



AGENDA

CITY OF SEASIDE
SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY
OF THE CITY OF SEASIDE

JOINT SPECIAL MEETING
VIRTUAL ONLY
Thursday, November 19, 2020
5:30 PM

This meeting is compliant with Governor Newsom's Executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically only, without a physical location for public participation, accessible only telephonically or otherwise electronically (video conferencing) to all members of the public seeking to observe and address the local legislative body, in order to avoid public gatherings, and until further notice.

REMOTE PUBLIC COMMENTS To make a public comment, the following options are available:

- Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment). Written comments must be received by 5:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration, compiled as part of the record, and may be read into the record.
- During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 2 minutes to provide your comments, with time set by the discretion of the Mayor. Please note, if you chose to make comments orally, your written comments will not be read but will be included in the final record.

In an effort to ensure the virtual process closely follows our normal process, public comment will be accepted in writing during the meeting, but may not be read into the record during the meeting, but will be included as part of the final administrative record. Please do not plan to use the chat or Q&A features to put a comment on record. These resources are for tech support only.

1. CALL TO ORDER

This meeting can be watched via the City of Seaside You Tube channel https://www.youtube.com/channel/UC1Cu7854Ohtjpr_XV1tDvRg

Or by joining the Zoom webinar link <https://us02web.zoom.us/j/81936832059>

Call in phone number: 669-900-9128
Zoom Meeting Id 819 3683 2059

2. CITY COUNCIL/SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

Ian N. Oglesby	Mayor/Chair
David R. Pacheco	Mayor Pro Tem/Vice Chair
Jason Campbell	Council/Agency Member
Jon Wizard	Council/Agency Member
Alissa Kispersky	Council/Agency Member

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to two minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property Under Discussion: 208 Roberts Street
Negotiator For The City: Craig Malin. Under Discussion: Price, Terms Of Payment Or Both.

B. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (2) (d) - ANTICIPATED LITIGATION

Conference with legal counsel regarding significant exposure to litigation (one potential cases).

6. CONSENT AGENDA

A. APPROVE MINUTES FROM NOVEMBER 5, 2020

RECOMMENDATION: Approve as presented.

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of October 17, 2020 through November 6, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending October 22, 2020 & November 5, 2020. Total Accounts Payable and Payroll for the above referenced period is \$1,033,855.13.

C. ADOPT RESOLUTION ALLOCATING 14 AFY OF WATER FOR THE RESIDENTIAL REUSE OF THE MEDICAL OFFICERS BARRACKS LOCATED AT 4386-4387 PARKER FLATS CUTOFF ROAD AND RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND ASSIGN ACCESS EASEMENT RIGHTS TO 4386-4387 PARKER FLATS CUTOFF ROAD

RECOMMENDATION: Approve resolution authorizing an allocation of 14 AFY of Fort Ord water for residential reuse of the Medical Officers Barracks located at 4386-4387 Parker Flats cutoff road for residential reuse and resolution authorizing the acceptance of access easement from the US Army and assignment or transfer of such access easement to AP Glover Enterprises LLC

7. ADJOURNMENT

Next Regularly Scheduled Meeting:
December 3, 2020
Seaside City Hall
5:30 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Governor Newsom's Executive Orders N-29-20 and N-33-20.



DRAFT MINUTES
CITY OF SEASIDE
CITY COUNCIL/SUCCESSOR
AGENCY TO THE
REDEVELOPMENT
AGENCY

JOINT SPECIAL MEETING
Virtual Only
Thursday, November 5, 2020
5:30 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order at 5:30 PM.

2. CITY COUNCIL/SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

PRESENT: Campbell, Oglesby, Pacheco, Wizard
ABSENT: Kispersky

3. PLEDGE OF ALLEGIANCE

Conducted.

4. PUBLIC COMMENT

None.

5. CONSENT AGENDA

On motion by Council Member Jason Campbell and seconded by Council Member Jon Wizard and passed by the following vote the City Council approved the Consent Agenda as presented.

