

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 8, 2010 Time: 9:00 a.m.	Agenda Item No.: 1
Project Description: Vacation of County Road, commonly known as Old Stage Road in the Bradley area of South Monterey County	
Project Location: South County Area Plan near Bradley	APN: 424-091-044-000 (Buttle) 424-091-049-000 (Henry)
Planning File Number: REF100033	Name: County of Monterey, Property Owners/Petitioners: David A. Henry, M.D., et al.
Plan Area: South County Area Plan	Flagged and Staked: N/A
Zoning Designation: Agricultural/Farmlands – RG/160 Rural Grazing, 160 acre minimum and RG/40, 40 acre minimum	
CEQA Action: Categorically Exempt per Section 15305	
Department: RMA – Public Works	

RECOMMENDATION:

Staff recommends that the Planning Commission:

Find that the vacation of the County Road, commonly known as Old Stage Road and variously known in the past as Los Angeles Stage Road, Monterey/Los Angeles Road, Old El Camino Real, Bee Rock Road or Old County Road in the Bradley area of South Monterey County, is not inconsistent with the Monterey County General Plan and South County Area Plan.

PROJECT SUMMARY/DISCUSSION:

The Board of Supervisors of Monterey County has determined that the portion of a traveled way within the County of Monterey generally heading southeast from Nacimiento Lake Drive to the line separating Monterey County and San Luis Obispo County historically known by a variety of names but most commonly known as “Old Stage Road” and established as a County road by the “viewers method” on or about 1874, has not been formally abandoned or vacated by the County, or at least the County has been unable to locate any evidence that it has been abandoned or vacated. Accordingly, the County acknowledges that the traveled way is currently a County road (**Exhibit A**).

The recommended action would dispose of a 0.74 mile, unimproved and unmaintained segment of Old Stage Road pursuant to the request by 20 Freeholders in petitions to the Board of Supervisors dated September 18, 2009 and September 28, 2007. California Streets and Highways Code Section 8321 authorizes the Board to vacate a street or highway upon the Board’s initiative, or upon the petition of ten or more Freeholders. On or about September 18, 2009, sufficient signatures were received (**Exhibit B**). The Department of the Army and the California Army National Guard both endorsed this petition in December of 2009 (**Exhibit C**). The vacation is opposed by a single property owner, Wendell Gutter / Golden Land LLC, who owns property located in San Luis Obispo County and who requires use of the County road, proposed to be vacated, for access to four parcels which he acquired from the USDA through a foreclosure sale without existing access. Unlike the law for Summary Vacation which prohibits Summary Vacation if it would cut off all access to a person’s property, the California Streets and Highways Code Sections 960 and 8324 only require that the Board of Supervisors find that the road described in the petition is unnecessary for present or prospective public use.

In the mid 1960’s, the Monterey County Flood Control and Water Conservation District constructed the Lake Nacimiento Dam and portions of this roadway which was then known as the Pleyto-Bradley Road were inundated. Other portions of this same roadway in San Luis Obispo County run through the California Army National Guard’s Camp Roberts Firing Range and have been closed to public access since World War II. In 1969, the County entered into a contract with the Army for

construction of a Tank Road with exclusive Army access to provide tanks and other military vehicles with a direct route between Camp Roberts and Fort Hunter-Liggett. Tank Road parallels Old Stage Road as shown in **Exhibit D**. In 2007, Mr. Gutter filed a Record of Survey to assert that Old Stage Road (aka Old El Camino Real) provides public access to his property. A subsequent survey by the Monterey County Surveyor indicated that portions of the Old Stage Road right of way may in fact overlay the Army's exclusive right of way for the Tank Road. Old Stage Road is not included in the Monterey County list of maintained road mileage and there is no record that it has been maintained since the mid-1960s. Prior to Mr. Gutter's acquisition neighbors have asserted that Old Stage Road has been gated and treated as a private farm road. There is no record of public use of the Old Tank Road for more than forty years. Since Mr. Gutter's desire for access to his parcels constitutes a private rather than public use, there is no anticipated need for future public access. Therefore, the Department of Public Works proposes to vacate the 0.74 mile segment of unimproved road which roughly parallels the south or west boundary of the Tank Road right of way and quitclaim any and all County interest in the property to the adjoining property owners.

Per California Government Code Section 65402, no right-of-way shall be vacated or abandoned until determination by the Planning Commission that such action is not inconsistent with the General Plan. While the 1982 General Plan does not explicitly address road abandonment in its transportation policies, the South County Area Plan, Transportation Element, Roads and Highways Section specifically cites, "...a trend in South County to abandon some of the poorest roads... The County is increasingly unable to afford the maintenance of these roads. Also, it may not be cost-effective to allocate scarce public works funds to areas in which only a handful of households are present." **Exhibit E** provides a summary of Planning staff's determination that the proposed action is not inconsistent with either the 1982 General Plan or the South County Area Plan.

The Department of Public Works has reviewed the proposed vacation and determined that it is categorically exempt under CEQA Guidelines (Section 15305 – Minor Alterations in Land Use Limitations). Upon vacation of this segment of Old Stage Road, the Department will prepare and file the appropriate Notice of Exemption with the County Clerk.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Planning Department concur with this recommendation.



Richard P. Sauerwein, P.E., Community Development Manager
(831) 796-3071, sauerweinrp@co.monterey.ca.us



Bob Schubert, Senior Planner
(831) 755-5183

Dated: September 1, 2010

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Redevelopment Agency; Pajaro/Sunny Mesa Community Services District; Carol Allen; File REF 100033

Attachments: Exhibit A1: Draft Resolution
Exhibit A: Vicinity Map
Exhibit B: Petition to Abandon
Exhibit C: Department of the Army December 2009 Correspondence
Exhibit D: Location Map/Aerial Photo
Exhibit E: Consistency Determination Summary

EXHIBIT A1 - DRAFT RESOLUTION

Before the Planning Commission in and for the
County of Monterey, State of California

In the matter of:

Vacation initiated by Freeholders of Old Stage Road
in Bradley area of South Monterey County

RESOLUTION NO. _____

Resolution by the Monterey County Planning Commission:
Finding that the vacation of the County Road, commonly
known as Old Stage Road and variously known in the past
as Los Angeles Stage Road, Monterey/Los Angeles Road,
Old El Camino Real, Bee Rock Road or Old County Road
in the Bradley area of South Monterey County, is not
inconsistent with the Monterey County General Plan and
South County Area Plan.

FINDINGS

WHEREAS, the Planning Commission of the County of Monterey has been asked to consider the vacation initiated by Freeholders of the Old Stage Road in the Bradley area of South Monterey County, a part of the Monterey County General Plan and South County Area Plan; and

WHEREAS, the Planning Commission has considered all pertinent issues related to the vacation of the 0.74-mile segment of unimproved road, most commonly known as Old Stage Road and as described in the attached Location Map including the information and documentation contained in the Staff Report to the Planning Commission dated September 8, 2010; and

WHEREAS, this vacation is categorically exempt under CEQA Guideline Section 15305.

DECISION

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the County of Monterey does hereby recommend to the Board of Supervisors that the proposed vacation initiated by Freeholders of Old Stage Road in the Bradley area of South Monterey County, is not inconsistent with the Monterey County General Plan and South County Area Plan, and that said vacation is categorically exempt under CEQA Guidelines Section 15305.

PASSED AND ADOPTED on this 8th day of September, 2010, upon motion of Commissioner _____, and seconded by Commissioner _____, by the following vote, to-wit:

AYES:

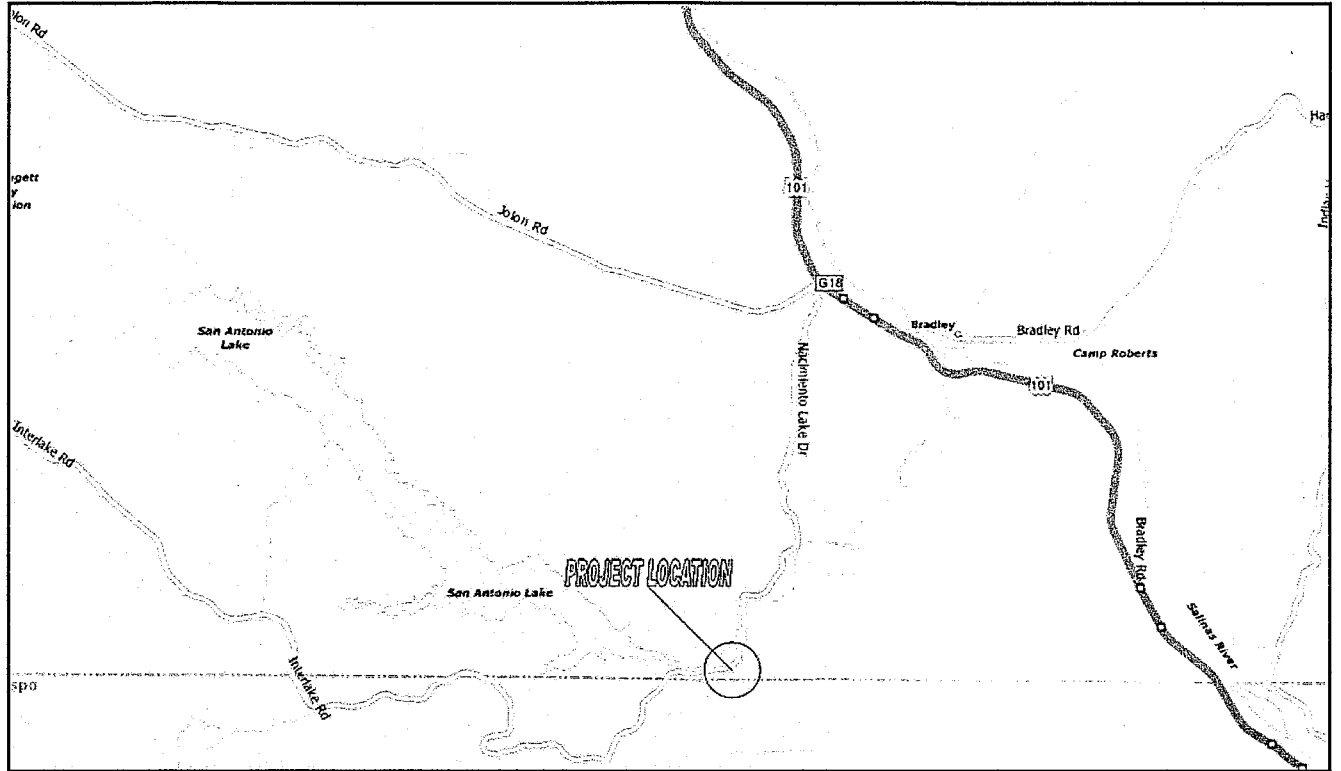
NOES:

ABSENT:

SECRETARY OF THE PLANNING COMMISSION

EXHIBIT A

Vicinity Map



Vicinity Map
EXHIBIT A

EXHIBIT B

PETITION TO ABANDON

September 28, 2007

Monterey County Resource Management Agency
Department of Public Works
168 W. Alisal St., 2nd Floor, Salinas, CA. 93901-2438

Ronald J. Lundquist, P.E., Public Works Director
Simon Salinas – Third District Supervisor

SUBJECT: PETITION FOR ABANDONMENT OF A CLOSED COUNTY ROAD

To Monterey County Board Officials,

We the undersigned Monterey County Property Owners, Monterey County Constituents and involved parties; do hereby respectfully submit this signed Petition for "Road Abandonment". We request that the "Road Abandonment" action in no way affect the rights, the right-of-ways or any conditions, what so ever, of the Department of the Army in regards to their Easement Deed G13637 and their contract DA-04-167-ENG-2699 with Monterey County Flood Control and Water Conservation District.

The Road Abandonment request is for the same section of road that Monterey County is currently preparing a "Termination of Maintenance". The road is located in Section 35 & 36, Township 24 South, Range 10 East, Mount Diablo Base and Meridian. Said road has been identified by a Viewers Report #554 in 1874, U.S. Deputy Survey on May 12, 1856, a U.S. Deputy Survey on November 3, 1858 and a survey by M. J. Goetz dated December 2006.

Reasons for Petition:

- 1) **"The status of the right-of-way is complicated by a Federal condemnation and the construction of an Army tank road that bisects the original Viewers Deed"**, as stated in the letter from Monterey County dated August 13, 2007 (see doc. #1). The U.S. Deputy Survey, dated May 12, 1856, also shows the Army tank road bisecting the old county road at the boundary line between Monterey County and San Luis Obispo County.
- 2) **The old "County Road" has been CLOSED (gated and locked) for over forty-three (43) YEARS** as stated in the letter written by the Executor of the Buttle Properties Trust, Lynn Brown date August 7, 2007 and reflected in a photo provided at a Monterey County meeting on August 7, 2007. (see docs. #2. & 3)

- 3) **The old "County Road" was relocated to the Tank Road location and the existing county road set to be closed.** Document (between the U.S. Army Engineer District, Sacramento and Monterey County) stated "Army vehicles will have the use of the relocated county road" and that "the tank road and the relocated road will be available to the Army before the existing county road is closed". DA-04-167-ENG-2699. (See document #10, Article III #3 & #4).
- 4) **The U.S. Military Reservation "Camp Roberts" have clearly stated that they do NOT want the County Road #1 (the same road identified as the road submitted for abandonment) reopened and do NOT want public traffic.** Statements from both Colonel John Smith and Lieutenant Colonel Keith Lochner are in the SLO. County Hearing minutes attached. (see the minutes from the San Luis Obispo County hearings dated April 21, 2006 and June 2, 2006 documents #4 & 5).
- 5) **Property owners in Monterey County are currently using deeded Easements for access to their properties.** The Spencer and Ramos Family Trust Properties have deeded Easements for access and do not need a public road. The Monterey County portion of the "county road" begins at some point on Nacimiento Lake Drive. It passes the Spencer Property. The Spencer Property has a recorded deeded Easement to access their property. The questionable location of the county road continues to the middle of the Ramos Family Trust Property at the boundary line between Monterey County and San Luis Obispo County. The Ramos Property has been accessed by a deeded Easement dated January 7, 1997 and recorded in Reel 3465, Page 1107, Records of Monterey County, California. No other property owner has a deeded Easement. No other property owners have been accessing their property through the Ramos Family Trust Property, with the exception of the Military Tank Road. In fact; a property in San Luis Obispo County was sold in 2003 (located behind the Ramos Family Trust Property) to a land developer. The developer was clearly notified before purchasing that no easement or right of way existed. (see attached USDA letter #6). That property owner always has and is currently using the Army tank road for access.
- 6) **Many Health and Safety issues dictate that this road remains closed and now "Abandoned".** The major issues are:
- A. The close proximity to the IMPACT ZONE of the Military Reservation. Noise and nuisance from the firing of artillery and exploding ordinance is very evident on the surrounding properties also over-shot ordinance has been known to land on those properties surrounding the base. (see Military Map doc. #7)
 - B. The FIRE hazard is high in the area and an increase of use, cars, cigarettes, public traffic will only escalate that hazard.
 - C. Portions of the road Petitioned for Abandonment is currently washed out due to natural causes, making the road unsafe for

- public travel and impassable during heavy rains.
- D. Livestock has been historically allowed to graze the lands without fencing or restrictions.
- E. Issues such as County liabilities, speed, trash, noise, fencing increase of trespassing, increase of poaching of livestock or wild game and increase of theft will not have to be dealt with should the road be abandoned.

