



County of Monterey

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

Board Report

File #: WRAA 15-007, **Version:** 1

Approve renewal of a one-year Lease Agreement, with non-standard provisions, with the Heritage Ranch Owners Association (HROA) for 25 acres of lakefront property at Nacimiento Reservoir; and, authorize the General Manager to execute the Lease Agreement. (ADDED VIA ADDENDUM)

RECOMMENDATION:

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

Approve renewal of a one-year Lease Agreement, with non-standard provisions, with the Heritage Ranch Owners Association (HROA) for 25 acres of lakefront property at Nacimiento Reservoir; and, authorize the General Manager to execute the Lease Agreement.

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency (MCWRA) Board of Directors recommended the Board of Supervisors renew a lease agreement with a three-year term with the Heritage Ranch Owners Association (HROA) for 25 acres of lakefront property on August 27, 2012. However, that action was never taken to the MCWRA Board of Supervisors for approval. However, the HROA did continue to submit payment to the MCWRA. The monthly lease base rate remains at the 2012 base rate of \$2,552.00. This is considered fair rent to the MCWRA based on . . .

The lease fee will be \$2,552.00 a month. The fee was originally established by comparable market sales documented in three appraisals completed in 2007 and 2008. The capitalized income was discounted to reflect a downward adjustment in the market for the prior three years. At that time it was the best market data available.

The proposed 25-acre lease is located on MCWRA land on the south side of Nacimiento Reservoir on Snake Creek adjacent to property owned by Heritage Ranch. Heritage Ranch has leased the property from the Monterey County Water Resource Agency for the last four years and seeks to renew the lease for continued use of the property. The lease fee will be adjusted annually by the Cost of Living index over the term of the lease.

The Major points of the lease are as follows:

- HROA may use the Property for mooring of HROA owned slips, day beaching and picnicking, and overflow parking. Notwithstanding the preceding, parking shall not be allowed within twenty (20) feet of any oak tree. The Property shall be closed between the hours of 10:00 pm and 6:00 am. No overnight parking shall be allowed during the hours the Property is closed. No docks that are not owned by HROA shall be allowed on the Property. All HROA Marina Rules shall apply to the Property.
- HROA may not erect any permanent structures or improvements on the Property without the prior written consent of MCWRA. HROA shall not cut, and shall not allow the cutting, of any timber without the prior written consent of the MCWRA. HROA shall not remove or place any soil, sand or gravel from/on the subject property without the prior written consent of the MCWRA.

- Any HROA member or member of the public may be ordered to leave the Property by any peace officer, Monterey County Park employee, or MCWRA employee, for violation of any park rule, policy, County, State, or Federal law, or any provision of this Agreement. Persons ordered to leave the Property under this provision shall not be allowed to return onto the Property for a period of at least seven days. MCWRA may increase the time prior to return at its sole discretion.

OTHER AGENCY INVOLVEMENT:

The Water Resources Agency Board of Directors approved renewal of this lease on April 27, 2015. The County Counsel's Office has reviewed the Lease Agreement. Although the Agreement contains some non-standard provisions, the non-standard provisions not affect material terms and conditions. The Agency template for this type lease agreement will be updated before this Lease Agreement is renewed.

Due to the late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to review for potential fiscal, organizational, policy or other implications to the County of Monterey.

FINANCING:

Revenue from this lease will be deposited into Fund 114 (Nacimiento Administration).

Prepared by:

Brent Buche, Deputy General Manager, (831) 755-4860

Approved by:

David E. Chardavoyne, General Manager, (831) 755-4860

Attachments:

HROA Lease Agreement (with Attachments)
Location Map of the Lease Property
MCWRA Executed Board Order