*RESULT: **Approved**
AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard
NOES: None*

A. APPROVE MINUTES FROM OCTOBER 15, 2020

Action: Approved

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

Action: Approved

C. REVIEW AND ADOPT A RESOLUTION APPROVING THE 2020-2021 INVESTMENT POLICY FOR THE CITY OF SEASIDE AND THE CITY OF SEASIDE SUCCESSOR AGENCY

Action: Adopted Resolution 20- 92 and 20-09 SA

6. PRESENTATION

A. CENTRAL COAST COMMUNITY ENERGY UPDATE

JR Killgrew with Central Cost Community Energy provided an update on the financial health of the organization, the recent changes to structure including expansion, the programs available to Seaside residents and the environmental benefits that the organization is providing.

Council Member Kispersky joined the meeting at 5:55 PM. The City Council adjourned to closed session at 6:00 PM.

7. CLOSED SESSION

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (C) - POTENTIAL LITIGATION: CONFERENCE WITH LEGAL COUNSEL REGARDING THE POTENTIAL INITIATION OF LITIGATION (TWO POTENTIAL CASES).

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Committee for Sound Water and Land Development of Fort Ord v. City of Seaside, et al, real parties in interest; Monterey County Superior Court Case No. 20 CV 001203.

8. ADJOURNMENT

The City Council reconvened open session and there were no announcements for the public. Having no further business the meeting was adjourned at 6:20 PM.

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.B.

TO: Successor Agency to the Redevelopment Agency of the City of Seaside

FROM: Craig Malin, City Manager

BY: Victor Damiani, Finance Director
Jessica Riley, Accounting Assistant

DATE: November 19, 2020

SUBJECT: APPROVE AND FILE SUCCESSOR AGENCY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of October 17, 2020 through November 6, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending October 22, 2020 & November 5, 2020. Total Accounts Payable and Payroll for the above referenced period is \$1,033,855.13.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, the above referenced, and linked list of checks conforms to the approved budget and has been paid. These checks are submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding \$10,000 are as follows:

- \$1,033,626.68 to Monterey County Auditor for remittance of sale proceeds for the following two Successor Agency properties 1.) Broadway Ave & Terrace St for \$133,136.70 2.) 1271 Canyon Del Rey for \$901,590.76. The remittance to the County was reduced by the cost of 7.5 hours of in-house legal time in the amount of \$1,100.78.

The Checks report is available on the City's website here:

<https://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sheri Damon, City Attorney

DATE: November 19, 2020

SUBJECT: ADOPT RESOLUTION ALLOCATING 14 AFY OF WATER FOR THE RESIDENTIAL REUSE OF THE MEDICAL OFFICERS BARRACKS LOCATED AT 4386-4387 PARKER FLATS CUTOFF ROAD AND RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND ASSIGN ACCESS EASEMENT RIGHTS TO 4386-4387 PARKER FLATS CUTOFF ROAD

PURPOSE & RECOMMENDATION

Approve resolution authorizing an allocation of 14 AFY of Fort Ord water for residential reuse of the Medical Officers Barracks located at 4386-4387 Parker Flats cutoff road for residential reuse and resolution authorizing the acceptance of access easement from the US Army and assignment or transfer of such access easement to AP Glover Enterprises LLC

BACKGROUND

On September 17, 2020, the City Council approved a Purchase and Sale Agreement with AP Glover Enterprises. The Purchase and Sale Agreement is based upon the residential reuse of two buildings located on approximately 4.98 acres of land located at 4386 and 4387 Parker Flats Cutoff Road. The purchase price for the property is \$700,000. For the purchaser's benefit, the Purchase and Sale agreement included satisfaction of conditions prior to purchasing the property, including receiving all entitlements to move forward with the residential reuse project.

Among the conditions for closing include the City's receipt of an easement from the Army for access to the 4.98 parcel. As of November 11, 2020, the City has received the fully executed access easement. The County Recorder requires the execution of a formal Certificate of Acceptance in substantially the same form as attached to this staff report. The terms of the easement do provide that Seaside may assign access rights and will be required to do so to satisfy the Condition of Closing. The Resolution attached authorizes the City Manager to both accept the property and to execute an appropriate assignment to AP Glover Enterprises LLC to ensure access to the property.