7) **The request and demand to re-open this closed Monterey County road is believed to be because all other attempts to obtain an access to the San Luis Obispo property, once owned by USDA and in Nov. 2003 purchased by a San Luis Obispo land developer, have been exhausted. (see doc. #8)**

We would also like to respectfully request a waiver for the abandonment processing fees due to the fact that this road has been closed and not maintained in 43 Years as seen on a Monterey County sign in the photo provided by the Buttle Trust. There is a possibility that the county road in Sections 35 & 36 were indeed abandoned, however the recorded document has not been found to date. This road should have been abandoned when the connecting portion of said road was abandoned in Sections 32, 33, and portion of 34 by Resolution No. 64-204 dated August 12, 1964, Reel 355, Page 306, Records of Monterey County, California. (see doc. #9).

In conclusion, WE the undersigned do respectfully request that the Monterey County Board of Supervisors to review our provided documents then INITIATE and COMPLETE the "Road Abandonment" process.

Sincerest Regards,
 Monterey County Residents, Constituents and Involved Parties

Printed Name _____
 Address _____

 Parcel(s) # _____
 Phone contact # _____
 E-mail _____
 Signature _____
 Signature _____

Ramos Family Trust
 77511 Nacimiento Lake Dr.
 BRADLEY CA. 93426
 424-091-0458046 - monterey / 080-041-0114012-SLO
 805-472-2296
 SusanR@C21Home.com
 Susan K. Ramos

TERRY L BUTTLE (BUTTLE FAMILY TRUST)
1138 SANTA FE WAY
SALINAS CA 93901
424-091-047-000
831-758-2070
ANNILBAR@SRSGLOBAL.NET

Greg & Lynn BROWN TRUST
76938 NACIMIENTO
BRADLEY CA 93426
424-091-044-000
805 472 2200
lynnbrown@wildblue.net
BUTTLE PROPERTIES TRUST
Lynn Brown

Buttle Property

Home Phone 805-472-2206
Greg Brown ~ Cell 805-441-3894
Lynn Brown ~ Cell 805-441-1551



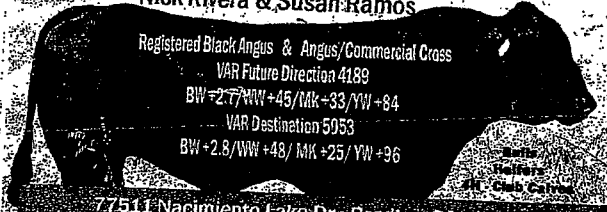
Anvil Bar Ranch

76938 Nacimiento Lake Dr.
Bradley, CA 93426



Wild Mountain Livestock

Nick Rivera & Susan Ramos



Registered Black Angus & Angus/Commercial Cross
VAR Future Direction 4189
BW +2.7/WW +45/MK +33/YW +84
VAR Destination 5053
BW +2.8/WW +48/ MK +25/ YW +96

77511 Nacimiento Lake Dr., Bradley, CA. 93426

E-mail: wildmtlivestock@hughes.net
Website: www.wildmtlivestock.com

Phone/Fax: (805) 472-2296

Cell: (805) 331-6490

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



DEPARTMENT OF PUBLIC WORKS

168 W ALISAL STREET 2ND FLOOR SALINAS CA 93901-2438 • (831)755-4800 • FAX (831)755-4958

RONALD J. LUNDQUIST, P.E., PUBLIC WORKS DIRECTOR

September 27, 2007

SUSAN RAMOS
77511 NACIMIENTO LAKE DRIVE
BRADLEY CA 93426

**SUBJECT: ENCROACHMENT OF PUBLIC ROAD, OLD EL CAMINO REAL
(ALSO KNOWN AS OLD STAGE ROAD, MONTEREY & LOS
ANGELES STAGE ROAD), MONTEREY COUNTY**

Dear Ms. Ramos:

In response to property owner requests, based on documentation available to the Public Works Department and consistent with the actions along this roadway in the adjacent San Luis Obispo County, this letter is hereby advising you that in Monterey County, the Old El Camino Real, a County road, shall not be obstructed.

Under California Streets and Highways Code Section 1480 et seq., you are hereby notified that any object obstructing the right of way is considered an illegal encroachment. Locked gates obstructing access to the public are considered illegal encroachments. In the event such obstructions are not removed, the person causing the encroachment may be subject to penalties of \$350 for each day the encroachment continues not to be removed, per Section 1483.

If you have any questions, please contact Enrique Saavedra at. (831) 755-4970.

Sincerely,

RONALD J LUNDQUIST, PE
PUBLIC WORKS DIRECTOR

#1

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



DEPARTMENT OF PUBLIC WORKS
168 W ALISAL STREET 2ND FLOOR SALINAS CA 93901-2438 • (831)755-4800 • FAX (831)755-4958
RONALD J. LUNDQUIST, P.E., PUBLIC WORKS DIRECTOR

AUGUST 13, 2007

SUSAN RAMOS
77511 NACIMIENTO LAKE DR.
BRADLEY CA 93426

DEAR MS. RAMOS:

SUBJECT: OLD CAMINO REAL

As discussed in our August 7, 2007 meeting, the Department of Public Works recently acknowledged that this right-of-way was originally deeded to the County for a road in 1874 through a Viewers Report. The Department, however, can find no record of the County performing any maintenance activity on the road other than the original surveys. The road is not on the County's current list of maintained roads and has not been on that list within the Department's collective memory, which extends back 35 to 40 years. The status of the right-of-way is complicated by a Federal condemnation and the construction of an Army tank road that bisects the original Viewers Deed.

Given that this road is not maintained by the County and there is no apparent public necessity for taking on any responsibility for managing, maintaining, or even clearing this right-of-way, the Department has initiated the process to recommend to the Board of Supervisors to formally adopt the current status of "Terminated Maintenance." This process is contained within the Streets and Highways Code, and requires noticing, a public hearing, and formal action by the Board of Supervisors.

In the interim, should you have any questions, please contact me (831) 755-4800 or Enrique M. Saavedra at (831) 755-8970.

Sincerely,

Ronald J. Lundquist
RONALD J. LUNDQUIST, P.E.
PUBLIC WORKS DIRECTOR

in
RJL:RS:rch

- cc: Supervisor Simon Salinas
- Beth Shirk
- Lynne Brown
- Kathy Paul
- Enrique Saavedra, P.E.

August 07, 2007 :

Meeting with Monterey County Department of Public Works concerning San Luis Obispo County Land Developer Wendell Gutter and his request for access through a private drive in South Monterey County.

Anvil Bar Ranch / Buttle Properties Trust

Representatives:

Lynn (Buttle) Brown 4 generation Monterey County land owner Anvil Bar Ranch

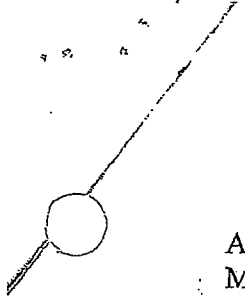
Greg Brown Anvil Bar Ranch Owner/Operator
Year established in Monterey County 1976

Steve Earl Spouse of Tracey (Brown) Earl, 5 generation Monterey County rancher . Year established in Monterey County 1994

The Buttle family has been ranching in Monterey County since 1890 when W.F. Buttle homesteaded acreage near the town of Bradley; he was a judge in the town of Bradley as well as Elmo L. Buttle, his son, in later years. The ranching tradition has been handed down through four generations and currently involves the fifth and sixth generations. The property in question where a supposed Monterey County Road exists is located partially on the Anvil Bar Ranch in Section 35, cross road of Nacimiento Lake Dive, formally Pleyto Road. Elmo Buttle purchased section 35 in April of 1948, the purchase excluded the 60' county road, then known as Pleyto Road and .80 acres recorded in 1921 as a portion of road to be abandoned.

We do not dispute that there was a road, which crossed a portion of Section 35 leading to San Miguel,

We question the location of said road and Monterey Counties desertion of the same. Our private drive in Section 35 runs parallel with the US Army Tank Trail. Our road has had a locked gate for forty-three known years. We do not believe our road is the old county road, but in fact, the US Army Tank Trail runs over portions of said county road.



August 07, 2007

Meeting with Monterey County Department of Public Works concerning San Luis Obispo County Land Developer Wendell Gutter and his request for access through a private drive in South Monterey County.


Anvil Bar Ranch / Buttle Properties Trust

Questions/Concerns- If in-fact, our road is proven to be the "old county road":

What will be the estimated cost for Monterey County taxpayers to maintain a road for the benefit of a developer located in San Luis Obispo County?

We believe the Buttle family has been paying property taxes on the "old county road" since it was purchased in 1948.

There is private water and utility lines running up the "old county road", how will they be maintained?



What will be the environmental impact to Monterey County road department to handle drainage issues arising on Nacimiento Lake Drive and the "old county road" by the development of the developer's property in San Luis Obispo County?


Will Monterey County now maintain our cattle culvert crossing, which extends under the US Army Tank Trail as well as the "old county road"?

Who is accountable for wasting Monterey County tax payers resources for a developer in San Luis Obispo County?

Who will be accountable for answering these concerns?

Question / Concerns for San Luis Obispo County:

There is currently illegal grading and placement of a camp trailer on the developers San Luis Obispo County property.





#4

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS
MINUTES OF THE MEETING OF**

April 21, 2006

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Kim Murry, Hearing Officer.**

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of April 21, 2006, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT PERIOD

James Spencer and Kirsten Spencer; Lieutenant Colonel Keith Lochner; Susan K. Ramos; and Nick Rivera; all speak against Item #1 – S020299N / Old Mission Road - pulled for separate discussion by the Hearing Officer. (See minutes below.)

CONSENT AGENDA:

This item is pulled for separate discussion by the Hearing Officer:

This being the time set for hearing to consider a renaming of County Road #1 to **OLD MISSION ROAD** If approved, all addressable structures with access along this road will be assigned new permanent situs addresses to OLD MISSION ROAD.

County File No. S020299N

Assessor Parcel No: 080-041-035

Supervisorial District: 1

Leonard Mansell, Project Manager

Len Mansell, staff, presents project. States the requested name change meets County Ordinance Requirements. He reads a letter from Lynn Brown dated April 17, 2006 listing her reasons for request for denial of the road name change, and reads it into the record.

Susan Ramos, neighbor, discusses private access. Cites different county locations of parcels involved which are in both Monterey and San Luis Obispo Counties. States various concerns including safety to humans, safety to animals, fence damage, theft, harassment, possible noise and speed issues, trash, maintenance of the road – who will maintain, and inconvenience associated with changing the road name due to the many advertising businesses they deal with that use her current address. States she does not want the address change. Discusses ingress and egress. Indicates there are no current residential structures and that she does not wish to see any built. Asks for clarification of which easement is to be re-named. Lieutenant Colonel Keith Lochner, U.S. Army representative for Camp Roberts, indicates Camp Roberts is against the name change. He cites issues with possible increased traffic from private citizens which could be an issue. States if closed off, increased costs would make it economically unviable for the military to train. States the Army is attempting to keep area intact. He discusses other possible negative impacts to the road name change. Kirsten Spencer, neighbor, states she feels the only person that will benefit from this change is Mr. Gutter, the applicant. James Spencer, neighbor, addresses location of gate access to Camp Roberts. He presents various aerial photos for reference and explains each. Mr. Spencer discusses Tank Road. He then indicates CDF currently knows where his property is located, and he feels if the road name is changed, CDF won't know where he is which could be detrimental as they have high fire season where he lives. Indicates he observed Mr. Gutter's property and states there is nothing there. Discusses E911 service. Refers to additional

maps. Refers to King Well and beginning of easement. States it has nothing to do with Tank Road. Refers to two separate roads coming from Nacimiento and Tank Farm Roads. States he is against the road name change. Kirsten Spencer cites her concerns with possible fire hazards and possible changes to current living conditions. Ms. Ramos states there was a fire last year and the CDF knew exactly how and where to access the property to for containment.

John Hofschroer, staff, responds. States he was responsible for setting up the E911 system many years ago. He questions Mr. Mansell on how many parcels there are on private properties that could possibly get building permits. Mr. Mansell states he believes there are only two. He indicates Mr. Gutter does plan on building a house some time in the future. Mr. Hofschroer then asks what the threshold is on the number of houses before we need to rename the road according to our own ordinance. Mr. Mansell states according to the ordinance, when you have to travel over someone's property, you need to name the road. Mr. Mansell indicates the key here is state law, California Resource Code 4290. In 1991 CDF got the state law changed to reflect that if you travel over someone's property, you need to name the road. Indicates that this ties into the E911 system. Mr. Mansell discusses prior access problems. Mr. Hofschroer states the County works closely with all agencies and delivery services to ensure safe access. He adds this is why the county needs clearly defined road names for emergency access. States we are not here just for the applicant but to determine what is best for all.

