755-4860

Attachments:

1. Quitclaim Deed
2. Easement Deed
3. Executed MCWRA Board Order