Prior to entry into the Purchase and Sale Agreement, the Developer's team produced a water demand of 9 acre feet for the reuse of the property. However, the MCWD required a different methodology of calculating the water demand. The Developer Team worked with MCWD to produce a water demand which was reviewed by MCWD representatives. As of November 6, 2020, the Purchaser's development team received email confirmation of the water demand for the project. The estimate as approved by MCWD for the residential reuse of the property (40 apartments each with washer) is .22 for each apartment, 1.1 AFY for the administrative offices, .5 AFY for the common area and 1.743 AFY for landscaping for a total water allocation of 12.14 AFY. The MCWD has suggested that while those numbers appear "reasonable" that in order to provide flexibility to the project their recommendation is 13 or 14 AFY. Accordingly, it is the recommendation that the City allocate 14AFY, that construction on the project begin within the next year, that the landscaping water (estimated at 1.743AFY be replaced by reclaimed water or a capture water system, when it becomes available, that any unused water allocation is subject to recall or reallocation by the City. The attached resolution captures those requirements. The actual water demand numbers will be finalized upon approval of the actual entitlements and Planning Commission hearings which will not occur until 2021.

The City has made formal allocations of Fort Ord water to various projects and just recently approved a plan for a long term water supply for the Fort Ord areas, which includes among other projects the In Lieu Water Storage project which brings reclaimed water into the City at the Golf Course and converts it to potable water credits to be used to serve the City's long term water needs. Each of the allocations made include a provision to recall all or a portion of the water allocated in order to meet the current demands of the projects which are moving forward with construction. As of today's date, the amounts allocated, subject to recall, include the Main Gate "lifestyle mall" at 149 acre feet per year (Resolution 08-32). The 149 acre feet per year allocation which include among other numbers 26AFY in landscaping water which is required to be replaced pursuant to both the terms of the specific plan and the MCWD rules with reclaimed or recycled water when it becomes available. The Main Gate property has already been annexed into the MCWD service area. The City will be required to make a formal allocation to the Campus Town developers when the property is annexed and prior to close for that transaction. Accordingly, it is suggested that the allocation be made at this time and adjustments be made at the time when

the City decides to proceed with a project at the Main Gate. Each of those approvals (Main Gate and Campus Town) contain or will contain a provision that the City may recall any or a portion of water allocations and/or offset demand with reclaimed water or water provided by other water projects. Similar language is included in the Resolution allocating water to the Medical Officer's barracks reuse project.

Upon receipt of the water allocation for the Medical Officers Barracks residential reuse project and the easement for access and utilities, the Purchaser is prepared to close on the property prior to the end of December 2020, waiving the requirement for his receipt of all the entitlements. The Purchaser intends to pursue the remaining entitlements and begin construction on the property in 2021.

FISCAL IMPACT

ATTACHMENTS

1. Resolution 20-xx Access and Utility Easement Medical Officers Barracks
2. Certificate of Acceptance-DRAFT
3. 20-607 Executed Nurses Barracks Easement 4NOV20
4. Resolution 20-xx water allocation medical officers barracks

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AUTHORIZING THE CITY MANAGER TO ACCEPT THE EASEMENT FROM THE DEPARTMENT OF THE ARMY AND TO EXECUTE SUCH DOCUMENTS PROVIDING ACCESS TO THE PROPERTY LOCATED AT 4386-4397 PARKER FLATS CUTOFF ROAD TO AP GLOVER ENTERPRISES LLC

WHEREAS, the City of Seaside has entered into a Purchase and Sale Agreement with AP Glover Enterprises LLC for the residential reuse of an approximately 4.98 property located at 4386-4387 Parker Flats Cutoff Road, also known as the Medical Officers Barracks; and

WHEREAS, the United States Army retained ownership to the parcel of land adjacent to the Medical Officers Barracks property that contains the common access to both parcels of land; and

WHEREAS, the City Council previously authorized the City Manager to execute all early transfer documents, including grant of access driveway and utility corridor (DACA 05-2-20-607) attached hereto and such easement allows the City to assign such rights; and

WHEREAS, the County Recorder office requires a Certificate of Acceptance pursuant to Government Code section 27281 in order to record the Easement document; and

WHEREAS, one of the Conditions to Close to the PSA include receiving appropriate access to the Medical Officer Barracks site.

NOW, THEREFORE, THE CITY OF SEASIDE FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

1. The City Manager is authorized and to execute a Certificate of Acceptance for the Easement No. DACA 05—2-20-607 in substantially the form as attached hereto as Exhibit A; and

2. The City Manager is hereby authorized to execute documents which assign, transfer or provide such access and utility corridor to AP Glover Enterprises, LLC, in a form as approved by the City Attorney and required to complete the Purchase and Sale of 4386-4387 Parker Flats Cutoff Road.