Kim Murry, hearing officer, questions staff. She indicates that naming the road does not change the easement rights or legal status stating whatever the legal status is, it will remain the same. She asks Mr. Mansell what the legal status of the easement is to Mr. Gutter's property. Mr. Mansell states it is the easement to his property. Lieutenant Lochner states he is not aware of any easement on Mr. Gutter's property and he feels there may be some duplicity here. Hearing officer refers to assessment map. Ms. Ramos presents a marked up parcel map for the record. There is discussion. Mr. Spencer states he has a letter that indicates when Mr. Gutter bought his property he was aware there was no expressed easement. The letter is given to the clerk for the record. Hearing officer asks what part of the road is being named. There is discussion of the various easements to neighboring properties. Asks about Spencers' property and asks clarification of driveway. Mrs. Spencer describes how all three neighbors have access from a private road. She feels Mr. Gutter is mixing things up by referring to the military Tank Road. Hearing officer reviews the map to see just where the roads are and discusses access. States she is uncomfortable proceeding without knowing the legal status of the road. States the idea for naming roads is obviously for safety purposes. She states the County is required to name a road when someone applies for a building permit if it doesn't have direct access to a county road. Hearing officer consults with staff to continue this item. Ms. Ramos presents additional materials for the record.

Thereafter, on motion of the hearing officer, this item is continued to June 2, 2006.

NON-HEARING ITEMS:

This being the time set for hearing to consider a request by **LARRY AND KATHLEEN BISHOP** for a Minor Use Permit/Coastal Development Permit to allow for the demolition of an existing residence and construction of a new single family residence of 5,236 square feet. The project will result in the disturbance of approximately 6,500 square feet of a 6,500 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1220 Santa Ysabel Road in the community of Los Osos. The site is in the Estero planning area. This project is exempt under CEQA.

County File No: DRC2005-00095

Assessor Parcel Number: 038-072-028

Supervisory District: 2

Date Accepted: March 13, 2006

Ryan Hostetter, Project Manager

(See pages 2-3)

#5

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

MINUTES OF THE MEETING OF
June 2, 2006

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by John Euphrat, Hearing Officer:

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of June 2, 2006, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT PERIOD

None

CONSENT AGENDA:

None

NON-HEARING ITEMS:

1. This being the time set for hearing to consider a request by **DAVID AND STEPHANIE HAHN** for a Minor Use Permit to allow for the establishment of an approximate 5,800-square foot multi-family complex consisting of eight two-story residences, two one-story residences, four garage units, six residential storage units, one general storage unit, 18 parking spaces, and landscaping, which will result in the disturbance of the entire 0.34-acre parcel. The proposed project is in the Residential Multi-Family land use category and is located on the northwest corner of 10th Street and L Street, approximately 170 feet east of K Street, in the community of San Miguel. The site is in the Salinas River planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 17, 2006 for this project. Mitigation measures are proposed to address biological, cultural, public resources and recreation and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

County File Number: **DRC 2004-00028**
Supervisorial District: 1
Elizabeth Kavanaugh, Project Manager

Assessor Parcel Number: 021-302-008
Date Accepted: November 5, 2005

Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through F in Exhibit A and subject to Conditions 1 through 35 in Exhibit B. (Document No. 2000-278)

2. This being the time set for hearing to consider a request by **RANDEL AND KIMBERLY HASLETT** for a Minor Use Permit/Coastal Development Permit to allow an approximately 625 square-foot addition to the lower and upper living levels of an existing 2,010 square-foot, split-level dwelling, plus a covered patio on the lower level. The project will result in the disturbance

of an additional approximately 1,000 square feet of an approximately 5,350 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 425 Highland Drive in the community of Los Osos. The site is in the Estero Bay Planning Area. This project is exempt under CEQA.

County File No: DRC2005-00151

Supervisorial District: #2.

Mike Wulkan, Project Manager

Assessor Parcel Number: 074,203,020

Date Accepted: March 22, 2006

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 14 in Exhibit B. (Document No. 2006-279)

3. This being the time set for hearing to consider a request by **TIM AND GENA MCALPINE** for a Minor Use Permit/Coastal Development Permit to allow the construction of a new single story detached guesthouse with attached workshop which will total approximately 858 square feet. The project will result in a site total of 2,849 square feet of footprint and 3,075 square feet of gross structural area. The project will result in the disturbance of approximately 1,386 square feet of a 14,074 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1445 Haddon Drive in the community of Cambria. The site is in the North Coast planning area. This project is exempt under CEQA.

County File No: DRC2005-00190

Supervisorial District 2

Ryan Hostetter, Project Manager

Assessor Parcel Number: 023-401-006

Date Accepted: May 1, 2006

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 14 in Exhibit B. (Document No. 2006-280)

HEARING ITEMS:

4. This being the time set for continued hearing to consider a renaming of County Road # 1 to **OLD MISSION ROAD**. If approved, all addressable structures with access along this road will be assigned new permanent situs addresses to OLD MISSION ROAD. (Continued from April 21, 2006)

County File No. S020299N

Supervisorial District: 1

Leonard Mansell, Project Manager

Assessor Parcel No: 080-041-035

MINUTES:

Hearing Officer: John Euphrat

Others: Col. John Smith, Camp Roberts representative; Susan Ramos, neighbor; Kirsten & James Spencer, neighbors.

John Hofschroer, staff, indicates quite a bit of testimony and new information has been received since the April 21, 2006 meeting, which prompted staff to take another look at the request. After further consideration of the new information, and since this was a County initiated request, staff recommends withdrawal of this request. In addition, since the matter is being withdrawn, there will be no more hearings. Mr. Hofschroer indicates Mr. Gutter has since come in with a subdivision application to divide this property into a number of lots. States during this permit process, Mr. Gutter will have to rename the road, which should take place a year or two from now.

Col. Smith, Camp Roberts representative, indicates his agreement with today's recommendation for withdrawal. He states County Road #1 is used as an easement between Fort Hunter Liggett and Camp

Roberts, and Camp Roberts uses the road for training and transit of track vehicles. He believes the road is not safe for any use other than for track vehicles.

Sue Ramos, neighbor, appreciates and agrees with staff's recommendation. Would like the Board to clearly define the road name, as she has information indicating previous names as Military Tank Road and Bee Rock Road. Questions existence of any easement to Mr. Gutter's property. States she has been approached the last several years to sell an easement. She states she's not sure which road Mr. Gutter is applying to do a subdivision in if he has no easement into his property to begin with.

There is discussion.

John Hofschroer refers to a site map and clarifies the area in which the county actually has authority, which is only from the edge of Camp Roberts up to the Monterey County Line. He indicates the road actually extends up to where there is no name. He explains further that County ordinance prevents us from going down an unnamed road and suddenly trying to put up a road sign. States Mr. Gutter has been asked to provide proof of an easement but has had no response. States that if anyone wants this road renamed in the future, they will have to consult with Monterey County.

Ms. Ramos presents a military map for the record. States County Road #1 used to be called Bee Rock Road on the map.

James Spencer, neighbor, states he has had his address for 36 years on County Road #1. States it would greatly impact him if the road name were to be changed. Indicates he also found out the road used to be called Bee Rock Road through his research, and at one time was called El Camino Real. He agrees with staff's recommendation today.

Kirsten Spencer, neighbor, agrees with staff's recommendation. She believes there is much confusion as to which road Mr. Gutter is referring to. She believes Mr. Gutter has an easement that runs up to Ms. Ramos' gate from Lake Nacimiento Road and then it dead ends. States from this point, he has no further way of accessing his land. She adds Mr. Gutter leases his land out for cattle and horses, and uses the gate on a regular basis for access to his property, making it appear he has legal access. She does not understand his right to do so.

Hearing officer asks staff to forward all information to the land division file for future availability and consideration. He explains those in attendance would receive notice of any future applications to rename the road.

Ms. Ramos requests copies of the minutes from both April 21, 2006 and today's meeting.

Thereafter, on motion of the hearing officer, the renaming of County Road #1 to Old Mission Road is withdrawn.

5. This being the time set for hearing to consider a request by **PAUL AND REBECCA STEVENSON AND REESE WALKER** for a Lot Line Adjustment (COAL 04-0651) to adjust the lot lines between two parcels of 1.03 and 1.10 acres each. The adjustment will result in two parcels of 1.03 and 1.10 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located at 150 Orchard Road and 160 Orchard Road, approximately 400 feet southeast of Tefft Street, in the community of Nipomo. The site is in the South County (Inland) planning area. This project is exempt under CEQA.

County File No: **SUB2005-00204**

Assessor Parcel Number: 092-241-021, 022

Supervisorial District: 4

Date Accepted: May 2, 2006

Shannon Heffernan, Project Manager



United States
Department of
Agriculture

Office of
the General
Counsel

Pacific Region
San Francisco Office
33 New Montgomery, 17th Floor
San Francisco, CA 94105-4511
415-744-3163; Fax 415-744-3170

#6

September 21, 2001

TO: Darrel Zerger
Farm Loan Chief
Davis, CA

FROM: Maria Giatrakis
Attorney

RECEIVED
SEP 24 2001
MONTEREY COUNTY
FSA OFFICE

SUBJECT: Kenneth Palm -Right of Way

This memorandum confirms our discussion of September 19, 2001 regarding this account.

My recommendation is that FSA sell the 480 acres without first obtaining an easement. You can disclose that the property at this time does not have a recorded easement, and adjust the sale price to reflect this.

Easement In Gross or License

It appears that the prior owner of the property may have had an easement in gross, or possibly a license to access the property. An easement in gross is a personal right to use the land of another. Although an easement in gross can be assigned, transferred and inherited, it must be conveyed expressly by its owner.

In this case, if Kenneth Palm held an easement in gross, he would need to convey it to the new owner of the property. On the other hand, Palm may have held a license to use the Buttle access road. A license gives authority to a licensee to use the property of another. The privilege conferred by a license is personal to the licensee and cannot be inherited, conveyed, or assigned by him.

The purchaser of the 480 acres has the option of purchasing an easement from Ms. Ramos, or contacting Kenneth Palm and possibly acquiring an easement in gross.

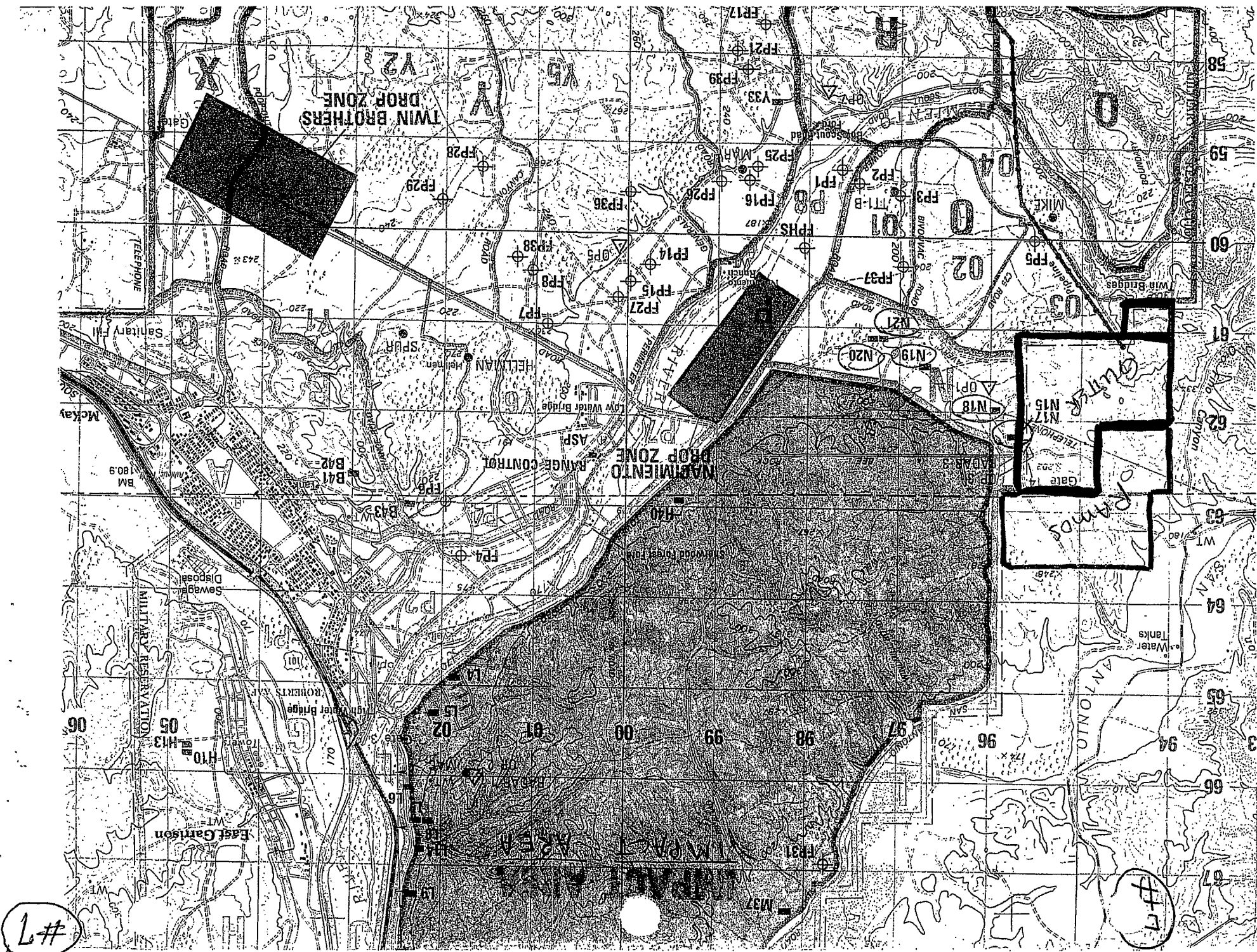
cc: La Von Treasure, FSA, Salinas, CA

OPTIONAL FORM 99 (7-80)

FAX TRANSMITTAL

of pages 1

To SUSAN RAMOS	From ANITA FSA
Dept./Agency	Phone # (831) 424-7377
Fax # (805) 472-2296	Fax # (831) 424-7209



L#

17

The information below has been provided by the Ramos Family Trust. Backup documentation, letters, contact information on involved people and origin of information can be provided upon request.

