



County of Monterey

Item No.

Board Report

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

Legistar File Number: RES 25-150

October 21, 2025

Introduced: 10/7/2025

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a resolution to:

- a. Approve and authorize the Director of the Public Works, Facilities and Parks (PWFP) Department or designee to execute a Right of Entry and Indemnification Agreement (Agreement) between the County of Monterey (County) and Esperanza Carmel, Commercial LLC, (User) for County owned Assessor's Parcel Number (APN) 243-262-003 (the Property), located off Highway 1 in the unincorporated area of Big Sur, to allow access to complete restoration and remediation activities on the Property related to California Coastal Commission Consent Cease and Desist Order (CCC-24-CD-02); and
- b. Approve and authorize the Director of the Public Works, Facilities and Parks (PWFP) Department or designee to execute any future Right of Entry and Indemnification Agreements or related Right of Entry documents for County owned real property and right-of-ways, subject to the review and approval of the Office of the County Counsel-Risk Management.

RECOMMENDATION:

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

- a. Approve and authorize the Director of the Public Works, Facilities and Parks (PWFP) Department or designee to execute a Right of Entry and Indemnification Agreement (Agreement) between the County of Monterey (County) and Esperanza Carmel, Commercial LLC, (User) for County owned Assessor's Parcel Number (APN) 243-262-003 (the Property), located off Highway 1 in the unincorporated area of Big Sur, to allow access to complete restoration and remediation activities on the Property related to California Coastal Commission Consent Cease and Desist Order (CCC-24-CD-02); and
- b. Approve and authorize the Director of the Public Works, Facilities and Parks (PWFP) Department or designee to execute any future Right of Entry and Indemnification Agreements or related Right of Entry documents for County owned real property and right-of-ways, subject to the review and approval of the Office of the County Counsel-Risk Management.

SUMMARY

The Public Works, Facilities and Parks (PWFP) Department has prepared a Right of Entry and Indemnification Agreement to grant Esperanza Carmel, Commercial LLC access to County-owned property in Big Sur for restoration and remediation activities mandated by a California Coastal Commission order. Approval of the staff recommendation will authorize this access, contingent on permit verification, and empower the PWFP Director to execute similar agreements in the future, subject to the review and approval of the Office of the County Counsel-Risk Management.

DISCUSSION

The Public Works, Facilities and Parks (PWFP) Department has developed a Right of Entry and Indemnification Agreement (Agreement) to facilitate access requests from private and public individuals and agencies. Esperanza Carmel, Commercial LLC, (User) was provided a California Coastal Commission Consent Cease and Desist Order (CCC-24-CD-02) requiring the restoration of improvements located on County owned Assessor's Parcel Number (APN) 243-262-003 (the Property), located in Big Sur, CA, adjacent to the Rocky Point Restaurant. The User is requesting access to conduct specific duties related to required restoration and remediation activities on the Property. The applicable restoration and remediation activities on the Property stated in CCC-24-CD-02, are shown within Exhibit B to the Agreement (Attachment B). The Agreement allows access to the Property only, and does not approve any construction, restoration or other activities. The User is required to provide proof of approved permits from the applicable permitting agency(s) and applicable certificate of insurance prior to accessing the Property. The established fee charged to the User is One Thousand and Seventy-Two Dollars (\$1,072).

Approval and authorization of staff's recommendation will allow the User the right of entry on to the Property and allow the User to complete required restoration and remediation activities. Approval and authorization of staff's recommendation will also allow the Director of the PWFP Department or designee to execute other future Right of Entry and Indemnification Agreements with private and public individuals for County owned real property and right-of-ways, subject to the review and approval of the Office of the County Counsel-Risk Management.

OTHER AGENCY INVOLVEMENT/COMMITTEE ACTIONS:

The Office of the County Counsel-Risk Management and the Housing and Community Development Department has reviewed and approved the Agreement as to form. The PWFP-Real Property section developed the Agreement.

FINANCING:

The Board Report and the Agreement were developed by PWFP staff and funded as part of the Fiscal Year (FY) 2025-26 PWFP Adopted Budget, General Fund 001, Facilities Appropriation Unit PFP054. The total consideration of this Agreement and any future fees paid to the County shall be deposited into General Fund, Facilities.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

This action supports the Board of Supervisors plan goal for sustainable infrastructure for the present and future by providing for the maintenance, replacement, sustainability, and resilience of infrastructure required for living, working, recreating in, and visiting Monterey County.

- ☐ Well-Being and Quality of Life
- ☒ Sustainable Infrastructure for the Present and Future
- ☐ Safe and Resilient Communities
- ☐ Diverse and Thriving Economy
- ☐ Dynamic Organization and Employer of Choice

Prepared by: Ivo N. Basor, PWFP-Real Property Specialist, (831) 796-6427

Reviewed by: George K. Salcido, PWFP-Real Property Specialist, (831) 755-4859

Reviewed by: Florence Kabwasa-Green, Chief of Facilities

Reviewed by: Craig Spencer, Director of Housing and Community Development

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

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

Attachment A - Location Map

Attachment B - Right of Entry and Indemnification Agreement

Attachment C - Board Resolution