PASSED AND ADOPTED by meeting of City of Seaside duly held on the 19TH day of November, 2020 by the following vote:

AYES:

NOS:

ABSTAIN:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY

CERTIFICATE OF ACCEPTANCE
(California Government Code Section 27281)

This is to certify that the interest in real property conveyed by the Secretary of the Army to the City of Seaside by that Department of the Army Easement for Road and Utilities located on Ord Military Community, City of Seaside, California (Easement No. DACA05-2-20-607) dated from July 1, 2020 to June 30, 2070, is hereby accepted by the City Manager on behalf of the City of Seaside pursuant to authority conferred by resolution of the City Council of the City of Seaside adopted on November 19, 2020 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____, 2020

CITY OF SEASIDE,

By: _____
Craig Malin, City Manager

California All-Purpose Acknowledgment

Civil Code §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Monterey

On _____ before me, **Dominique Latrice Jones, Notary Public** personally appeared **Craig Malin**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed within instrument and acknowledged to me that he executed the same in his authorized capacity, and that his signature(s) on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature _____
(Dominique Latrice Jones)

**DEPARTMENT OF THE ARMY
EASEMENT FOR ROAD AND UTILITIES
LOCATED ON
ORD MILITARY COMMUNITY
CITY OF SEASIDE, CALIFORNIA**

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in the Secretary by Title 10, United States Code, Section 2668, having found that the granting of this easement, hereinafter referred to as the "Easement," will not be against the public interest, hereby grants to the City of Seaside and its assigns, hereinafter referred to as the Grantee, an easement for an access driveway and utility corridor, hereinafter referred to as the "Facilities," over, across, in and upon lands of the United States within the easement area as identified in Exhibits "A" and "B," attached hereto and made a part hereof, hereinafter referred to as the "Premises".

THIS EASEMENT is granted subject to the following conditions:

1. TERM

This easement is hereby granted for a term of 50 years beginning on July 1, 2020 and ending on June 30, 2070.

2. CONSIDERATION

The consideration for this easement shall be the improvement, maintenance, protection, repair, restoration, and operation of the Premises.

3. NOTICES

All correspondence and notices to be given pursuant to the Easement shall be addressed, if to the Grantee, to City of Seaside, Attention: City Manager, 440 Harcourt Avenue, Seaside, California 93955 with an email copy to the City Attorney at cityattorney@ci.seaside.ca.us, and if to the United States, to the District Engineer, U.S. Army Engineer District, Sacramento, ATTN: CESPCK-RE, 1325 J Street, Sacramento, California 95814-2922, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope, or wrapper, addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary," "District Engineer," "Installation Commander," or "Said Officer" shall include their duly authorized representatives. Any reference to "Grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE INSTALLATION COMMANDER

The construction, operation, maintenance, repair or replacement of said Facilities, including roadway, walkways, utilities, drainages facilities and culverts, shall be performed at no cost or expense to the United States and subject to the approval of the Installation Commander, Presidio of Monterey, hereinafter referred to as "Said Officer." The use and occupation of the Premises for the purposes herein granted shall be subject to such rules and regulations as Said Officer prescribes in writing from time to time.

6. APPLICABLE LAWS AND REGULATIONS

The Grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the Premises is located.

7. CONDITION OF PREMISES

The Grantee acknowledges that it has inspected the Premises, knows its condition, and understands that the Easement is granted without any representation or warranties whatsoever and without obligation on the part of the United States.

8. INSPECTION AND REPAIRS

The Grantee shall inspect the Facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by Said Officer to repair any such defects. Any damage to paved surfaces within the Premises will be repaired at Grantee's expense. Grantee will be further responsible for any future repair or maintenance of the paved area and any erosion of the unpaved area within the boundaries of the Premises for the life of the Easement.

9. PROTECTION OF GOVERNMENT PROPERTY

The Grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the Grantee under this Easement and shall exercise due diligence in the protection of all property located on the Premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the Grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Grantee to a condition satisfactory to Said Officer, or at the election of Said Officer, reimbursement made therefor by the Grantee in an amount necessary to restore or replace the property to a condition satisfactory to Said Officer.