Past events: **"Easement Attempts"**

- A. In 2000 USDA acknowledged no easement existed to SLO property behind the Ramos property. USDA also proved they were the legal owners since March 6, 1987
- B. In 2000 negotiations with USDA for purchase of an easement USDA decided not to buy easement and to sell property
- C. In Feb. 2003 road name attempt for private easement started in SLO
- D. In Mar. 2003 attorney attempts to purchase easement for a SLO developer
- E. In Nov. 2003 written threats of "judicial enforcement of the easement rights" by developers attorney, should Ramos not come to an agreement with developer
- F. In Nov. 2003 developer purchased San Luis Obispo property
- G. In 2004 continued attempts to purchase easement and request for limited access to graze cattle
- H. In 2004 written threats for litigation to resolve easement access
- I. In 2004 cut locks and unauthorized access to other properties
- J. In 2005 involved the Military Police regarding access
- K. In 2005 involved the SLO Sheriffs & Monterey Sheriffs Departments stating deeded easement exists and presenting a Quick Claim Deed, later proven not for that section of road
- L. In 2005 attempt to get Buttle Estate to name easement "Oro Fino Road" as an attempt to connect another road to private easement
- M. In 2006 county road name in SLO withdrawn by SLO county board
- N. In 2006 request for "private road easement" naming with Monterey County Public Works

Current events: **"County Road Attempts"**

- O. In 2007 announcement of an old "County Road", new approach to gain access
- P. In 2007 attempts to get SLO County and Monterey County to acknowledge and open a closed, not maintained road. Closed and not maintained for 43 years
- Q. In 2007 attempts to get SLO Sheriffs and Monterey Sheriffs to force opening of road prior to any landowners knowledge of possible existence of such road
- R. In 2007 "fictitious" letter to developer with unauthorized address by San Luis Obispo County as an additional action to establish access, they are currently handling this incident internally

#9

32650

MONTEREY COUNTY
RECORDS
RECORDED AT REQUEST OF

EMMET G. McMENAMIN

1964 AUG 12 PM 1 58

REEL 355 PAGE 306

RESOLUTION NO. 64-264

RESOLUTION TO ABANDON

PORTIONS OF PLEYTO-BRADLEY ROAD AND
BRANCH ROAD, SUPERVISORIAL DISTRICT NO. 4
MONTEREY COUNTY, CALIFORNIA

no new (Which Portions have been superseded by Relocation)

WHEREAS, it appears to this Board that the hereinafter described portions of Pleyto-Bradley Road and Branch Road, Supervisorial District No. 4, have been superseded by relocation and that they should be vacated and abandoned:

NOW, THEREFORE, BE IT RESOLVED that by order of the Board of Supervisors, on its own motion, under and by virtue of the provisions of Section 960.1 and 960.2 of the Streets and Highways Code of the State of California, the following portions of Pleyto-Bradley Road and Branch Road be, and the same are hereby and henceforth, vacated and abandoned:

Being all that portion of Pleyto-Bradley Road and Branch Road lying North of the Monterey and San Luis Obispo County line within Pleyto Rancho and within Sections 32, 33 and that portion of Section 34, Township 24 South, Range 10 East, Mount Diablo Base and Meridian, which lies within the Monterey County Flood Control and Water Conservation District property as deeded by Robert I. Branch etal dated July 6, 1964 and recorded in Reel 344 of Official Records, at Page 163, Records of Monterey County, California.

BE IT FURTHER RESOLVED that this Order of Abandonment is made subject to any and all existing public utility easements that may exist.

DATED: August 10, 1964, 1964

COUNTY OF MONTEREY }
STATE OF CALIFORNIA }

I, EMMET G. McMENAMIN, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 17, on the 10th day of August, 1964 and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 10th day of August, 1964.

EMMET G. McMENAMIN,
County Clerk and ex-officio Clerk of
the Board of Supervisors, County of
Monterey, State of California.

BY Elizabeth B. Suron
Deputy



"END OF DOCUMENT"

ARTICLE III. GENERAL AGREEMENTS

A. It is mutually understood and agreed by the parties hereto:

- (1) The current appraised fair market value of the property conveyed by the Government to the County is \$ 528,000.00.
- (2) The appraised fair market value of the obligations of the County, based on a preliminary estimate of the cost of the tank road and appurtenances between Camp Roberts and the present boundaries of Hunter Liggett Military Reservation, in accordance with above specified design criteria and as presently located (See Exhibit "B"), plus the current appraised market value of the property included in the exchange, is \$675,650.00 , said amount being subject to change by any subsequent revision in design or alignment of the tank road.
- (3) That Army vehicles will have the use of the relocated county road, subject to existing laws covering the county road system.
- (4) That the tank road and the relocated county road will be available to the Army in useable condition before the existing county road is closed.
- (5) That the cost of all relocations, the cost of surveying; mapping and all related expenses of the transactions herein referred to will be borne by the County.
- (6) That the County shall have the right of ingress and egress over the lands herein mentioned, together with a right of entry to as much thereof as is necessary to construct and maintain the dam and reservoir herein mentioned and to carry out the obligations of the County herein contained, subject to the County's agreement to hold the Government harmless as set forth in Article 10 hereof. .

(7) In the construction of said tank road, the County shall have the right to dispose of excess material within the right of way; provided, however, that the County agrees to hold the Government harmless from all claims resulting from the washing of such wasted material onto private lands and further agrees to dispose of such wasted material in a manner sufficient to prevent tanks from driving onto such uncompact waste material.

(8) The County shall have the right, for the purpose of construction of San Antonio Dam Project and the tank road, to excavate and remove natural material from the lands hereinabove referred to as Parcels I-A, IV, V, VI-A and VII.

(9) Representatives of the Government will be given access at all times during construction to inspect the construction work.

(10) Final acceptance of the work to be performed by the County for the Government will be made following a joint inspection of the completed work by representatives of the Government and the County.

(11) That there will be no use by the public of the tank road or of the tank road crossings except at indicated points.

(12) That the County will deposit with the U. S. Army Engineer District, Sacramento, 650 Capitol Avenue, Sacramento, California, the sum of fifteen thousand dollars which may be used by the Government for the cost of all necessary administrative and overhead costs incurred in connection with this contract. After completion of the contract, the Government will remit the balance remaining to the County with an itemized statement of expenditures made.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY COMBAT SUPPORT TRAINING CENTER AND
US ARMY GARRISON FORT HUNTER LIGGETT
BUILDING 238 CALIFORNIA AVENUE
FORT HUNTER LIGGETT, CA 93928-7000

JUNE 21, 2007

Directorate of Public Works

Mr. Wendell O. Gutter
205 Sequoia Way
P.O. Box 787
Aptos, CA 95001-0787

Dear Mr. Gutter:

Your correspondence of April 12, 2007 was received and read with interest. The tank road that you referred to was constructed by Monterey County per contract DA-04-167-ENG-2699 between the Department of the Army and the Monterey County Flood Control and Water Conservation District. Under the provisions of the contract, the County conveyed a right-of-way for the road free of all encumbrances to the Government (Easement Deed G13637, enclosure 2 of your correspondence).

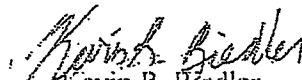
By the same contract, the Government had an obligation to provide consent agreements authorizing owners of property abutting the tank road to move stock and equipment directly across but not along the tank road. The Consent Agreement No. DACA05-9-78-554, executed by the Secretary of the Army on April 6, 1978, was subsequently assigned by Quitclaim Deed to you on May 15, 2003.

Per Article III.A.11. of the Contract (see Enclosure), "...there will be no use by the public of the tank road or of the tank road crossings except at indicated points." As determined by the Staff Judge Advocate and the Directorate of Engineering and Housing in 1988, public access to the tank road is prohibited by the Government's contract with the County of Monterey, the owner in fee of the road. Nothing has changed in the meantime to alter that determination.

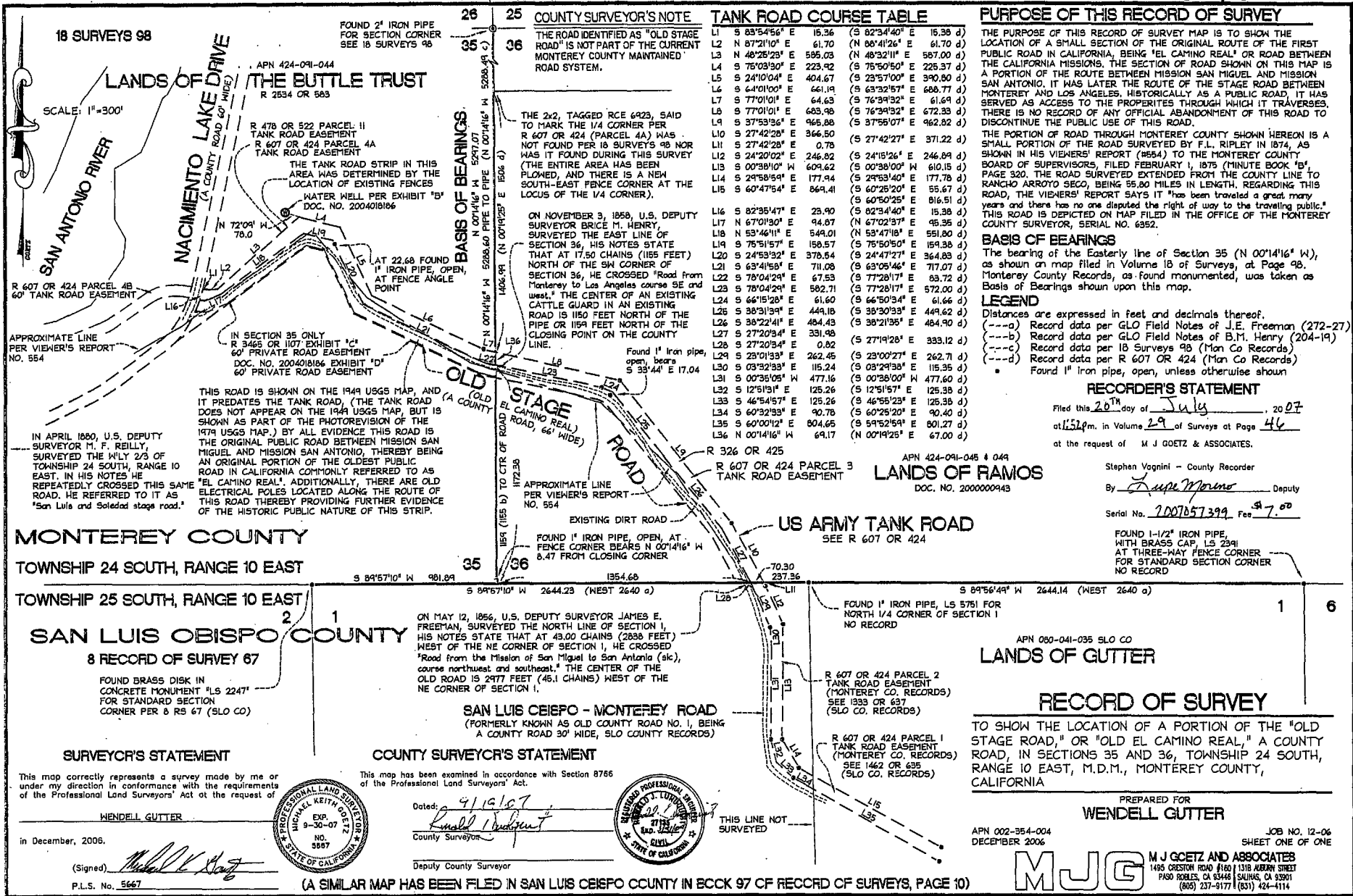
Due to the reasons cited above, your request to traverse the tank road must be denied. In the coming months training will increase and more exercises are planned for the future. I urge you to use caution when crossing the tank road to provide the highest degree of safety to yourself and our soldiers.

Should you have questions or need to contact the Combat Support Training Center in the future, please call the Realty Specialist, Ms. Kafler, at 831-386-3567.

Sincerely,


Kevin R. Riedler
Colonel, US Army
Commanding

Enclosure



(A SIMILAR MAP HAS BEEN FILED IN SAN LUIS OBISPO COUNTY IN BOOK 97 OF RECORD OF SURVEYS, PAGE 10)

PETITION FOR ABANDONMENT
Monterey County, CA

We, the undersigned, are in support of abandonment of the "Old Stage Road" on Monterey County parcel APN 424-091-049 located at 77511 Nacimiento Lake Drive, Bradley, CA 93426. We join the petitioners who submitted the original application/petition for abandonment to Monterey County on September 28, 2007.

9/18/09

SIGNATURE	NAME (PRINTED)	ADDRESS
<i>David Henry</i>	David Henry	77511 Nacimiento Lk Dr, Bradley CA 93426
<i>Raymond Henry</i>	Raymond Henry	76795 San Antonio Rd, Bradley, CA 93426
<i>Roman Tikhun</i>	ROMAN TIKHUN	76795 San Antonio Rd Bradley CA 93426
<i>Jimmie Brand</i>	Jimmie Brand	75057 Bryson Hesperia Rd Bradley CA
<i>Carol Kenton</i>	CAROL KENTON	75529 Deer Pass, Bradley CA
<i>Mary Carolyn Lydeen</i>	Mary Carolyn Lydeen	76370 Bryson-Hesperia Rd Bradley CA 93426
<i>Lyle A. Lydeen</i>	" " " " " "	" " " " " " 93426
<i>Sandra Bragg</i>	SANDRA BRAGG	67633 Cross Rd Lockwood CA 93426
<i>Clavel Bragg (Daw)</i>	Clavel Bragg	67633 Lockwood CA 93426
<i>Cathy Bragg</i>	Cathy Bragg	76331 Bryson/Hesperia CA 93426
<i>Katherine Brand</i>	Katherine Brand	75057 Bryson Hesperia Rd Bradley CA
<i>Katherine Mullan</i>	Katherine Mullan	76671 Hesperia Rd Bradley CA 93426
<i>Lila M Roth</i>	Lila M Roth	67631 Lila M Roth Rd Lockwood CA
<i>Beverly Kovars</i>	Beverly Kovars	51502 Lockwood San Antonio Rd Lockwood CA 93426
<i>David McQuinn</i>	David McQuinn	P.O. Box 192 Lockwood CA 93426
<i>John Plumb</i>	JOHN PLUMB	P.O. Box 4 Lockwood CA 93426
<i>Richard Lingor</i>	Richard Lingor	69752 Jolon Rd 93426

David A. Henry, M.D., Inc.

**30459 Cartagena Place
Castaic, CA 91384
(661) 294-5013**

August 31, 2009

Leslie J. Girard
Monterey County
Office of the County Counsel
168 West Alisal Street, 3rd Floor
Salinas, CA 93901-2439

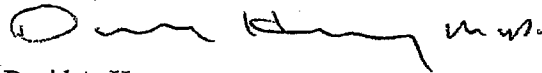
Re: Abandonment of Old Stage Road

Dear Mr. Girard:

My name is David Henry. I am the new owner of a ranch previously owned by Susan Ramos, located at 77511 Nacimiento Lake Drive, Bradley, CA 93426. I am writing this letter to express my support for the abandonment of the "Old Stage Road", which is presently under consideration by Monterey County.

