



Board Report

File #: RES 20-202, **Version:** 1

Adopt a Resolution:

- a. Approving and authorizing the Resource Management Agency (RMA) Director to execute an updated Conveyance Agreement to: 1) Establish the terms of transfer from the County to the City of Marina of certain lands in the former Fort Ord, including six parcels totaling 177.1 acres, identified as Assessor's Parcel Numbers 031-101-039, 031-101-040, 031-101-041, 031-101-042, 031-101-056, and 031-101-058, collectively known as the "Landfill Border Parcels Site," located on Imjin Parkway on the former Fort Ord; 2) Designate the City of Marina instead of the County as the future recipient of 164 acres of land over two parcels, identified as Assessor's Parcel Numbers 031-101-057 and 031-101-067, collectively known as the "Landfill Site," located on Imjin Parkway on the former Fort Ord; 3) Authorize and request Marina Coast Water District to transfer to the City of Marina the 10 AFY of Fort Ord "water allocation" for the "County/Marina Sphere (Polygon 8a)," subject to future changes in the management of the former Fort Ord water allocations; and 4) Transfer \$300,000 of earmarked habitat management funds to the City, subject to restrictions on use of the funds by the City of Marina for habitat-related services.
- b. Authorizing and directing the Auditor-Controller to amend Fiscal Year 2020-21 Adopted Budget to increase appropriations by \$300,000 and estimated revenue by \$300,000 for the Habitat Management Program, Fund 029, Appropriation Unit RMA111, to fund habitat management activities on former Fort Ord lands, financed by Unassigned Fund Balance of \$300,000 (Fund 029, Balance Sheet Account 3101) (4/5th vote required);
- c. Authorizing the RMA Director to transmit the Conveyance Agreement to the City of Marina for execution and the fully executed Conveyance Agreement to the City of Seaside as the federally recognized Local Reuse Authority ("LRA") to notify the LRA of designation of the City of Marina to receive the Landfill Site parcels rather than the County;
- d. Finding that the properties subject to this action are "exempt surplus property" pursuant to Government Code section 54221(f)(1)(D); and
- e. Finding that this action is categorically exempt pursuant to the California Environmental Quality Act Guidelines sections 15305, 15308, and 15061(b)(3). (ADDED VIA ADDENDA)

RECOMMENDATION:

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

- a. Approving and authorizing the Resource Management Agency (RMA) Director to execute an updated Conveyance Agreement to: 1) Establish the terms of transfer from the County to the City of Marina of certain lands in the former Fort Ord, including six parcels totaling 177.1 acres, identified as Assessor's Parcel Numbers 031-101-039, 031-101-040, 031-101-041, 031-101-042, 031-101-056, and 031-101-058, collectively known as the "Landfill Border Parcels Site," located on Imjin Parkway on the former Fort Ord; 2) Designate the City of Marina instead of the County as the future recipient of 164 acres of land over two parcels, identified as Assessor's Parcel Numbers 031-101-057 and 031-101-067, collectively known as the "Landfill Site," located on Imjin Parkway on the former Fort Ord; 3) Authorize and request Marina Coast Water District to transfer to the City of Marina the 10 AFY of Fort Ord "water allocation" for the "County/Marina Sphere (Polygon 8a)," subject to future changes in the management of the former Fort Ord water allocations; and 4) Transfer \$300,000 of earmarked habitat management funds to the City, subject to restrictions on use of the funds by the City of Marina for habitat-related services.
- b. Authorizing and directing the Auditor-Controller to amend Fiscal Year 2020-21 Adopted Budget to increase appropriations by \$300,000 and estimated revenue by \$300,000 for the Habitat Management Program, Fund

029, Appropriation Unit RMA111, to fund habitat-related services on former Fort Ord lands, financed by Unassigned Fund Balance of \$300,000 (Fund 029, Balance Sheet Account 3101) (4/5th vote required);

c. Authorizing the RMA Director to transmit the Conveyance Agreement to the City of Marina for execution and the fully executed Conveyance Agreement to the City of Seaside as the federally recognized Local Reuse Authority (“LRA”) to notify the LRA of designation of the City of Marina to receive the Landfill Site parcels rather than the County;

d. Finding that the properties subject to this action are “exempt surplus property” pursuant to Government Code section 54221(f)(1)(D); and

e. Finding that this action is categorically exempt pursuant to the California Environmental Quality Act Guidelines sections 15305, 15308, and 15061(b)(3).

SUMMARY/ DISCUSSION:

On April 21, 2020, the County approved a Conveyance Agreement with the City of Marina (Marina) and a Quitclaim deed to: a) transfer ownership of six parcels totaling 177.1 acres, identified as Assessor’s Parcel Numbers 031-101-039, 031-101-040, 031-101-041, 031-101-042, 031-101-056, and 031-101-058 (collectively known as the *Landfill Border Parcels Site*), located on Imjin Parkway on the former Fort Ord from the County of Monterey to Marina ; and b) designate that Marina rather than the County receive from the Fort Ord Reuse Authority (FORA) or United States Army (Army): 1) two parcels totaling 164 acres, identified as Assessor’s Parcel Numbers 031-101-057 and 031-101-067, collectively known as the *Landfill Site*, located on Imjin Parkway on the former Fort Ord, and 2) one 3.1-acre parcel, identified as Army Corps of Engineers’ Parcel Number E4.7.2 (no Assessor’s Parcel Number), known as the *Imjin Parkway E4.7.2 Road Right-of-Way Parcel*, located near the intersection of Imjin Parkway and Reservation Road on the former Fort Ord.