10. RIGHT TO ENTER

The right is reserved to the United States, its officers, agents, and employees, to enter upon the Premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to remove timber or other

material, except property of the Grantee, to flood the Premises and/or to make any other use of the Premises as may be necessary in connection with government purposes, and the Grantee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

11. RIGHT TO CONNECT

The United States reserves the right to make such connections between the Premises and roads and streets on other governments lands as Said Officer may from time to time consider necessary and also reserves to itself rights-of-way for all purposes across, over, or under the Easement hereby granted; provided that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyed by the Grantee of the Easement herein granted.

12. OTHER AGENCY AGREEMENTS

It is understood that the provisions of the conditions on **SUPERVISION BY THE INSTALLATION COMMANDER** and **RIGHT TO ENTER** above shall not abrogate or interfere with any agreements or commitments made or entered into between the Grantee and any other agency of the United States with regard to financial aid to the Grantee in connection with the construction, maintenance, or repair of the Facilities herein authorized.

13. TERMINATION

The Easement may be terminated by the Secretary upon 30 days written notice to the Grantee if the Secretary shall determine that the Easement hereby granted interferes with the use or disposal of said land by the United States, or it may be revoked by the Secretary for failure of the Grantee to comply with any or all of the conditions of this Easement, or for non-use for a period of two (2) years, or for abandonment.

14. SOIL AND WATER CONSERVATION

The Grantee shall maintain, in a manner satisfactory to Said Officer, all soil and water conservation structures that may be in existence upon said Premises at the beginning of or that may be constructed by the Grantee during the term of the Easement, and the Grantee shall take appropriate measures to prevent or control soil erosion within the Easement herein granted. Any soil erosion occurring outside the Premises resulting from the activities of the Grantee shall be corrected by the Grantee as directed by Said Officer.

15. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the Premises against pollution of its air, ground, and water. The Grantee shall promptly comply with any laws, regulations, conditions, or instructions affecting the activity hereby

**EASEMENT No. DACA05-2-20-607
ORD MILITARY COMMUNITY**

authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the Premises is strictly prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of the Easement. The Grantee shall not discharge waste or effluent from the Premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the Premises shall be in conformance with all applicable Federal, state and local laws and regulations. The Grantee must obtain approval in writing from Said Officer before any pesticides or herbicides are applied to the Premises.

c. The Grantee will use all reasonable means available to protect the environment and natural resources. Where damage occurs arising from the Grantee's activities, the Grantee shall be liable to restore the damaged resources.

16. HAZARDOUS SUBSTANCES

Based upon a review of Army records including *the Finding of Suitability for Early Transfer for Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5)* dated September 2007 and the *Community Environmental Response Facilitation Act (CERFA) Report* dated April 1994, there is no evidence of storage, release or disposal of hazardous substances on the Premises. Upon expiration, revocation or termination of this Easement, another environmental report shall be prepared which will document the environmental condition of the Premises at that time. A comparison of the reports will assist the said officer in determining any environmental restoration requirements. Any such requirements will be completed by the Grantee in accordance with the condition on **RESTORATION** as noted herein.

17. HISTORIC PRESERVATION

The Grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any known historical, archeological, architectural or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the Premises, the Grantee shall immediately notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

18. NON-DISCRIMINATION

a. The Grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin, or religion in the conduct of operations on the Premises.

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ORD MILITARY COMMUNITY**

b. The Grantee, by acceptance of this Easement, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); the Rehabilitation Act of 1973; as amended (29 U.S.C. § 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directive 5500.11 and 1020.1 and Army Regulation 600-7. This assurance shall be binding on the Grantee, its agents, successors, transferees, and assignees.

19. RESTORATION

On or before the expiration or termination of this Easement, the Grantee shall, without expense to the United States, and within such time as said officer may indicate, remove said Facilities and restore the Premises to the satisfaction of Said Officer. In the event the Grantee shall fail to remove said Facilities and restore the Premises, the United States shall have the option to take over said Facilities without compensation, or to remove said Facilities and perform the restoration at the expense of the Grantee, and the Grantee shall have no claim for damages against the United States or its officers or agents for such action.

20. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the Premises are concerned, and the Grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of the Easement does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) or any other permit or license which may be required by Federal, state or local statute in connection with use of the Premises.

-----NO CONDITIONS FOLLOW-----

EASEMENT No. DACA05-2-20-607
ORD MILITARY COMMUNITY

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF I have hereunto set my hand by direction of the Secretary of the Army this 4 day of November, 2020.