Please feel free to contact me if other necessary documentation is needed.

Sincerely,



David A. Henry

EXHIBIT C

**Department of the Army
December 2009 Correspondence**



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON FORT HUNTER LIGGETT
BUILDING 238 CALIFORNIA AVENUE
FORT HUNTER LIGGETT, CA 93928-7000

REPLY TO
ATTENTION OF

December 7, 2009

Monterey County Board of Supervisors
168 West Alisal Street
1st Floor
Salinas CA 93901

Dear Board Members:

Fort Hunter Liggett supports abandonment by Monterey County of the Old El Camino Real from Nacimiento Lake Drive to the San Luis Obispo County line, parcel APN 424-091-049. Abandonment will remove any question regarding the status of the former road, and will fulfill agreements between the County and the Department of the Army. The Old El Camino Real was closed and a tank road was constructed by Monterey County for the Army in the 1960s. Civilian use of the Old El Camino Real is inconsistent with Fort Hunter Liggett's tank road easement and would be inconsistent with the Army's contract with Monterey County.

Currently, a private road runs parallel to the tank road. The enclosed Monterey County Public Works survey shows the route of the Old El Camino Real 1874 Viewer's Report crossing both the private road and the tank road. As such, Old El Camino Real no longer exists in this historic route.

As noted above, civilian use of the historic route of Old El Camino Real along, and across, the tank road is inconsistent with the Contract for Relocation, Rearrangement, Alteration or Substitution of Facilities Between the Department of the Army and the Monterey County Flood Control and Water Conservation District dated 10 April 1963:

1. Article I paragraph J of this contract specifies that the County would convey to the United States a perpetual easement, free of all encumbrances, for the right of way over the tank road.
2. Article II paragraph A(3)B provides that property owners abutting the tank road will receive easements with the right to move across, but not along, the tank road.
3. Article III paragraph A(4) states that the existing county road will be closed.
4. Article III paragraph A(11) states that "there will be no use by the public of the tank road or of the tank road crossings except at indicated points."

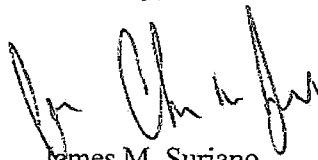
Consent Agreements between the Army and neighboring property owners limit the tank road crossings to livestock and machinery. If the Old El Camino Real is reopened for public use, then new traffic would access and burden the tank road crossings. Abandonment of the Old El

Camino Real would fulfill the County's obligations under the Contract and will help protect the tank road from incompatible use.

Finally, it must be noted that almost from the time of the establishment of the easement creating the tank road, the Army has maintained a heavily locked and posted gate at the access points off of Lake Nacimiento Road in south Monterey County. This gate is evidence, we submit, of the parties' original intent for this route to be abandoned by the County as a public right of way. Formal abandonment at this time would merely make clear what was the obvious intent of all parties back at the time of the 1963 agreement.

Our point of contact for this matter is CPT Douglas Hales, IMWE-CST-LA, Bldg 233, Fort Hunter Liggett, CA 93928 (831) 386-2893 or douglas.hales@us.army.mil. Thank you for your consideration.

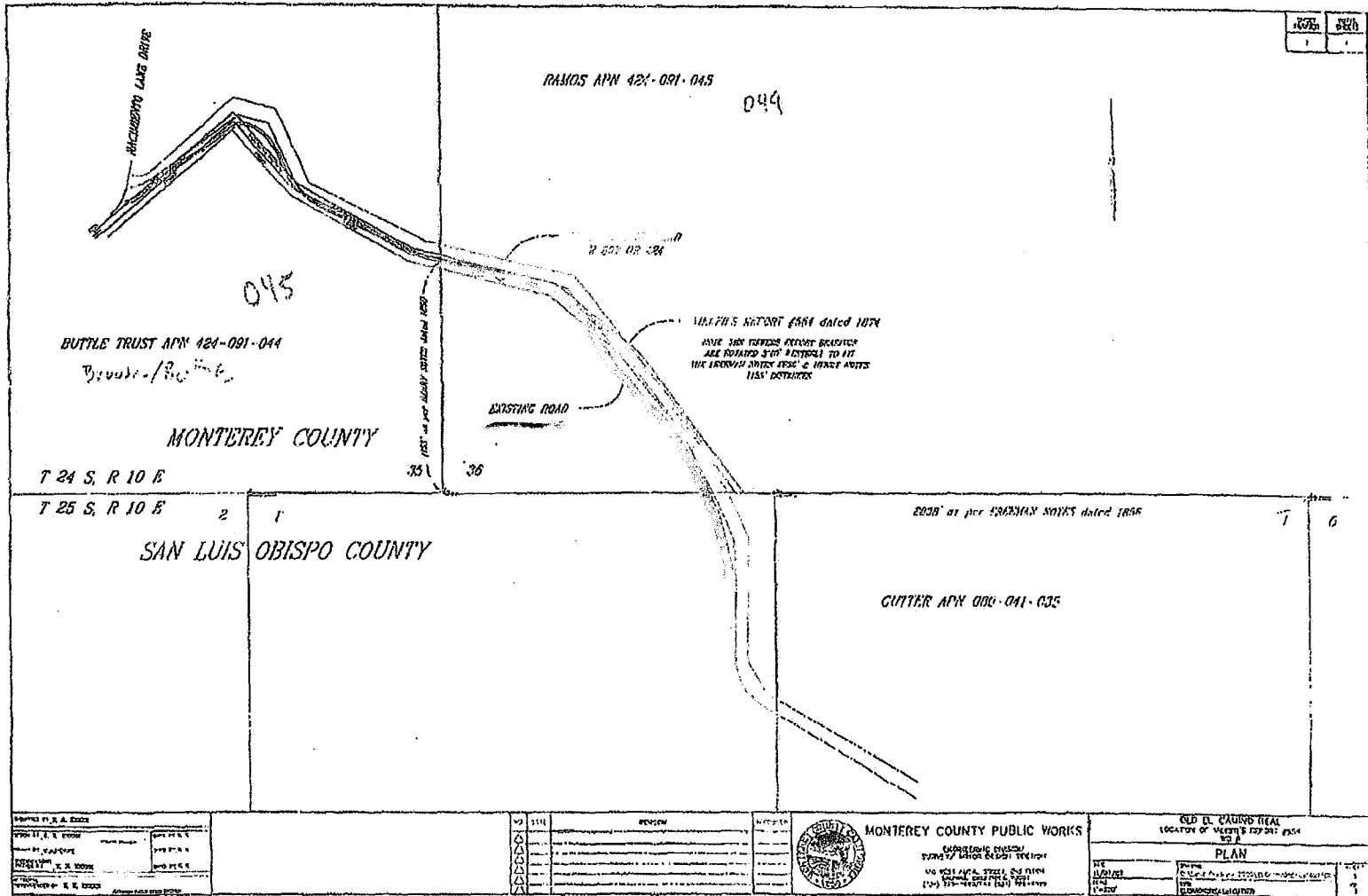
Sincerely,

A handwritten signature in black ink, appearing to read "James M. Suriano". To the right of the signature, the text "LTC, CA" is written in a similar handwritten style.

James M. Suriano
Colonel, US Army
Commanding

3 Encls

1. Monterey County Public Works Survey
2. Contract No. DA-04-167-Eng-2699
3. Easement Deed dated 15 April 1969



DATE	BY
1	1

RAMOS APN 424-091-045

049

RICHMOND LANG DRIVE

045

BUTTLE TRUST APN 124-091-044

By: [Signature]

MONTEREY COUNTY

T 24 S, R 10 E

T 25 S, R 10 E

SAN LUIS OBISPO COUNTY

EXISTING ROAD

MAYR'S METEOR GRAY dated 1874
 AND THE 1885 RECORD DEEDS
 ARE FORWARDED TO THE
 THE RECORDS OFFICE OF MONTEREY
 COUNTY

2000' as per FREEMAN SAYES dated 1856

CUTLER APN 000-041-035

35

36

7 6

DESIGNED BY: [Name]	CHECKED BY: [Name]
DRAWN BY: [Name]	DATE: [Date]
SCALE: [Scale]	PROJECT NO: [Number]

NO.	REVISION	DATE
1		
2		
3		
4		



MONTEREY COUNTY PUBLIC WORKS

MONTEREY COUNTY PUBLIC WORKS
 100 WEST AVENUE, SUITE 200
 MONTEREY, CALIFORNIA 93940
 (408) 935-4444

PROJECT NO.	DATE	SCALE
1	1	1

OLD EL CAJON ROAD
 LOCATION OF METEOR GRAY 1874
 52.8'

PLAN

CONTRACT FOR RELOCATION, REARRANGEMENT, ALTERATION OR SUBSTITUTION
OF FACILITIES BETWEEN THE DEPARTMENT OF THE ARMY AND THE MONTEREY
COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

This agreement, entered into on the date executed by the Government, as hereinafter set forth, between the United States of America (hereinafter called the "Government"), represented by the Secretary of the Army executing this agreement or his duly authorized representative, and the Monterey County Flood Control and Water Conservation District (hereinafter called the "County"), represented by the Chairman of the Board of Supervisors,

WITNESSETH THAT:

WHEREAS, in the County of Monterey, State of California, the government owns a certain military reservation now known as the Hunter Liggett Military Reservation, hereinafter referred to as the "said reservation;" and,

WHEREAS, the County desires to construct the San Antonio Dam and Reservoir, hereinafter referred to as "San Antonio Dam", upon a portion of said reservation as shown on Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, Public Law 87-641, approved September 5, 1962, authorizes the conveyance to the County of approximately 8,775 acres of land in fee, a flowage easement over approximately 1,135 acres of land, and a road and highway bridge easement over 65 acres of land all within the Hunter Liggett Military Reservation, California; and,

WHEREAS, the conveyance authorized by Public Law 87-641 shall be in exchange for the conveyance by the County to the Government of an exclusive

Page 1

2192-54

right of way for road purposes between Hunter Liggett Military Reservation and Camp Roberts, the construction of a tank road and appurtenances by the County in accordance with plans and specifications approved by the Secretary of the Army, and the relocation of existing Army facilities located in the area to be conveyed to the County;

NOW, THEREFORE, in accordance with the provisions of Public Law 87-641 and the faithful performance by the parties hereto of the covenants and agreements hereinafter set forth, it is mutually agreed as follows:

ARTICLE I. OBLIGATIONS OF THE COUNTY

A. The County will relocate existing Army communication facilities now within the area to be conveyed to the County by the Government. Telephone lines shall be relocated along the new County road and they shall be of same type and quality as in existing lines. All relocated or new lines shall be the property of the Government and the County shall have the right to salvage lines replaced by new lines where relocated. During relocation there should be minimum interruption in service. The County will convey to the Government an easement, free and clear of all encumbrances, for right of way for the Government telephone lines to be relocated.

B. The County will pay to the Government a sum of money which in the opinion of the Secretary of the Army represents the amount by which the appraised market value of the Government property exceeds the appraised market value of the property accepted in exchange therefor, if any.

C. The County agrees to construct a bridge across the San Antonio River on a right of way to be granted by the Secretary of the Army under

Article II hereof at the location shown on Exhibit "A" to the following standards: California State Highway Standards H-20-S-16 and alternate (2-24 Kip Axles, 4 ft. apart with 6 ft. axles) in accordance with AASHO standard specifications for highway bridges, adopted in 1961. Said bridge shall have a clear curb to curb width of 24 feet and a vertical clearance of 14 feet.

D. Right-of-way for Tank Road. The County agrees to provide the Government with a perpetual and exclusive use right of way for road purposes 60 feet in width plus cut and fill slopes within the County lands on the northerly side of the San Antonio Dam and on other publicly or privately owned lands outside the San Antonio Dam so as to make a continuous right of way from the northwest boundary of the lands the County will acquire in fee from the Government to Gate 14 at Camp Roberts, except that said right of way shall be limited to a width of 30 feet adjacent to the existing Pleyto-Bradley Road from the easterly County property line to the turn off to Gate 14 at Camp Roberts. The County agrees to provide gates and cattle guards at all crossing points located outside the present boundaries of said reservation; provided further, that at such crossings Army vehicles and tanks shall have priority of travel. The County further agrees that any property of the Government damaged or destroyed by the County's use of the tank road shall be promptly repaired or replaced by the County to the satisfaction of the Secretary of the Army, or in lieu of such repair or replacement the County shall, if so required, pay to the Government money in an amount sufficient to compensate for the loss sustained by the Government by reason of damages to or

destruction of Government property; and further, the County agrees that the Government shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use of the tank road crossings, or for damages to the property of the County, or for injuries to the person of the County's officers, agents, servants, or employees, or others who may be using the tank road at their invitation or the invitation of any one of them, arising from governmental activities, and the County agrees to hold the Government harmless from any and all such claims.

E. Construction of tank road. The County agrees to construct a and in the right of way to be reserved by the Government in the deed to the County tank road within the immediate aforementioned right of way/and from the intersection of the aforementioned right of way with the northwest boundary of the lands the County will acquire in fee from the Government to the tank crossings over the relocated County road hereinafter mentioned. The tank road shall be constructed in accordance with plans and specifications to be prepared by the County and approved by the Secretary of the Army or his duly authorized representative, based on the following criteria:

DETAILED DESIGN CRITERIA FOR A TANK ROAD FOR HUNTER LIGGETT MILITARY RESERVATION.

As agreed to by representatives of the Government, and the County, the criteria given below supplements that given in Resolution No. 62-11 of the County adopted 5 March 1962 (Exhibit "B") and Public Law 87-641, 87th Congress, H. R. 12081, September 5, 1962. The objective is to furnish the minimum criteria to form the basis of plans and specifications to be prepared by the County and approved by the Secretary of the Army for a tank road on

and between the Hunter Liggett Military Reservation and Camp Roberts. The design criteria below has been developed to insure that the new tank road to be constructed by the County will result in a road conforming with Government requirements and meeting the requirements for that road in Resolution No. 62-11. The supplemental criteria required is as follows:

(1) Preliminary Data. Preliminary data will be submitted by the County to the Government for approval, consisting of drawings showing plan and profiles, giving type and tentative sizes of structures, typical sections, and suitable backup data supporting the basis of design, including preliminary drainage analysis and soils classification data.

(2) Contract Drawings. Contract drawings will include the following:

(a) Detailed plan and profile of the road, including drainage systems and related structures together with location and results of all soil investigations and tests.

(b) Typical road sections for each reach of road including front slopes and back slopes in cut and fill, ditching and benching.

(3) Contract Specifications

The final specifications shall incorporate the technical provisions and list of drawings.

(4) Design Analysis

A separate analysis of design in such detail as necessary to complete and support the design will be furnished to the Government by the County with the final plans and specifications for review and approval.

(5) Design Criteria

(a) Tank Road: Tank road will be constructed to the following

minimum requirements: The width of the roadbed will be not less than 20 feet, excluding drainage ditches. The minimum radius of curvature will be 100 feet. The maximum grade of ten percent will be permitted, except on 100 to 150-foot minimum radius curves where the grades will not exceed eight percent. The area to be excavated for cuts and on which embankment is to be placed will be cleared and grubbed in compliance with standard engineering practice. Burning of cleared material will comply with existing local and/or state regulations. Prior to placing of embankments, sloped ground surfaces steeper than 1 vertical to 4 horizontal, on which an embankment is to be placed, shall be plowed, stepped, benched or broken up in such manner that the embankment material will bond with the existing surface. Fill slopes less than 5 feet in height will be constructed on 2-1/2 horizontal to 1 vertical and fill slopes greater than 5 feet will be constructed no steeper than 2 horizontal to 1 vertical. Earth embankment will be compacted in 8-inch loose layers to 90 percent of maximum density obtained at optimum moisture content as determined in accordance with the modified AASHO Standard T 180 or Test Method No. California 216 as currently modified. The top 6 inches of finished subgrade of embankments will be compacted to 95 percent of maximum density in accordance with the modified AASHO Standard T 180 or Test Method No. California 216 as currently modified. For cut sections, the top 6 inches of the finished subgrade will be scarified, aerated, or moistened and then compacted to 95 percent of maximum density in accordance with the modified AASHO Standard T 180 or Test Method No. California 216 as currently modified unless the maximum density of the natural, excavated subgrade has been

determined by the above mentioned test to be 95 percent. Where shale occurs in cut sections a determination will be made, using reasonable engineering judgment, whether it is of a quality that requires recompaction.

Where rock is to be incorporated in fills or portions of fills composed largely of earth or friable materials, the rock will be reduced to 6-inch maximum size. No rock 4 inches or more in dimension will be used within the upper 6 inches of the finished subgrade. Rock embankments will consist of materials containing 25 percent or more, by volume, of rock larger than 6 inches in greatest dimension placed in layers of sufficient depth to contain the maximum size of rock present in the material, provided the thickness of layers before compaction in no case exceeds 24 inches. Individual rocks not exceeding 48 inches in greatest dimension will be permitted provided such rocks are carefully distributed and solidly bedded. The spreading and rolling of each layer will continue until the interstices are completely filled with well-compacted materials and the entire layer is a densely compacted mass. The top of rock embankments will be provided with a leveling course of not less than 6 inches of select granular material. Where required, the road shall be provided with a base course by placing up to a maximum of 14,500 cubic yards of river run material or of other material which is equal thereto or better. The maximum steepness permissible for cut slopes will be 1 horizontal to 1 vertical for earth and 1/4 horizontal to 1 vertical for rock. For cut in shale, the primary concern in making a roadcut in thin-bedded shale with a steep dip is the relationship of the direction of cut to the attitude of the shale. If at all possible, the road alignment should be such that it "cuts across" the

strike of the beds. If the cut must parallel the strike, the most desirable position is one where the beds dip into the slope of the existing terrain. In cases where the shale dips in the same direction as the cut slope, the attitude and condition of the beds should be considered in determining the final slope. Where it is economically feasible, the ideal slope would parallel the bedding planes, with care taken not to undercut the beds with drainage ditches leaving some beds suspended by friction alone. Beds that are severely jointed in addition to the bedding plane joints, or beds in which the material has little strength, will probably fail in a deep cut at steeper than 1 to 1 even if the cut is parallel to the bedding planes. On the other hand, relatively shallow cuts in competent beds might be stable at $3/4$ to 1 slopes. In general, each cut should be tailored to the shale conditions at the location rather than holding to a predetermined cut slope. Cut slopes in shale shall be determined by reasonable engineering judgment.

Fencing will be provided where called for in Resolution 62-11, and will be equal to or better than the existing fencing presently in use for similar purposes, but in no event will be less than a four strand barbed wire fence where the tank road abuts on land used for cattle raising or a fence of thirty-six-inch hog wire plus three strands of barbed wire on abutting land devoted to sheep raising.

All culverts, sharp turns and other hazards will be marked with a warning reflector, or other means.

Ten turnouts, each with a minimum road bed width of 30 feet and a minimum length of 50 feet, will be provided between Pleyto Road and the easterly boundary of the District property at locations to be designated

by the U. S. Government.

(b) Storm Drainage: The drainage facilities for the road will be determined using the rational method of run-off. The amount of run-off is figured by using the formula $Q = c(i-f) A$, Where Q is the flow in c.f.s.

c is the coefficient for surface storage

i is the rainfall intensity in inches per hour during the time of concentration

f is the infiltration in inches per hour

a is the drainage area in acres

The design storm will be based on a 10-year frequency.

The rainfall intensity (i) for a given time of concentration in the Hunter Liggett Reservation area will be determined using data presented in the United States Weather Bureau Technical Papers Nos. 24, 25, and 28. The coefficient (c) to be used for surface storage of areas is 0.60. The rate of infiltration (f) to be used for bare earth and sparse grass is 0.1 inches per hour. Intercepting ditch and drainage berms will be provided on the top of steep cut slopes and on the bottom of all cut slopes. All drainage structures and river crossing structures will be designed for H 20 loading AASHO Standard Specifications.

(c) Seeding: All erodible cut and fill slopes will be seeded to minimize erosion in compliance with standard practice.

(d) The County will cover the tank road bed, for approximately one mile thereof where it parallels the Pleyto-Bradley Road, with six inches of decomposed granite or other suitable gravel base material.

G. Tank Crossings and Ford.

(1) The County agrees to construct and maintain two suitable tank crossings over the relocated county road north of the proposed bridge

location.

(2) The County agrees to construct and maintain suitable tank crossings at the intersection of the existing Pleyto-Bradley Road and Pleyto Road with the proposed tank route.

(3) The County agrees to construct a suitable crossing, bridge or concrete ford at a suitable location below the Dam.

H. Fences and Cattle guards.

(1) The County agrees to construct a fence in accordance with the foregoing criteria, using steel posts, along both sides of the tank route from the County's easterly property line to Gate 14 on the Pleyto-Bradley Road, along the northerly boundary of the property acquired for San Antonio Dam, on both sides of the relocated county road where it crosses Hunter Liggett Military Reservation, and along the new boundaries on the Hunter Liggett Military Reservation where it adjoins the County's lands on the northwesterly side. Fencing of new boundaries of Hunter Liggett Military Reservation will be accomplished in a manner that will minimize interference, with no damage to existing grazing leases of lands therein. Upon completion, all fences shall become the property of the Government except the fence along the northerly boundary of the property acquired for San Antonio Dam, which shall be the property of the County and shall be maintained by the County in stock-proof condition.

(2) The County agrees to install cattle guards at the three tank crossings hereinbefore mentioned.

I. Copies of Data. The County agrees to furnish as many copies of preliminary data, design analysis, final plans and specifications as may be required by the Secretary of the Army for the necessary review and

approval. Copies also will be furnished of the plans and specifications as advertised for bids, including any addendums thereto issued during the bidding period.

J. Conveyances in Escrow.

(1) The County agrees to convey to the Government, by appropriate instruments acceptable to the Government:

(a) A perpetual easement, free of all encumbrances, for the right-of-way for road purposes as described in Article ID hereof.

(b) An easement, free of all encumbrances, for right-of-way for the Government telephone lines to be relocated by provision of Article IA hereof.

(2) The County agrees to place the above described instruments in escrow with a title company of its choice, which is a member of the American Title Association, which company will act as escrow agents for the parties hereto. The County further agrees to pay all title costs, escrow fees, recording fees and all other incidental expenses resulting from the exchange and will furnish a title policy, in a form acceptable to the Government, covering the interests and rights to be conveyed by the County, with a minimum liability equal to the fair market value of the property to be conveyed, subject to approval by the Government.

ARTICLE II OBLIGATIONS OF THE GOVERNMENT

A. The Government agrees to place the following described instruments in escrow with the title company chosen by the County, as provided in ARTICLE I, paragraph J, subparagraph 2 hereof, and to instruct the title company to effect the exchange of instruments between the Government and the County when notified in writing by the Government that the County has satisfactorily

completed its obligations as set forth in ARTICLE I hereof:

(1) A Quitclaim Deed conveying to the County the lands described in Exhibit "C", said Quitclaim Deed to be in the same form as Exhibit "C", attached hereto and made a part hereof.

(2) An easement granting to the County the rights for construction of a bridge across the San Antonio River and right of way for county road relocation and for utility purposes, sixty (60) feet in width plus cut and fill slopes, as shown on Exhibit "A" and as described in Exhibit "D", said easement to be in the same form as Exhibit "D", attached hereto and made a part hereof.

(3) An easement deed granting a flowage easement to the County on those lands on said reservation below elevation 800.00 in Sections 25, 35 and 36, T. 23 S., R. 8 E., Los Ojitos Rancho, and in Pleyto Rancho, excluding the lands described in Exhibit "C" as Parcel 1A, said easement deed to be in the same form as Exhibit "E", attached hereto and made a part hereof.

B. The Government agrees to grant easements to those owners of property abutting on the tank road between Gate 14 at Camp Roberts and the easterly boundary of the lands to be acquired by the County for San Antonio Dam. Said easements will grant such owners the right to move stock and equipment across the tank road from designated points to points directly opposite thereto, and will prohibit moving such stock or equipment along the tank road.

C. The Government agrees to issue a License to the County granting its agents, officers and employees permission to travel over, across and along the tank road for the purpose of constructing fences, and maintaining the San Antonio Dam.

ARTICLE III. GENERAL AGREEMENTS

A. It is mutually understood and agreed by the parties hereto:

(1) The current appraised fair market value of the property conveyed by the Government to the County is \$ 528,000.00.

(2) The appraised fair market value of the obligations of the County, based on a preliminary estimate of the cost of the tank road and appurtenances between Camp Roberts and the present boundaries of Hunter Liggett Military Reservation, in accordance with above specified design criteria and as presently located (See Exhibit "B"), plus the current appraised market value of the property included in the exchange, is \$675,650.00 , said amount being subject to change by any subsequent revision in design or alignment of the tank road.

(3) That Army vehicles will have the use of the relocated county road, subject to existing laws covering the county road system.

(4) That the tank road and the relocated county road will be available to the Army in useable condition before the existing county road is closed.

(5) That the cost of all relocations, the cost of surveying; mapping and all related expenses of the transactions herein referred to will be borne by the County.

(6) That the County shall have the right of ingress and egress over the lands herein mentioned, together with a right of entry to as much thereof as is necessary to construct and maintain the dam and reservoir herein mentioned and to carry out the obligations of the County herein contained, subject to the County's agreement to hold the Government harmless as set forth in Article 10 hereof. .

(7) In the construction of said tank road, the County shall have the right to dispose of excess material within the right of way; provided, however, that the County agrees to hold the Government harmless from all claims resulting from the washing of such wasted material onto private lands and further agrees to dispose of such wasted material in a manner sufficient to prevent tanks from driving onto such uncompacted waste material.

(8) The County shall have the right, for the purpose of construction of San Antonio Dam Project and the tank road, to excavate and remove natural material from the lands hereinabove referred to as Parcels I-A, IV, V, VI-A and VII.

(9) Representatives of the Government will be given access at all times during construction to inspect the construction work.

(10) Final acceptance of the work to be performed by the County for the Government will be made following a joint inspection of the completed work by representatives of the Government and the County.

(11) That there will be no use by the public of the tank road or of the tank road crossings except at indicated points.

(12) That the County will deposit with the U. S. Army Engineer District, Sacramento, 650 Capitol Avenue, Sacramento, California, the sum of fifteen thousand dollars which may be used by the Government for the cost of all necessary administrative and overhead costs incurred in connection with this contract. After completion of the contract, the Government will remit the balance remaining to the County with an itemized statement of expenditures made.

ARTICLE IV. DISPUTES

A. Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the District Engineer, U. S. Army Engineer District, Sacramento, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the County. The decision of the District Engineer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the County mails or otherwise furnishes to the District Engineer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive. This provision shall not be pleaded in any suit involving a question of fact arising under this contract as limiting judicial review of any such decision to cases where fraud by such official or his representative or board is alleged: Provided, however, that any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the County shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the County shall proceed diligently with the performance of the contract and in accordance with the District Engineer's decision.

B. This Disputes clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph A above. Nothing in this contract, however, shall be construed as making

final the decision of any administrative official, representative, or board on a question of law.

ARTICLE V. COVENANT AGAINST CONTINGENT FEES

The County warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the County for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

ARTICLE VI. OFFICIALS NOT TO BENEFIT

No Member of Congress or resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

ARTICLE VII. NONDISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this contract, the County agrees as follows:

A. The County will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The County will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard

to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The County agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Nondiscrimination in Employment clause.

B. The County will, in all solicitations or advertisements for employees placed by or on behalf of the County, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

C. The County will send to each labor union or representative of workers with which it has a collective-bargaining agreement or other contract or understanding, notice, to be provided by the agency Contracting Officer, advising the said labor union or workers' representative of the County's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. The County will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity in effect as of the date of this contract.

E. The County will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

F. In the event of the County's noncompliance with the Nondiscrimination in Employment clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled in whole or in part and the County may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

G. The County will include the provisions of the foregoing paragraphs (A) through (F) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The County will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance. Provided, however, that in the event the County becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the County may request the United States to enter into such litigation to protect the interests of the United States.

Footnote: The President's Committee on Equal Employment Opportunity interprets the first sentence of paragraph (G.) to mean that the Contractor will include the provisions of the foregoing paragraphs (A) through (F) in every first-tier subcontract or purchase order, so that such provisions will be binding upon each such subcontractor or vendor, and will require each first-tier subcontractor or vendor similarly to include the provisions of paragraph (A.) through (K) in any subcontract or purchase order which he places, unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961.

ARTICLE VIII GRATUITIES

A. The Government may, by written notice to the County, terminate the right of the County to proceed under this contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the County, or any agent or representative of the County, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

B. In the event this contract is terminated as provided in paragraph (A) hereof, the Government shall be entitled (i) to pursue the same remedies against the County as it could pursue in the event of a breach of the contract by the County and (ii) as a penalty in addition to any other

damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the County in providing any such gratuities to any such officer or employee.

C. The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

ARTICLE IX OTHER EMPLOYMENT PROVISIONS.

A. The County agrees to insert the following clauses in all contracts that the County may enter into for the performance of work required hereunder, for construction, or alteration except contracts by the County with its own employees.

(1) DAVIS-BACON ACT (40 U.S.C. 276a-a(7))

(a) All mechanics and laborers employed or working directly upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Act (Anti-Kickback) Regulations (29 CFR, Part 3)) the full amounts due at time of payment, computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor, subcontractor and such laborers and mechanics; and a copy of the wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) In the event it is found by the Contracting Officer that any laborer or mechanic employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (1) by written notice to the Government Prime Contractor terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(c) Paragraphs (a) and (b) of this clause shall apply to this contract to the extent that it is (1) a prime-contract with the Government subject to the Davis-Bacon Act or (2) a subcontract under such prime contract.

(2) WORK HOURS ACT OF 1962- OVERTIME COMPENSATION. This contract, to the extent that it is of a character specified in the Work Hours Act of 1962 (Public Law 87-581, 76 Stat. 357-360) and is not covered by the Walsh-Healey Public Contracts Act (41 U.S.C. 35-45), is subject to the following provisions and to all other provisions and exceptions of said Work Hours Act of 1962.

(a) No contractor or subcontractor contracting for any part of the contract work shall require or permit any laborer or mechanic to be employed on such work in excess of eight hours in any calendar day or in excess of forty hours in any workweek unless such laborer or mechanic received compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such work week, whichever is

the greater number of overtime hours.

(b) In the event of any violation of the provisions of paragraph (a), the contractor and any subcontractor responsible for such violation shall be liable to any affected employee for his unpaid wages. In addition, such contractor or subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (A), in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of forty hours in a workweek without payment of the required overtime wages.

(c) The Contracting Officer may withhold, or cause to be withheld, from moneys payable on account of work performed by the contractor or subcontractor, the full amount of wages required by this contract and such sums as may administratively be determined to be necessary to satisfy any liabilities of such contract or subcontractor for liquidated damages as provided in paragraph (B) (OCT 1962)

(3) APPRENTICES

Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(4) PAYROLL RECORDS AND PAYROLLS

(a) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers

and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The Contractor will make his employment records available for inspection by authorized representatives of the Monterey County Flood Control and Water Conservation District, the Contracting Officer and the U. S. Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(b) A certified copy of all payrolls will be submitted weekly to the Contracting Officer. The Prime Contractor will be responsible for the submission of certified copies of the payrolls of all subcontractors. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the applicable rates contained in the wage determination decision of the Secretary of Labor attached to this contract, and that the classifications set forth for each laborer or mechanic conform with the work he performed.

(5) COPELAND (ANTI-KICKBACK ACT) - NONREBATE OF WAGES

The regulations of the Secretary of Labor applicable to Contractors and subcontractors (29 CFR, Part 3), made pursuant to the Copeland Act, as amended (40 U.S.C. 276c) and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this contract by reference. The Contractor will comply with these regulations and any amendments or modifications thereof and the Government Prime Contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions.

(6) WITHHOLDING OF FUNDS TO ASSURE WAGE PAYMENT

There may be withheld from the Contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the Contractor or any subcontractor the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic all or part of the wages required by this contract, the Contracting Officer may take such action as may be necessary to cause the suspension, until such violations have ceased, of any further payment, advance, or guarantee of funds to or for the Government Prime Contractor.

(7) SUBCONTRACTS-TERMINATION

The County agrees to insert Clauses 1 through 7 hereof in all subcontracts and further agrees that a breach of any of the requirements of these clauses may be grounds for termination of this contract. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor.

ARTICLE X - DEFINITIONS

A. The term "head of agency" or "Secretary" as used herein means the Secretary of the Army; and the term "his duly authorized representative" means the Chief of Engineers, Department of the Army, or an individual or board designated by him.

B. The term "roadbed" as used herein means the traveled way or traveled portion of the road exclusive of shoulders.

ARTICLE XI - COUNTY BOND ELECTION

This agreement shall be effective and bind the parties hereto only upon the effective passage of a bond election authorizing the sale

of bonds to finance the construction of the San Antonio Dam and the obligations of the County herein mentioned.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year appearing opposite the signature of the Secretary of the Army.

UNITED STATES OF AMERICA

10 April 1963
Date

By: *Ernest H. Merrill*
Deputy Assistant Secretary of the Army (I&L)
Installations

MONTEREY COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

By: *Charles G. Lunge*
Chairman of the Board of Supervisors
of said District

SUPPLEMENTAL AGREEMENT
MODIFICATION NO. 1

THIS SUPPLEMENTAL AGREEMENT, entered into this 13th day of August, 1964, between the United States of America (hereinafter called the "Government") represented by the District Engineer, U. S. Army Engineer District, Sacramento, California, and the Monterey County Flood Control and Water Conservation District (hereinafter called the "County"), represented by the Chairman of the Board of Supervisors;

WITNESSETH THAT:

WHEREAS, on 10 April 1963, the parties hereto entered into Contract No. DA-04-167-ENG-2699, San Antonio Reservoir, California, (hereinafter referred to as the "Basic Agreement") under the authorization of Public Law 87-641; and

WHEREAS, it has become mutually advantageous and in the interests of the parties to modify said Basic Agreement in certain particulars to facilitate construction by the County of the San Antonio Dam and still reserve to the Government a suitable route of movement for Army tanks and other heavy military equipment between Hunter-Liggett Military Reservation and Camp Roberts, California; and

WHEREAS, the terms and provisions hereof are acceptable to the Commanding General, Ft. Ord, California, U. S. Army;

NOW, THEREFORE, the parties hereto do mutually agree that the Basic Agreement is hereby modified in the following particulars, to wit:

1. For the convenience of the County, and to preclude interference by Army vehicular traffic with the County's construction of the San Antonio Dam, the County shall be entitled to close that portion of the existing Pleyto-Bradley Road traversing such construction area.
2. Upon closure of said Pleyto-Bradley Road by the County, the Government shall be entitled to access and use of that portion of the newly constructed Tank Road, identified by the County's plans and specifications as "Phase II", for the purpose of movement of Army vehicular traffic,

including tanks, between Hunter-Liggett Military Reservation and Camp Roberts, California, with the express understanding that the Government's said use of such roadway is not and will not be construed by either party hereto as an "acceptance" of such Phase II, under the terms of the Basic Agreement, or otherwise.

3. In the use as aforesaid of Phase II of the Tank Road, the Government assumes full responsibility for ordinary maintenance thereof and agrees to repair any damages to said Phase II which may directly result from such use. It is agreed that such responsibility for repair does not encompass damages from causes or sources other than the Government's use of said roadway, and does not encompass the repair of defects in construction under the Basic Agreement, which remain the responsibility of the County. Any question of fact hereunder which cannot be agreed upon by the parties shall be subject to the "Disputes" article of the Basic Agreement. The Government agrees to keep closed when not in use the existing gate across said Phase II where it crosses the southeast boundary of Hunter-Liggett Military Reservation and the Botts' Brothers property, and also to keep closed and locked when not in use the existing gate across said Phase II at the Pleyto-Bradley Road.

4. The parties hereto further agree that, during periods of inclement weather, use by the Government of said Phase II of the Tank Road in the manner aforesaid will be impractical, inasmuch as no suitable route is available from the point of termination of said Phase II to Hunter-Liggett Military Reservation. Therefore, during such periods, when and as the Commanding General of Fort Ord, California, determines it necessary, the County hereby permits the Government access to, and movement of Army vehicular traffic, including tanks, upon, the roads of the County generally described as follows:

From Camp Roberts, California, upon the Pleyto-Bradley Road to its juncture with the Nacimiento Road, to its juncture with what is known as "Phase I" of the new Interlake Road, to its point of termination in San Luis Obispo County, California; and from the point of entry of the

Lynch Road into Monterey County, California, to its junction with the Fleyto-Bradley Road, to Hunter-Liggett Military Reservation, and return.

The Commanding General of Fort Ord, California will notify the County's Engineer of the intended use of such County roads as far in advance as possible.

5. In the Government's use of the County's roadways as described herein the Government assumes responsibility for and agrees to promptly repair to the satisfaction of the County any damages to said roadways which may result directly from such use. It is agreed that such responsibility for repair does not encompass damages from causes or sources other than said Governmental use. Any question of fact hereunder which cannot be agreed upon by the parties shall be subject to the "Disputes" article of the Basic Agreement.

6. It is understood that this Supplemental Agreement is subject to the approval of the Secretary of the Army and shall be of no effect until such approval is given in writing below.

7. Except as altered or modified hereby the terms and conditions of the Basic Agreement remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Supplemental Agreement as of the day and year first above written.

THE UNITED STATES OF AMERICA

By: [Signature]
ROBERT E. MATHE
Colonel, CE
District Engineer

APPROVED:

By: [Signature]
THE SECRETARY OF THE ARMY

MONTEREY COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: [Signature]
CHAIRMAN OF THE BOARD OF
SUPERVISORS OF SAID DISTRICT

Attn: Real Estate Division
650 Capitol Mall
Sacramento, California 95814

REL 607 PAGE 424

G 13637

This deed is executed in duplicate,
each of which is deemed to be an
original, but such together constitut
one and the same instrument and is
for the purpose of allowing a con-
current recording in Monterey and
San Luis Obispo Counties.

NO TAX
CONSIDERATION

RECORDED

WESTERN TITLE GUARANTEE COMPANY

MAY 27 3 52 PM '69

2360

OFFICE OF THE CLERK
COUNTY OF MONTEREY
SALINAS, CALIFORNIA
EASEMENT DEED
REL 607 PAGE 424

MONTEREY COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,

a body corporate and politic of the State of California, grantor, does hereby grant to the UNITED STATES OF AMERICA a perpetual and assignable easement and right of way to locate, construct, operate, maintain, alter, repair, patrol and remove an overhead telephone line in, upon, over and across that certain real property situate in the County of Monterey, State of California, being a strip of land 20 feet in width, plus adjacent strips of land of sufficient length and width for all guy anchors, 10 feet on each side of a line, described in Exhibit "A", attached hereto and made a part hereof, together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right of way.

G 13637

Mon. 5/27/69

GRANTOR also grants to the UNITED STATES OF AMERICA a perpetual and assignable easement and right of way to locate, construct, operate, maintain, alter and repair a roadway, in, upon, over, and across that certain real property situate in the Counties of Monterey and San Luis Obispo, State of California, described in Exhibit "B", attached hereto and made a part hereof, together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right of way.

The above easements and rights of way are granted subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

Dated: April 15, 1969

MONTEREY COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,
of the COUNTY OF MONTEREY



By: William T. Brown

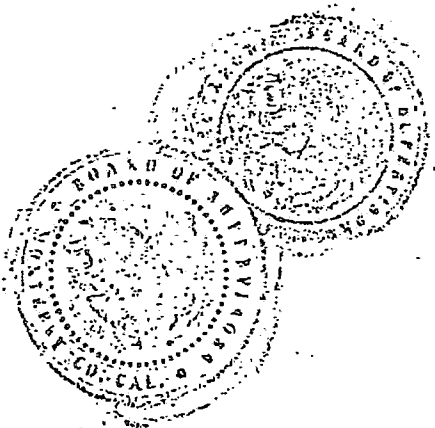
Chairman of the Board of Supervisors
of the Monterey County Flood Control
and Water Conservation District

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } SS

On this 15th day of April, 1969, before me, EMMET G. McMENAMIN, County Clerk of the County of Monterey and ex-officio Clerk of the Board of Supervisors and of the Superior Court, in and for said County and State, personally appeared Willard T. Branson, known to me to be the Chairman of said Board of Supervisors of the Monterey County Flood Control and Water Conservation District, and known to me to be the person who executed the within instrument on behalf of said District, and acknowledged to me that such District executed the same.

EMMET G. McMENAMIN
County Clerk and ex-officio Clerk
of the Board of Supervisors of
Monterey County, State of California

BY: Della H. Fairing
Deputy





DEPARTMENT OF THE ARMY
HEADQUARTERS, CALIFORNIA ARMY NATIONAL GUARD
9800 GOETHE ROAD, P.O. BOX 269101
SACRAMENTO, CALIFORNIA 95826-9101

December 14, 2009

Monterey County Board of Supervisors
168 West Alisal Street, 1st Floor
Salinas, CA 93901

Dear Board Members:

The California Army National Guard and the Camp Roberts Military Installation supports abandonment by Monterey County of the road know variously in the past as "Old El Camino Real", "Bee Rock Road," "Old Stage Road," or "Old County Road," parcel APN 424-091-049. Civilian use of this road is inconsistent with the Camp Roberts Military Installation's mission and the close proximity to our High Explosive Impact Area which provides both a potential public safety issue and major installation security issues.

As depicted in enclosure 1 through 3, the existing Army "tank road" that has connected Camp Roberts and Fort Hunter Liggett for over 40 years, for the sole use of military operations, culminates at Camp Roberts Military Installation, in San Luis Obispo County. Although a locked and posted gate denying access to Camp Roberts has existed since the establishment of the tank road, continued debate over county road access via the tank road is placing both public safety and installation security at risk.

The close proximity to the Camp Roberts High Explosive Impact Area, as shown in enclosure 1 and 4, dictates that this road remains closed and the County of Monterey approve abandonment for the safety of the general public and security of the Camp Roberts Installation.







The High Explosive Impact Area is surrounded by 32 live firing ranges and 38 Field Artillery firing points which produce both noise and nuisance from the exploding ordinance to the surrounding civilian population. Though rare, there have also been incidents of small arms ricochets, and high explosive Field Artillery ordinance over-shot into surrounding civilian properties in close proximity to the tank road. Furthermore, the continued debate over the existence of a Monterey county road have led to numerous civilians illegally accessing Camp Roberts through Gate 14 via the tank road and ultimately crossing into Camp Roberts High Explosive Impact Area. This not only presents Camp Roberts with a operational security issue but also place those civilians accessing Camp Roberts from Monterey County at an extreme risk from unexploded ordinance within the High Explosive Impact Area.

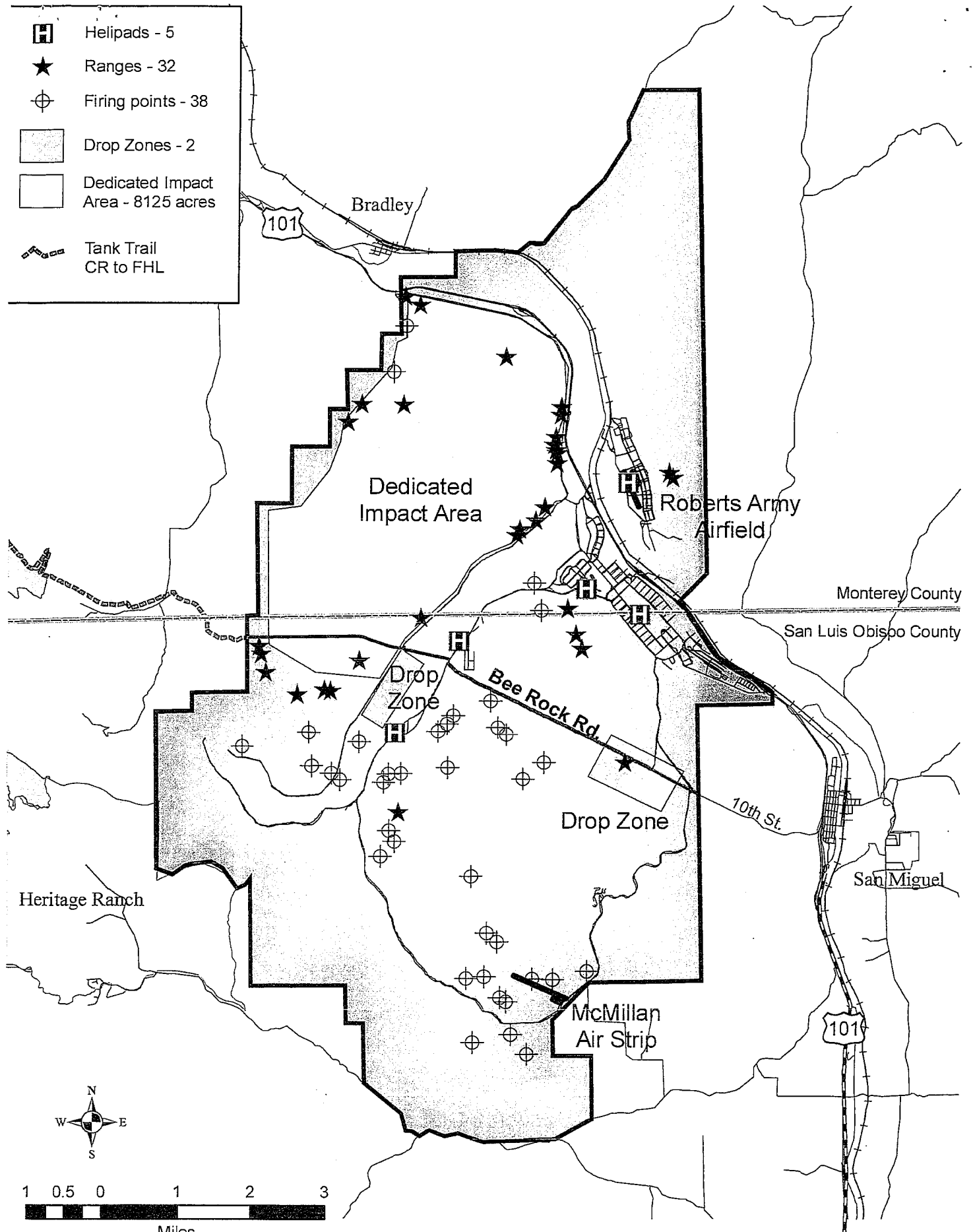
Finally, without approval of abandonment of the old county road by Monterey County we believe that future litigation by property owners could ultimately place both the Army tank road and Camp Roberts' military operations in jeopardy of future encroachment thereby diminishing our ability to accomplish our military mission.

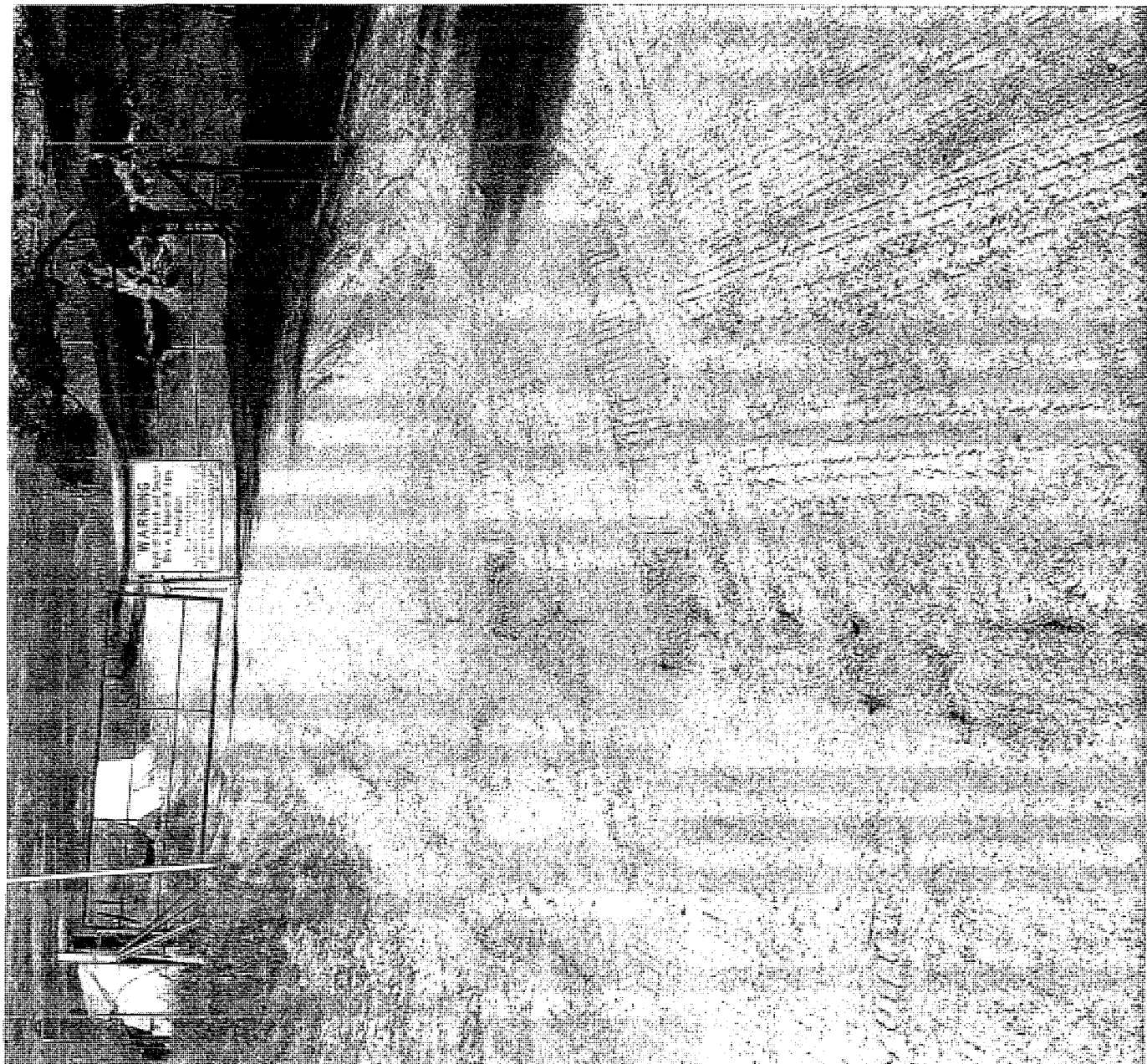
My point of contact for this matter is COL(R) Gary Landrith, CAAD-G3-TSC, 9800 Goethe Road, Sacramento, CA 95826, (916) 854-3278 or gary.s.landrith@us.army.mil.

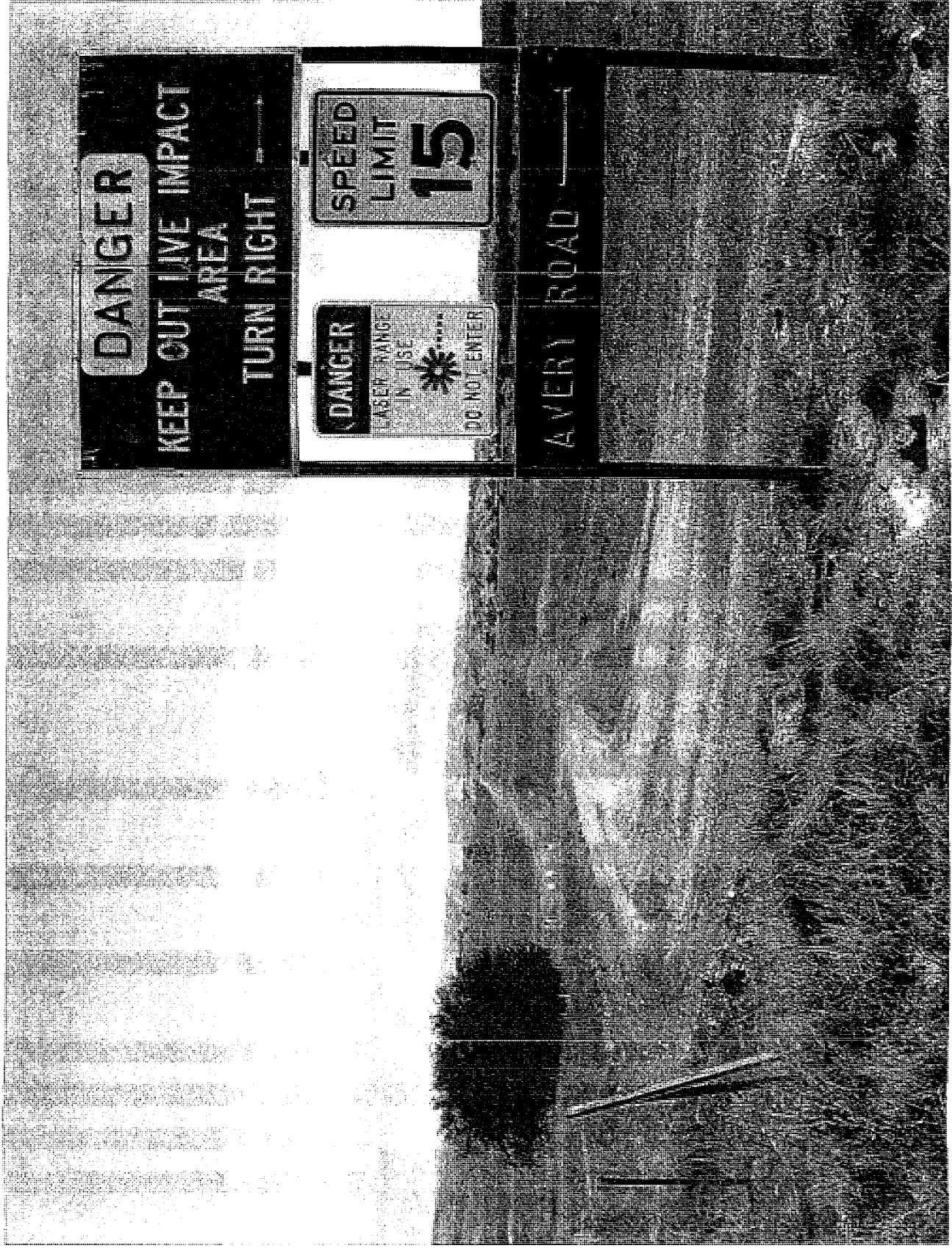
A handwritten signature in black ink, appearing to read "Louis J. Antonetti", is positioned above the typed name.

Louis J. Antonetti
Brigadier General, USAR Retired
Deputy Adjutant General
Army Division

-  Helipads - 5
-  Ranges - 32
-  Firing points - 38
-  Drop Zones - 2
-  Dedicated Impact Area - 8125 acres
-  Tank Trail
CR to FHL







DANGER

**KEEP OUT LIVE IMPACT
AREA**

TURN RIGHT →

DANGER

LASER RANGE
IN USE



DO NOT ENTER

**SPEED
LIMIT**

15

AVERY ROAD →



EXHIBIT D

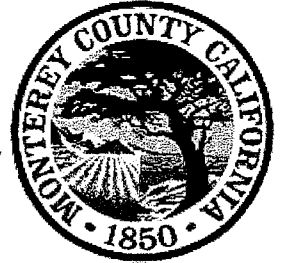
Location Map/Aerial Photo



EXHIBIT E - CONSISTENCY DETERMINATION SUMMARY

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT



MEMORANDUM

Date:	August 26, 2010
To:	Planning Commission
From:	Bob Schubert, AICP, Senior Planner
Subject:	Road Vacation: Old Stage Road – South County near Bradley Planning Project # REF100033

1. Area Plan: South County Area Plan
2. Zoning Designations:
424-091-044-000: RG/160 (Rural Grazing, 160 acre minimum)
424-091-049-000: PG/40 (Permanent Grazing, 40 acre minimum) and F-40 (Farmlands, 40 acre minimum)
3. Easement location: Portions of APNs 424-091-044-000 and 424-091-049-000
4. Development Incentive Zone: None
5. Land Use Served Benefiting General Public: None
6. Relation to Circulation Element: None
7. Potential for Low-Moderate Income Housing on Site: None
8. Potential for Legal Building Site: None
9. Potential for Adverse Effects on Agriculture in the Area: None
10. Potential for Recreation: None

Consistency Status: Based on the above-listed data, the proposed road vacation is not inconsistent with the Monterey County General Plan or the South County Area Plan.