



County of Monterey

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

Board Report

File #: 21-049, Version: 1

~~a. Approve Amendment No. 4 to the Subdivision Improvement Agreement for the York Highlands Resubdivision for an extension of 24 months (May 22, 2022); and~~

~~b. Authorize the Chair to execute the Amendment and direct the Clerk of the Board to record the Amendment with the County Recorder. (REMOVED VIA SUPPLEMENTAL)~~

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve Amendment No. 4 to the Subdivision Improvement Agreement for the York Highlands Resubdivision for an extension of 24 months (May 22, 2022); and

b. Authorize the Chair to execute the Amendment and direct the Clerk of the Board to record the Amendment with the County Recorder.

SUMMARY:

An additional two-year extension is needed because further regulatory delays have delayed the transfer of the York Highlands Resubdivision property. Over fifty (50) percent of the subdivision improvements have been completed, and there is ongoing work at this time. The banks and developer are working through regulatory, agency and other delays to secure the final buy-out and construction for the remaining buildout of York Highlands. There have been considerable delays due to difficulties in separating York Highlands from the Monterra HOA in terms of the ongoing management of the CC&R's that are part of the York Highlands approvals. Monterey County Bank and United Security Bank intend to transfer the Resubdivision entitlements and improvement obligations to one or more developers who would in turn complete the subdivision improvements.

Amendment No. 4 amends the names of the corporations through which the banks now hold title. It also would allow the time for completion of the subdivision improvements by extending the Agreement timeline to May 22, 2022. The Banks require the additional time provided in Amendment No. 4 to accomplish the transfer and complete the subdivision work. Amendment No. 4 also specifically includes an indemnification agreement whereby United Securities Bank agrees to immediately indemnify, defend, and hold COUNTY harmless from and against any and all loss, damage or liability, costs or expenses whatsoever, in connection with any third party claim whatsoever (including reasonable attorneys' fees and court costs) from The Don Chapin Co., Inc., Seatec Underground Utilities Company, Inc., and/or their assigns, arising from or in connection with this Subdivision Improvement Agreement.

DISCUSSION:

On May 22, 2012, the Board of Supervisors approved the Subdivision Improvement Agreement for the York Highlands Subdivision between the County of Monterey and Monterey County Bank and United Security Bank. On May 13, 2014, the Board of Supervisors approved the Amendment No. 1 to the County of Monterey Subdivision Improvement Agreement to extend the time for completion of the subdivision improvements. On March 22, 2016, the Board of Supervisors approved Amendment No. 2 to the County of Monterey Subdivision Improvement Agreement for York Highland Resubdivision between the County of Monterey and to extend the time for completion of the subdivision improvements to May 22, 2018. On June 26, 2018, the Board of Supervisors approved Amendment No. 3 to the County of Monterey Subdivision Improvement Agreement for York Highland Resubdivision between the County of Monterey and to extend the time for completion of the subdivision improvements to May 22, 2020.

Staff recommends the Board of Supervisors approve Amendment No. 4 to extend the County of Monterey Subdivision Improvement Agreement for an additional 24 months through May 22, 2022, including other modifications described above.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved Amendment No. 4 as to form.

FINANCING:

There is no financial impact to the General Fund. Sufficient appropriations are available in the Development Services FY2020 -21 Adopted Budget Fund 001, Unit 8196, Appropriation Unit RMA010 to finance this work. The cost of the extension processing is funded with developer fees.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Economic Development; Provide growth in opportunities for housing in Monterey County and provide construction jobs for Monterey County residents.

Infrastructure; Plan and develop a sustainable, physical infrastructure that improves the safety and quality of life for Monterey County residents. Provide for an adequate and safe infrastructure.

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

Prepared by: Armando Fernandez, Civil Engineer, (831) 755-4873

Reviewed by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, & Parks

Approved by: Carl P. Holm, AICP, Director of Housing and Community Development

The following attachments are on file with the Clerk of the Board:

Attachment A - Amendment No. 4

Attachment B - Subdivision Improvement Agreement recorded 5/31/2012

Attachment C - Extension Request Letter 04/21/2020

Attachment D - Engineering Cost Estimate Review Letter 04/21/2020