Based on the Board’s April action, FORA (prior to dissolution) conveyed the Imjin Parkway E4.7.2 Road Right-of-Way parcel directly to Marina by Quitclaim Deed on June 9, 2020. However, the Marina did not accept the Conveyance Agreement previously approved by the Board of Supervisors because Marina requested a portion of the habitat management funds which FORA had allocated and transferred to the County. Marina also requested transfer of FORA’s water allocation of 10 acre feet per year (AFY) for the “County/Marina Sphere (Polygon 8a).” The Marina Sphere refers to the land area of the unincorporated area within the City of Marina General Plan Sphere of Influence and includes land to be transferred in accordance with the Conveyance Agreement. (The Marina Coast Water District 2015 Urban Water Management Plan shows a County water allocation of 720 AFY, which includes this 10 AFY for the Marina Sphere.)

The Conveyance Agreement now presented to the Board of Supervisors has been updated to: 1) transfer to Marina \$300,000 of funds for Habitat-related Services on the former Fort Ord in compliance with the Joint Community Facilities Agreement (JCFA) between the County and FORA; 2) authorize and request MCWD transfer to Marina of the 10 AFY water allocation for the County/Marina Sphere (Polygon 8a), subject to reductions or other actions taken by the Marina Coast Water District in managing the former Fort Ord water allocations; 3) reflect that the United States Department of Defense recognized the City of Seaside as the successor LRA, effective July 1, 2020, for the purpose of implementing the no-cost economic development conveyance agreement (EDC); and 4) reflect that FORA has already conveyed the Imjin Parkway E4.7.2 Road Right-of-Way parcel to Marina. The updated draft Conveyance Agreement is included as Attachment A, and it includes maps of the property locations as exhibits to the agreement.

Property negotiations with Marina have concluded. Staff recommends that the Board of Supervisors adopt a resolution to take certain actions to finalize the County’s actions to complete the property transaction with Marina, including to: approve and authorize execution of the Conveyance Agreement (Attachment B), transmit the Conveyance Agreement to Marina for execution, and transmit the fully executed Conveyance Agreement to

the City of Seaside to notify Seaside in its capacity as LRA that the County has relinquished any future interest in the Landfill Site and that Marina rather than the County will be the recipient of the Landfill Site when that property is ready for transfer from the Army.

The properties subject to this action are “exempt surplus property” pursuant to Government Code section 54221 (f)(1)(D). California Environmental Quality Act (CEQA) Guidelines Sections 15305, 15308, and 15061(b)(3) establish exemptions for projects such as this consisting of minor alterations in land use limitations that do not result in changes to land use or density and where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel approved the updated Conveyance Agreement as to form. Prior to its dissolution, FORA concurred with the County’s conveyance of the Landfill Border Parcels Site to Marina. Upon approval by the County, the updated Conveyance Agreement will be submitted to Marina for acceptance. The Chair of the Budget Committee approved for this item to bypass the committee and be presented directly to the Board.

FINANCING:

Staff time to prepare this report and the Conveyance Agreement is funded as part of the FY 2020-21 Adopted Budget for Resource Management Agency Fund 001, Appropriation Unit RMA013. If approved, the Fiscal Year 2020-21 Adopted Budget will be amended to increase appropriations and revenue in Fund 029, Habitat Management Program, Appropriation Unit RMA111, by \$300,000, financed by Unassigned Fund Balance of \$300,000 to be transferred to Marina to fund essential Habitat Management activities on former Fort Ord lands. Upon transfer of title, all costs relating to operation and maintenance of the Landfill Border Parcels Site become the responsibility of Marina. Property tax allocation will be pursuant to the exhibits C and D in the Conveyance Agreement, and monthly Ord Market lease payments (\$10,885) are thereafter paid to Marina.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Approval of the Conveyance Agreement and corresponding (previously approved) Quitclaim Deed conveying the *Landfill Border Parcels Site* and designating Marina as the recipient of the *Landfill Site* supports the Board of Supervisors’ Economic Development Strategic Initiative by facilitating the reuse of the former Fort Ord.

☒ Economic Development
☐ Administration
☐ Health & Human Services
☐ Infrastructure
☐ Public Safety

Prepared by: Melanie Beretti, Property Administration/Special Programs Manager (831) 755-5285

Approved by: Shawne Ellerbee, Assistant Director of Resource Management Agency

Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Attachment A-Draft Conveyance Agreement

Attachment B-Draft Resolution

(Attachments are on file with the Clerk of the Board)