



County of Monterey

Item No.77

Board Report

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

Legistar File Number: ORD 24-035

November 12, 2024

Introduced: 10/30/2024

Current Status: Public Works, Facilities &
Parks - Consent

Version: 1

Matter Type: Ordinance

Introduce, waive first reading, and set December 3, 2024, at 10:30 a.m. as the date and time to consider adoption of an ordinance adding Chapter 5.65 to the Monterey County Code establishing a Survey Monument Preservation Fund.

Proposed CEQA Action: Find that the adoption of this ordinance is not a project pursuant to California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) section 15378(b)(5) because it is an organizational activity of government that will not result in a direct or indirect physical impact on the environment.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that the adoption of this ordinance is not a project pursuant to the California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) section 15378(b)(5) because it is an organizational activity of government that will not result in a direct or indirect physical impact on the environment; and
- b. Introduce, waive first reading, and set December 3, 2024, at 10:30 a.m. as the date and time to consider adoption of an ordinance adding Chapter 5.65 to the Monterey County Code establishing a Survey Monument Preservation Fund.

SUMMARY:

Staff is presenting an ordinance (**Attachment A**) for consideration that would establish a Survey Monument Preservation Fund (Fund) pursuant to California Government Code Sections 27584 and 27585, and in accordance with Board of Supervisors Order, dated December 15, 1987, (**Attachment B**) directing the Department of Public Works, now Public Works, Facilities and Parks (PWFP), Office of the County Counsel and the County Recorder to prepare the necessary ordinance and procedures to implement the program. The purpose of this Fund is to pay the necessary expenses incurred or authorized by the County Surveyor in retracing or re-monumenting major historical land division lines upon which later surveys are based, thereby providing a substantial public benefit.

DISCUSSION:

In 1976, the State Legislature added Sections 27584 and 27585 to the Government Code (**Attachment C**). Section 27585 was subsequently amended in 1986.

Government Code Section 27584 allows a board of supervisors to establish a survey monument preservation fund (Fund). The purpose of the Fund is to pay the necessary expenses incurred or authorized by the County Surveyor in retracing or re-monumenting major historical land

division lines upon which later surveys are based, such as, but not limited to, government section lines, rancho lines, grant lines, ranch section lines, acreage subdivision lot lines, and subdivision boundary lines within the County.

Government Code Section 27585, for the limited purpose of financing the Fund, allows the Board to impose a user fee, not to exceed \$10.00 or an amount set pursuant to Government Code Section 54985, which shall be charged and collected by the County Recorder as a condition precedent to the filing or recording of any grant deed conveying real property. Pursuant to Government Code Section 27585, grant deeds conveying lots created by recorded tract maps shall be exempt from the user fee. Following the establishment of the Fund, the Board of Supervisors may extinguish the Fund if a finding is made by the Board that the need for the Fund no longer exists.

At the Board's direction, an ordinance was drafted in 1987, but it was never presented to the Board. Again in 2004, a revised draft ordinance was prepared, but it also was never presented to the Board.

The action of the State Legislature in 1976 indicates their recognition of the value of survey monuments in our society, and the need for monument preservation. Survey control monuments are critically important to maintaining the position of property lines, right-of-way lines, geodetic positions and elevation control for FEMA elevation certificates. Monuments have been used in California for well over 150 years to mark ranchos, sections, lots and blocks within subdivisions, and all various types of public land holdings. It is a requirement of the State Subdivision Map Act and local ordinance that new lots and blocks be marked with permanent monuments to allow for boundaries to be retraced. Property owners need to know their boundaries, and Cities and Counties want to maintain their right-of-ways and jurisdictional boundaries.

Survey monuments are an essential element to our legal system of land holdings and various aspects of land ownership rights and obligations. They are necessary to protect the public and allow for orderly development. Establishment of the Fund would provide a substantial benefit to the general public without imposing a financial burden on the County or any one individual. The Fund could be used to offset the cost of compliance with California Business and Professions Code section 8771 which requires agencies to locate and reference survey monuments prior to road reconstruction or resurfacing. Following road construction, agencies are required to reset monuments and make a record of the survey. The recent resurfacing of Sylvan Road in District 5 cost the County approximately \$80,000 to comply with Business and Professions Code section 8771. The Fund could also be used for other significant retracement or remonument surveys of major historical land division lines as determined by the County Surveyor.

Proposed CEQA Action:

Adoption of this ordinance is not a project pursuant to CEQA Guidelines, California Code of Regulations (CCR) section 15378(b)(5) because it is an organizational activity of government that will not result in a direct or indirect physical impact on the environment. Therefore, staff recommends that the Board find that the adoption of this ordinance is not a project per CEQA Guidelines CCR Section 15378(b)(5).

OTHER AGENCY INVOLVEMENT:

PWFP has distributed the draft ordinance for review by the County Recorder, County Auditor-Controller, and the County Treasurer-Tax Collector. No comments have been received or comments received have been incorporated into the draft ordinance. The Office of the County Counsel has approved the proposed ordinance as to form.

Currently about half of the counties in California have established a Survey Monument Preservation Fund. Neighboring counties which have established such a fund include Santa Cruz, Santa Clara, Fresno, Kings, and San Luis Obispo.

FINANCING:

Based on the \$10 user fee, staff estimates annual collections of \$60,000. The Fund would offset the cost of the County's compliance with California Business and Professions Code section 8771 resulting in a savings to the Road Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action will support economic development by preserving the fabric of boundary lines which protects property ownership interests and results in lower individual boundary survey costs. Boundary disputes have on occasion proved lethal in the County of Monterey and elsewhere. Therefore, public safety will increase by having clear and definite boundary lines. Additionally, the action will help provide the foundation to all County Capital Improvement projects, together with other public and private infrastructure projects due to well monumented lines of ownership.

Check the related Board of Supervisors Strategic Initiatives:

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

Prepared by: Michael K. Goetz, PLS, County Surveyor

Reviewed by: Enrique M. Saavedra, PE, Chief of Public Works

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

Attachments:

Attachment A - Ordinance

Attachment B - 1987 Board Order

Attachment C - Government Code Sections 27584, 27585 & 54985

(Attachments on file with Clerk of the Board)