Adam B. Olson
Chief, Real Estate
Real Estate Contracting Officer

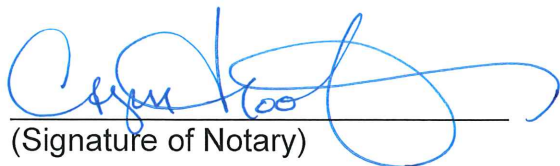
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO

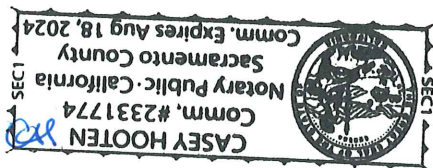
On 04/Nov/2020 before me, Casey Hooten, (name of notary public) personally appeared Adam Olson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me that he/she/they executed the same in their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.




(Signature of Notary)



EASEMENT No. DACA05-2-20-607
ORD MILITARY COMMUNITY

THIS EASEMENT is also executed by the Grantee this 21st day of October, 2020.

City of Seaside



Craig Malin
City Manager

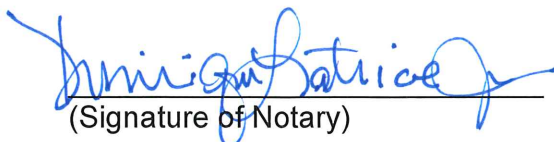
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA,
COUNTY OF MONTEREY

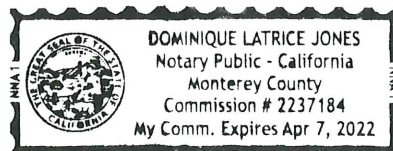
On 10/21/2020 before me, Dominique Latrice Jones, Notary Public, (name of notary public) personally appeared Craig Malin who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me that he/she/they executed the same in their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(Signature of Notary)



RESOLUTION NO. 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**ALLOCATING 14 ACRE FEET OF WATER PER YEAR FOR THE
RESIDENTIAL REUSE OF THE MEDICAL OFFICER BARRACKS LOCATED
AT 4386-4387 PARKER FLATS CUTOFF ROAD**

WHEREAS, the City of Seaside has entered into a Purchase and Sale Agreement with AP Glover Enterprises LLC to purchase the property containing two existing residential buildings, also known as the Medical Officer Barracks, on a 4.98 acre parcel located at 4386-4387 Parker Flats Cutoff Road, and is prepared to move forward to close on the property upon receipt of water allocation for the residential reuse of the property; and

WHEREAS, AP Glover Enterprises LLC is proposing to reuse the existing buildings for residential uses; and

WHEREAS, the water utility district, Marina Coast Water District (MCWD), has reviewed and confirmed the Developer's preparation of anticipated water demand for the proposed Project; and

WHEREAS, the water demand prepared for the proposed residential reuse of the project has been reviewed by MCWD and MCWD has recommended allocating an amount of 14 acre feet per year for this project; and

WHEREAS, it is the intent of the City to ensure that projects that are in construction or about to be in construction have sufficient water supply on the one hand, while on the other hand requiring the most efficient use of water. It is the intent of the City that landscaping be watered with reclaimed or recycled water when that water is available. The allocations made herein are subject to partial reallocation and recall if the project does not proceed within a one year period and if the final water usage is less than the allocated amount; and

WHEREAS, the City has existing Fort Ord water allocation which is currently not being utilized by a current and pending projects. In addition, the City has approved a series of long term water supply projects to augment the water in the Fort Ord areas, including an In Lieu Water Storage project and other projects utilizing reclaimed or other water savings measures in order to meet the projected water demand for projects located on the former Fort Ord Lands; and

WHEREAS, MCWD currently has sufficient water supply to meet the projected water demands associated with the proposed project and will be

entering into a water infrastructure and service agreement with the Developer requiring both the construction of new infrastructure and the payment of water and sewer service fees; and .

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby allocates up to 14 acre feet of water to develop the residential uses located on the property known as the Medical Officers Barrack property located at 4386-4387 Parker Flats Cutoff Road. The project shall be required to use when available reclaimed or recycled water for the landscaping components of the project. The City Council may recall any or all of the allocation that is not utilized for the proposed residential reuse should the project not begin within a year from the date of this allocation and may recall any or all of the allocation for which there is a "water savings" or replacement of reclaimed water for potable supply and to re-allocate to other appropriate projects within the City of Seaside.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the 19th day of November, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney