

**Memorandum of Agreement
By and Between
The Fort Ord Reuse Authority
And
The County of Monterey Regarding Property Ownership and Responsibilities
During the Period of Environmental Services to Remove Munitions and
Explosives of Concern**

This Agreement is made by and between the Fort Ord Reuse Authority ("FORA") and the County of Monterey ("County") to establish the terms for holding and managing (ownership and responsibilities) property during remedial work performed under an Environmental Services Cooperative Agreement ("ESCA") between the U.S. Army ("Army") and FORA. This Agreement is dated for reference on September ____, 2007.

I. RECITALS

1.1 The Army will transfer certain real property to FORA ("ESCA properties") under a Finding of Suitability for Early Transfer ("FOSET"). That real property is described in the attached FOSET 5 document; and

1.2 The FOSET 5 refers to certain Covenants Restricting Use of Property (CRUP). The CRUP restricts the use of the ESCA properties until Munitions and Explosives of Concern ("MEC") have been removed to standards set by the US Environmental Protection Agency and California Department of Toxic Substance Control; and

1.3 The FORA Board appointed a FORA Negotiating Team consisting of voting Board members to negotiate a contract with the Army for FORA to perform MEC remediation services under an ESCA grant; and

1.4 The County is a member of the FORA Board of Directors and participated in negotiations that resulted in an ESCA grant award from the Army; and

1.5 FORA and the County acknowledge that the ESCA is both an essential contract and a timely benefit for the Monterey Peninsula Region, where the Army provides FORA \$100 million in grant funding to remove MEC from approximately 3,500 acres of the former Fort Ord on the behalf of the County and the other Jurisdictions, which will result in the County acquiring this property sooner than if the Army continued MEC removal process; and

1.6 The parties to this agreement acknowledge that rapid MEC cleanup is in the best interest of the general public;

1.7 The ESCA grant award has been funded and the MEC cleanup activities will occur once the Army transfers the ESCA properties to FORA; and

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1.8. The ESCA Grant pays for insurance coverage for FORA and its MEC removal contractor, LFR, Inc. (hereinafter referred to as "LFR") during the ESCA MEC remedial period; and

1.9. The County and FORA acknowledge that this agreement is necessary to describe the terms under which FORA will retain ownership of County lands during the ESCA MEC removal period; and

1.10. The ESCA properties that pertain to the County consist of Army Corps of Engineers parcel numbers E11b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, E4.7.2, L20.18, L20.19.1.1, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L32.1, and L5.7; and

1.11. The Implementation Agreement between FORA and the County specifies that, "Concurrently with FORA's acquisition of Jurisdiction Property from the Army (or at such other times as the Parties may agree in writing), FORA shall transfer such property to the Jurisdiction, and the Jurisdiction shall accept such property."; and

1.12. The parties acknowledge the mutual advantages of FORA retaining ownership during the ESCA MEC remedial period; and

1.13. The FORA Act (CA Government Code Section 67650) states that FORA "shall become inoperative June 30, 2014," which limits FORA's term of operation; and

1.14. The FORA Act (CA Government Code Section 67650) did not provide FORA with police powers or emergency response capabilities, which was to be Jurisdiction responsibilities under agreement between FORA and the Jurisdictions.

II. AGREEMENT

Now, Therefore, Be It Resolved that FORA and the County agree as follows:

2.1. FORA retains ownership for the ESCA/FOSET 5 properties during the MEC Remedial Period. FORA agrees to promptly transfer title to the property to the County, and County agrees to accept title, upon Notice of Completion and regulatory approval of completed remediation.

2.2. The County will provide public safety response as needed for police, fire, and other emergency needs upon FORA taking ownership of the ESCA properties.

2.3. LFR will have primary responsibility for controlling access to the ESCA properties during the MEC Remedial Period and will coordinate with the Jurisdictions for Jurisdiction approved activities that are not related to MEC removal.

2.4. Access to the ESCA properties will be governed by restrictions included in the CRUP accompanying the transfer of the property as defined by

federal and State regulatory agencies. Those restrictions are attached hereto as the CRUP attachments to the FOSET 5 document.

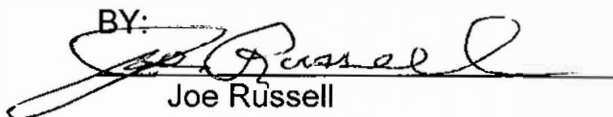
2.5. This Memorandum of Agreement shall become inoperative on the earlier of the following two dates:

- a. when the FORA Board determines that 80 percent of the territory of Fort Ord that is designated for development or reuse in the 1997 Fort Ord Base Reuse Plan ("Plan") has been reused, or
- b. June 30, 2014.

III. EXECUTION


FORT ORD REUSE AUTHORITY

BY:


Joe Russell

Approved as to form:

BY:


Gerald D. Bowden
Authority Counsel

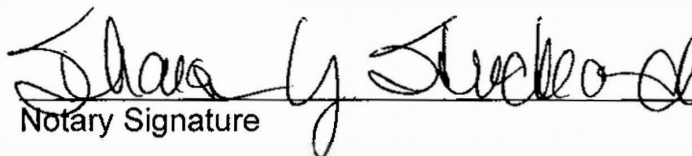
State of California)
)ss
County of Monterey)

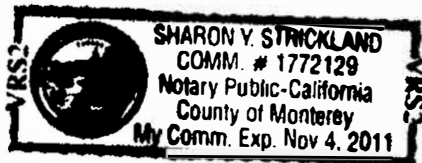
On January 11, 2008
before me Sharon Y. Strickland Notary Public, personally appeared

Joe Russell, 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 acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

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


Notary Signature



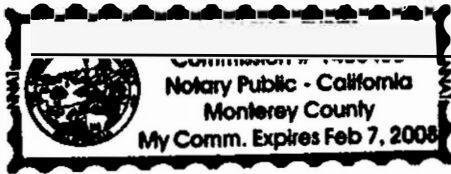
The County of Monterey

BY: Dave Potter

STATE OF CALIFORNIA)
) ss
COUNTY OF MONTEREY)

On December 18, 2007
before me, Mary B. Zurita, a Notary Public in and for said
State, personally appeared Dave Potter personally
known to me (~~or 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 acknowledged to me that
he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by
his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Mary B. Zurita
Notary Public, State of California

RECORDING REQUESTED BY:

U. S. Army Corps of Engineers
Real Estate Division, ATTN: CESP-K-RE-MC
1325 J Street
Sacramento, CA 95814-2922

WHEN RECORDED, MAIL TO:

ATTN: Anthony J. Landis, P.E.
Chief of Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control
Northern California Region
8800 Cal Center Drive
Sacramento, CA 95826-3200

(Space Above This Line For Recorder's Use Only)

**COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION**

**COUNTY OF MONTEREY – MUNITIONS AND EXPLOSIVES OF CONCERN
FORT ORD REUSE AUTHORITY (FORA) EARLY TRANSFER PARCELS**

Re: This Covenant and Agreement (“Covenant”) is for a portion of the former Fort Ord consisting of non-contiguous Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1 (the “Property”). The Property is described in the Finding of Suitability for Early Transfer (FOSET), Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5). Portions of the Property lie within one or more “Munitions Response Sites” (MRSs). The Property, described below and shown on Exhibit A, is within the jurisdiction of the County of Monterey, California.

This Covenant is made by and among The United States of America acting by and through the United States Department of the Army (also referred to herein as the “Covenantor”), the current owner of the herein described real property located in the County of Monterey, State of California, shown on Exhibit A and described in Exhibit B, attached hereto and incorporated herein by this reference (the “Property”), and the State of California acting by and through the

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

Department of Toxic Substances Control ("Department").

The United States Environmental Protection Agency (U.S. EPA) placed Fort Ord on the National Priorities List (Superfund) in 1990. All of the former Fort Ord facility is subject to the requirements of the federal Comprehensive Environmental Compensation and Liability Act ("CERCLA"). The entire Property is undergoing the CERCLA remediation process, which will not be completed prior to transfer of the Property. Because the Covenantor intends to transfer this Property to the Fort Ord Reuse Authority ("FORA") prior to the end of the CERCLA remediation process, and FORA has agreed to receive the Property under those conditions, such transfer must be pursuant to the CERCLA Section 120(h)(3)(C) "early transfer process". CERCLA Section 120(h)(3)(A)(ii)(I) requires a separate federal deed covenant from the Covenantor warranting that all remedial action necessary to protect human health and the environment, with respect to any substances remaining on the Property, has been taken before the date of the transfer. The required covenant may be deferred when the federal deed or other agreements contain response action assurances, as specified in CERCLA Section 120(h)(3)(C)(ii)(I-IV), that:

1. Ensure the Property is suitable for the use intended by the transferee;
2. Use restrictions are in place to ensure the protection of human health and the environment;
3. Use restrictions will also ensure that transfer will not disrupt remedial activities; and
4. The federal deed or other agreements also contain an assurance from the Army that it will request adequate funds to address schedules for investigation and completion of all actions necessary to support the subsequent issuance of the required CERCLA 120(h)(3)(A)(ii)(I) covenant.

The Covenantor's statutory authority for transferring this Property is the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, Title XXIX), as amended. As a part of the early transfer, the Covenantor issued FOSET 5 on [REDACTED], 2007.

Pursuant to California Civil Code Section 1471, the Department has determined this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code Section 25260(d).

The Covenantor and the Department, collectively referred to as the "Parties", hereby agree that the use of the Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Property, consisting of twenty (20) non-contiguous parcels and totaling approximately 1,767.356 acres, is more particularly depicted in Exhibit A and described in Exhibit B. The Property is located on the former Fort Ord, California and within the jurisdiction of the County of Monterey, California. The Property is summarized in the table below.

Parcel Number	Acres	Name on Legal Description in Exhibit B	Intended Reuse
E11.b.6.1	251.797	EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1	Habitat Reserve
E11b.7.1.1			Habitat Reserve
E11b.8			Development / Mixed Use / Explosives Storage
L20.19.1.1			Right-of-way / Barloy Canyon Road
E18.1.2	896.981	EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4	Veterans Cemetery
E19a.1			Development
E19a.2			Habitat Reserve
E19a.3			Horse Park
E19a.4			Habitat Reserve
L5.7	73.444	PBC Parcel L5.7	Residential
L20.2.1	252.457	EDC Parcel L20.2.1	Habitat Reserve
L20.3.1	79.138	COE Parcels L20.3.1 and L20.3.2	Vehicle Parking / Staging on-site portable/temporary restrooms
L20.3.2			
L20.5.1	196.093	COE Parcels L20.5.1, L20.5.2, L20.5.3 and L20.5.4	Vehicle Parking / Staging on-site portable/temporary restrooms
L20.5.2			
L20.5.3			Vehicle Parking, Racetrack
L20.5.4			
L20.8	7.25	COE Parcel L20.8	Right-of-way / Barloy Canyon Road
L20.18	7.249	EDC Parcel L20.18	Right-of-way / Eucalyptus Road
L32.1	2.947	EDC Parcel L32.1	Public Facilities

1.02 The Property includes all or portions of several Munitions Response Sites (MRSs) that have been evaluated for the presence of Munitions and Explosives of Concern (MEC). Based on a review of existing records and available information, as described in FOSET 5, there is evidence MEC are or may be present on the Property.

1.03 The Army and FORA entered into an Environmental Services Cooperative Agreement (ESCA), effective March 30, 2007, under which the Army will provide funds for FORA to conduct all response actions for the Property and obtain regulatory closure, except for those responsibilities the Army has retained.

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

1.04 The remedial action will be conducted pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA, and the Department, finalized on April 18, 2007. After all remedial actions are completed, the U.S. EPA, with consultation with the Department, will issue a Certificate of Completion.

1.05 The County adopted Ordinance No. 5012, entitled “Digging and Excavation on the Former Fort Ord” (hereinafter “Excavation Ordinance”) amending the County Code to add Chapter 16.10. The Excavation Ordinance addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. A copy of County Code Chapter 16.10 is attached to this Covenant as Exhibit C.

1.06 The Parties recommend reasonable and prudent precautions be taken when conducting intrusive operations, including providing the Army’s MEC recognition and safety training, or equivalent, to any persons conducting such activities. In accordance with the Army’s Fort Ord Munitions Response Site Security Program, dated April 2005, the Army offers MEC recognition and safety training to any persons conducting intrusive activities on the former Fort Ord. This training includes identification of MEC that might be found, the safety and notification procedures to follow if suspected MEC is found, and the distribution and explanation of “Safety Alert” brochures.

1.07 The Fort Ord Reuse Plan land use concept, as modified by the Assessment, East Garrison – Parker Flats Land Use Modifications, for Parcels E11b.6.1, E11b.7.1.1, E18.1.2, E19a.4, and L32.1 does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

1.08 The Fort Ord Reuse Plan land use concept, as modified by the Assessment, East Garrison – Parker Flats Land Use Modifications, for Parcels E11b.8, E19a.1, E19a.2, E19a.3, L20.18, and L20.19.1.1 may include potential sensitive land uses, including residential, school or day care. Such uses are restricted as set forth in this Covenant.

1.09 The Fort Ord Reuse Plan land use concept for Parcels L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, and L20.8 does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

1.10 Pursuant to FOSET 5, all buildings on Parcels E11b.7.1.1, E19a.3, E19a.4, L20.2.1, and L20.3.1, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 is notified that there is a risk of exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The FOSET provides that the federal deed include residential occupancy restrictions on these buildings until

the Owner has performed, at its sole expense, the abatement required by all applicable federal, state and local laws pertaining to lead based paint and lead based paint hazards.

ARTICLE II

DEFINITIONS

2.01 AOC. “AOC” means the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA and the Department.

2.02 County. “County” means the County of Monterey.

2.03 Covenantor. “Covenantor” means the United States of America acting through the Department of the Army.

2.04 Department. “Department” means the California Department of Toxic Substances Control and includes its successor agencies, if any.

2.05 FORA. “FORA” means the Fort Ord Reuse Authority and includes its successor entities, if any.

2.06 FOSET 5. “FOSET 5” means Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume).

2.07 Jurisdictions. “Jurisdictions” means the County of Monterey, the City of Del Rey Oaks, the City of Marina, the City of Monterey, the City of Seaside, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula College.

2.08 MEC. “MEC” means Munitions and Explosives of Concern, which are military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C., Section 101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C., Section 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C., Section 2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (i.e. ammunition without projectiles containing explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

2.09 Owner. “Owner” means the Covenantor’s successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.

2.10 Occupant. “Occupant” means Owners and any person or entity entitled by ownership,

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC

County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

leasehold, or other legal relationship to the right to occupy any portion of the Property after the Covenantor has conveyed the Property.

2.11 U.S. EPA. "U.S. EPA" means the United States Environmental Protection Agency.

ARTICLE III

GENERAL PROVISIONS

3.01 Restrictions to Run with The Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: (a) runs with the land pursuant to Health and Safety Code Sections 25222.1, and 25355.5(a)(1)(c), and Civil Code Section 1471; (b) inures to the benefit of the Department and passes with each and every portion of Property; (c) is for the benefit of, and is enforceable by, the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.02 Binding upon Owners/Occupants. Pursuant to Health and Safety Code Sections 25222.1 and 25355.5(a)(1)(C) and Civil Code Section 1471, this Covenant binds all Owners and Occupants of the Property, and their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471, all successive Owners and Occupants of the Property are expressly bound hereby for the benefit of the Department.

3.03 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Property.

3.04 Conveyance of Property. The immediate past Owner shall notify the Department of the conveyance of the Property and the name and address of the new Owner within one year of such conveyance. This requirement will be deemed satisfied if the annual reporting agreed to for the Property in the Memorandum of Agreement (MOA) described in Paragraph 5.01 has been completed for the year the conveyance occurred. The Department shall not have, by reason of this Covenant, authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.05 Costs of Administering this Covenant. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the Department's costs associated with the administration of this Covenant must be paid. The Department has entered into a Memorandum of Agreement (MOA) dated _____, 2007 with FORA and the Jurisdictions to pay the Department's costs associated with Covenants at the former Fort Ord. The MOA provides that the Department's costs associated with administering this and other Covenants will be paid by

FORA until FORA ceases to exist, and then by the County thereafter. Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law. Pursuant to the MOA, the Department will invoice FORA and the County for the Department's costs on a quarterly basis.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Uses Prior to Certification of Completion of Remedial Action under the AOC.

- (a) Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.5.3, L20.8, L20.18, L20.19.1.1, and L32.1 shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC.
- (b) Parcels L20.3.1, L20.3.2, L20.5.1, L20.5.2, and L20.5.4 shall not be used for any purposes other than activities associated with the investigation and remediation of MEC; parking, staging and on-site portable/temporary toilets for events associated with the Mazda Raceway Laguna Seca; and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC.

This Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

4.02 Prohibited Uses. Continuing until this Covenant is terminated pursuant to Paragraph 6.02 herein, the Property shall not be used for any of the following purposes:

- (a) A residence, including any condominium, mobile home or factory built housing, constructed or installed for residential habitation.
- (b) A hospital (other than a veterinary hospital);
- (c) A public or private school for persons under the age of 21, except for post-secondary schools; and
- (d) A day care center for children.

4.03 Prohibited Activities/Soil Management Requirements. Prior to or after certification of completion of remedial action under the AOC, activities (including soil disturbance) in violation of County Code Chapter 16.10 (Exhibit C), as modified, are prohibited.

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

4.04 Written Notice of Presence of MEC. Prior to the sale, lease, or sublease of the Property, or any portion thereof; or the execution of a license or easement on the Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of MEC in the soil of the Property.

4.05 Access. The Department, Covenantor, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling and other activities consistent with the purposes of this Covenant as deemed necessary by the Department in order to protect the public health and safety or the environment and oversee any required activities.

ARTICLE V

IMPLEMENTATION AND ENFORCEMENT

5.01 Implementation. Owner shall submit an annual report detailing compliance with Article IV of this Covenant, including an annual inspection, and check of county and city records. The submission of an annual report containing this information, as outlined in the MOA by FORA and the Jurisdictions, shall satisfy this requirement.

5.02 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements ("Improvements" herein shall include, but are not limited to, all buildings, roads, driveways, and paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant shall be grounds for the Department to file civil or criminal actions against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. The Covenantor, any Owner or, with the Owner's written consent, any Occupant of the Property, may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with Health and Safety Code Section 25233. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment, before any such variance is effective.

6.02 Termination. The Covenantor, any Owner and/or, with the Owner's written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with Health and Safety Code Section

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC

County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

25234. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment by before any such termination is effective.

6.03 Term. Unless ended in accordance with the termination paragraph above, by law, or by the Department exercise of its discretion, this Covenant shall continue in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Property, or any portion thereof, to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California and the Department include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor's receipt of a fully executed original and prior to transfer of the Property from the Department of the Army to another Owner.

7.04 Notices. Whenever any person gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008

To Department: Chief of Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

To U.S. EPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

To FORA: Executive Officer
Fort Ord Reuse Authority
100 12th Street
Marina, CA 93933-6006

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

{Signatures follow}

_____, 2007.

DEPARTMENT OF THE ARMY

Deputy Assistant Secretary of the Army for Installations and Housing

ACKNOWLEDGMENT

[illegible]

I, the undersigned, a Notary Public in and for the Commonwealth of Virginia, County of Arlington, whose commission as such expires on the ____ day of _____, 20____, do hereby certify that on this day personally appeared before me in the said Commonwealth of Virginia, County of Arlington, David M. Reed, Deputy Assistant Secretary of the Army for Installations and Housing, whose name is signed to the foregoing instrument and acknowledged the foregoing instrument to be his free act and deed, dated the _____ day of _____, 2007, and acknowledges the same for and on behalf of the UNITED STATES OF AMERICA.

Given under my hand this _____ day of _____, 2007.

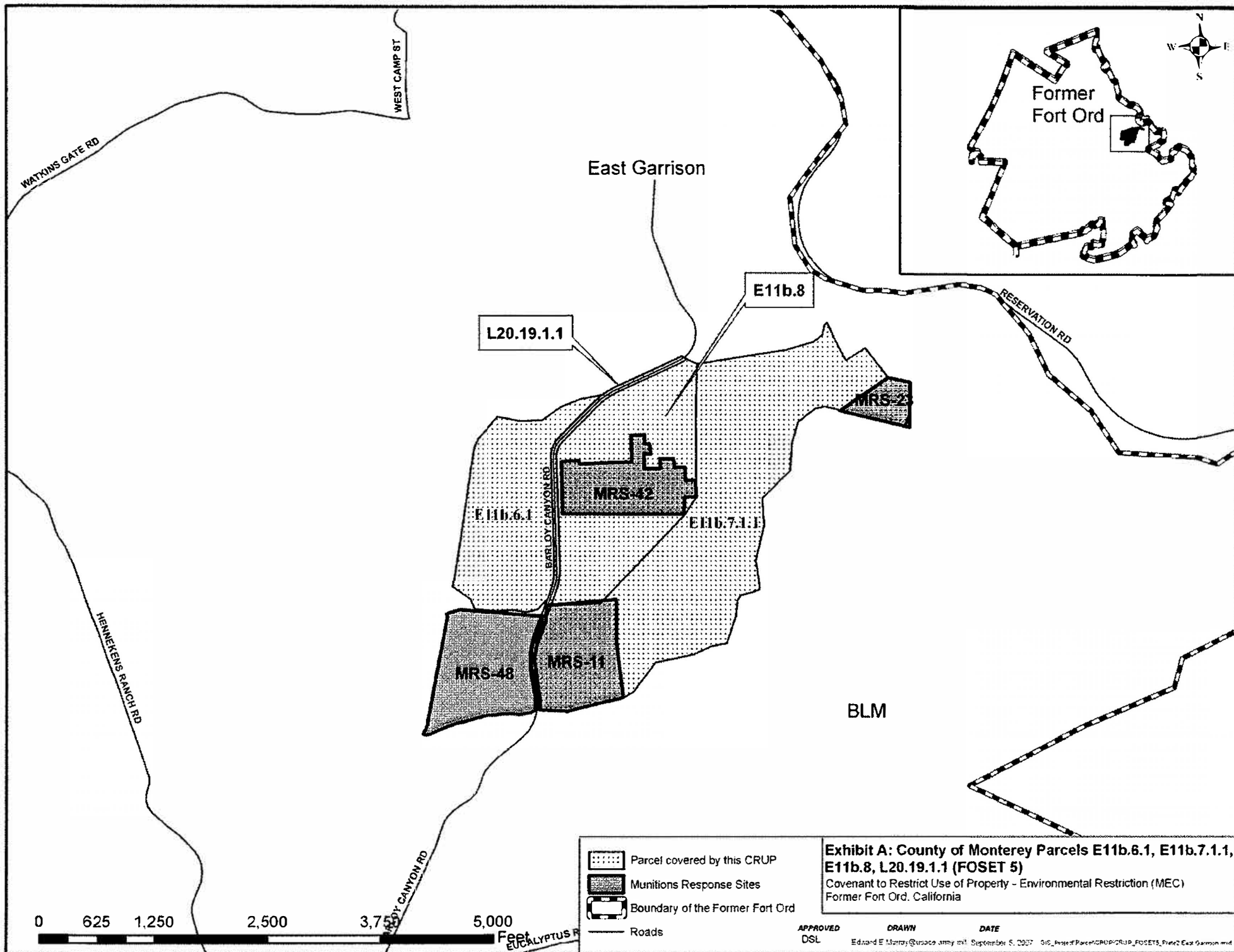
NOTARY PUBLIC

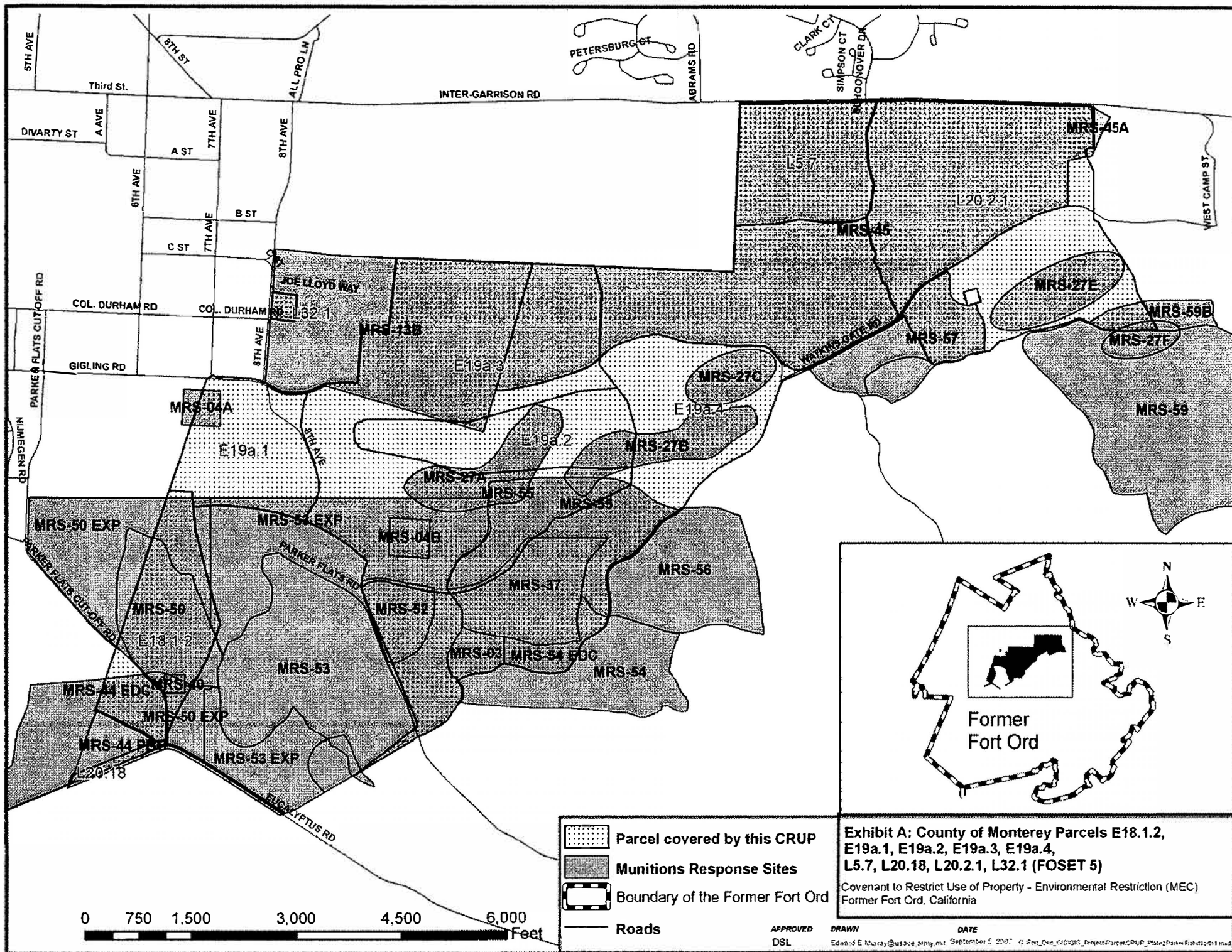
EXHIBIT A

Plates showing the locations of parcels to be restricted by this covenant and the locations of Munitions Response Sites.

EXHIBIT A

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E4.7.2, E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1





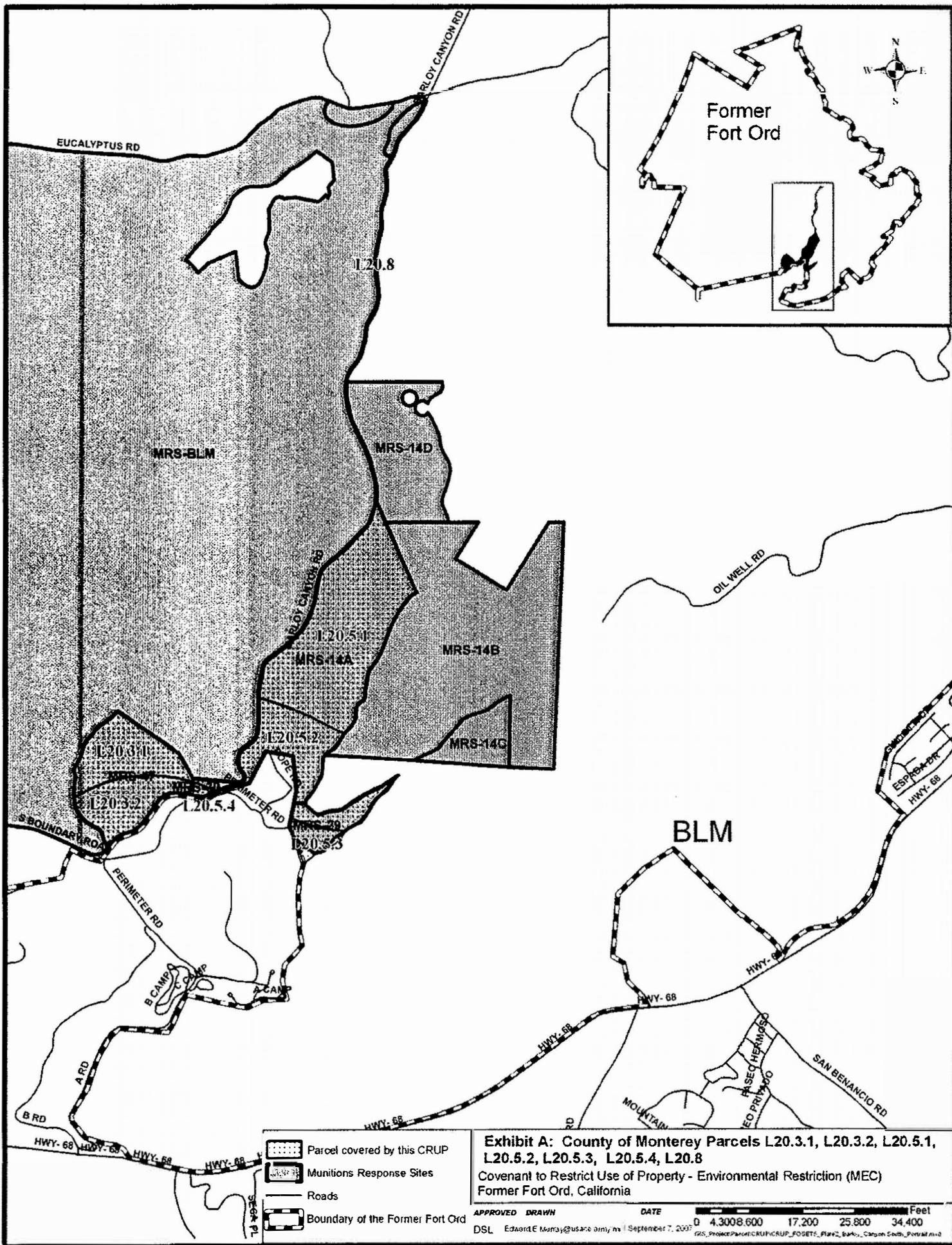


EXHIBIT B

Legal descriptions and records of survey of the parcels restricted by this covenant.

Notes to Exhibit B:

1. The Covenantor intends to transfer the parcels to the Fort Ord Reuse Authority (FORA).
2. FORA intends to transfer the parcels to the County of Monterey.

EXHIBIT B

CRUP – F●SET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E4.7.2, E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of Parcel 1, "Monterey County IV", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 104, also being a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the most westerly corner of Parcel C, as said parcel is shown on that certain map recorded in Volume 28 of Surveys at Page 143; thence from said Point of Beginning along the southerly boundary of said Parcel C

1. South $79^{\circ} 42' 05''$ East for a distance of 266.22 feet; thence
2. North $86^{\circ} 28' 56''$ East for a distance of 234.92 feet; thence
3. North $55^{\circ} 08' 30''$ East for a distance of 263.54 feet; thence
4. North $68^{\circ} 58' 45''$ East for a distance of 222.12 feet; thence
5. North $79^{\circ} 25' 03''$ East for a distance of 234.60 feet to the beginning of a non-tangential curve on the westerly boundary of Parcel 17, as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said westerly boundary
6. Along a curve to the right, through a central angle of $12^{\circ} 44' 31''$, having a radius of 730.00 feet, for an arc length of 162.34 feet, and whose long chord bears North $58^{\circ} 46' 04''$ East for a distance of 162.01 feet to a point of intersection with a tangent line; thence
7. North $65^{\circ} 08' 20''$ East for a distance of 762.95 feet to the beginning of a tangent curve; thence
8. Along a curve to the left, through a central angle of $09^{\circ} 18' 32''$, having a radius of 300.00 feet, for an arc length of 48.74 feet, and whose long chord bears North $60^{\circ} 29' 04''$ East for a distance of 48.69 feet to a point of intersection with a non-tangential line; thence leaving said westerly boundary of Parcel 17 and continuing along said southerly boundary of Parcel C

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

9. South 64° 20' 35" East for a distance of 194.33 feet; thence
10. North 80° 57' 08" East for a distance of 995.89 feet; thence
11. North 73° 39' 30" East for a distance of 310.00 feet; thence
12. North 53° 57' 45" East for a distance of 128.65 feet; thence
13. North 11° 41' 33" East for a distance of 114.45 feet; thence
14. North 40° 57' 32" East (shown on said map recorded in Volume 28 of Surveys at Page 143 as North 40° 50' 58" East) for a distance of 37.76 feet; thence leaving said southerly boundary of Parcel C and following the westerly boundary of Parcel E11b.7.1.2
15. South 24° 38' 38" East for a distance of 213.55 feet; thence
16. South 27° 21' 27" East for a distance of 230.78 feet; thence
17. South 38° 10' 16" East for a distance of 24.19 feet; thence
18. North 57° 19' 19" East for a distance of 251.86 feet; thence
19. South 37° 46' 00" East for a distance of 411.32 feet; thence
20. South 77° 51' 15" East for a distance of 246.61 feet; thence
21. South 00° 02' 57" West for a distance of 332.86 feet to the boundary of said Parcel 1, "Monterey County IV"; thence leaving said westerly boundary of Parcel E11b.7.1.2 and running along the boundary of said Parcel 1, "Monterey County IV"
22. South 19° 51' 16" West for a distance of 162.04 feet; thence
23. North 75° 57' 30" West for a distance of 907.03 feet; thence
24. South 78° 04' 37" West for a distance of 109.65 feet; thence
25. South 51° 30' 12" West for a distance of 239.89 feet; thence
26. South 16° 31' 14" West for a distance of 243.69 feet; thence
27. South 03° 52' 00" West for a distance of 302.09 feet; thence
28. South 45° 19' 32" West for a distance of 429.04 feet; thence

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

29. South 04° 20' 02" East for a distance of 194.19 feet; thence
30. South 05° 11' 18" East for a distance of 103.37 feet; thence
31. South 14° 03' 06" West for a distance of 409.72 feet; thence
32. South 10° 25' 47" East for a distance of 165.34 feet; thence
33. South 05° 47' 54" East for a distance of 151.56 feet; thence
34. South 70° 02' 49" West for a distance of 107.15 feet; thence
35. South 76° 48' 38" West for a distance of 103.38 feet; thence
36. South 33° 59' 13" West for a distance of 71.97 feet; thence
37. South 05° 40' 51" West for a distance of 170.80 feet; thence
38. South 19° 10' 09" West for a distance of 317.20 feet; thence
39. South 79° 08' 31" West for a distance of 165.10 feet; thence
40. South 66° 07' 20" West for a distance of 227.73 feet; thence
41. South 78° 18' 26" West for a distance of 426.71 feet; thence
42. South 37° 24' 04" West for a distance of 405.24 feet; thence
43. South 60° 11' 20" West for a distance of 157.83 feet; thence
44. South 77° 37' 10" West for a distance of 604.84 feet; thence
45. North 86° 39' 21" West for a distance of 300.78 feet; thence
46. North 81° 43' 15" West for a distance of 60.02 feet to the beginning of a non-tangential curve on the westerly boundary of said Parcel 17; thence following said westerly boundary
47. Along a curve to the left, through a central angle of 16° 10' 12", having a radius of 445.00 feet, for an arc length of 125.59 feet, and whose long chord bears North 01° 23' 04" West for a distance of 125.17 feet to a point of intersection with a tangent line; thence
48. North 09° 28' 10" West for a distance of 304.65 feet to the beginning of a tangent curve; thence

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

49. Along a curve to the right, through a central angle of $30^{\circ} 30' 23''$, having a radius of 680.00 feet, for an arc length of 362.06 feet, and whose long chord bears North $05^{\circ} 47' 08''$ East for a distance of 357.80 feet to a point of intersection with a tangent line; thence
50. North $21^{\circ} 02' 20''$ East for a distance of 453.89 feet; thence leaving said westerly boundary of Parcel 17 and continuing along the boundary of said Parcel 1, "Monterey County IV"
51. South $42^{\circ} 37' 56''$ West for a distance of 161.20 feet; thence
52. South $74^{\circ} 32' 59''$ West for a distance of 127.14 feet; thence
53. North $80^{\circ} 11' 35''$ West for a distance of 143.17 feet; thence
54. South $87^{\circ} 14' 25''$ West for a distance of 200.49 feet; thence
55. North $84^{\circ} 29' 14''$ West for a distance of 236.48 feet; thence
56. North $23^{\circ} 00' 40''$ West for a distance of 115.19 feet; thence
57. North $55^{\circ} 12' 30''$ West for a distance of 237.06 feet; thence
58. North $09^{\circ} 00' 50''$ East for a distance of 533.04 feet; thence
59. North $08^{\circ} 24' 49''$ East for a distance of 814.99 feet; thence
60. North $09^{\circ} 05' 29''$ East for a distance of 208.24 feet; thence
61. North $24^{\circ} 06' 33''$ East for a distance of 86.18 feet (shown on said map as South $24^{\circ} 18' 40''$ West, 86.40 feet); thence
62. North $41^{\circ} 48' 01''$ East a distance of 335.44 feet to the POINT OF BEGINNING;

Containing an area of 251.797 acres, more or less.

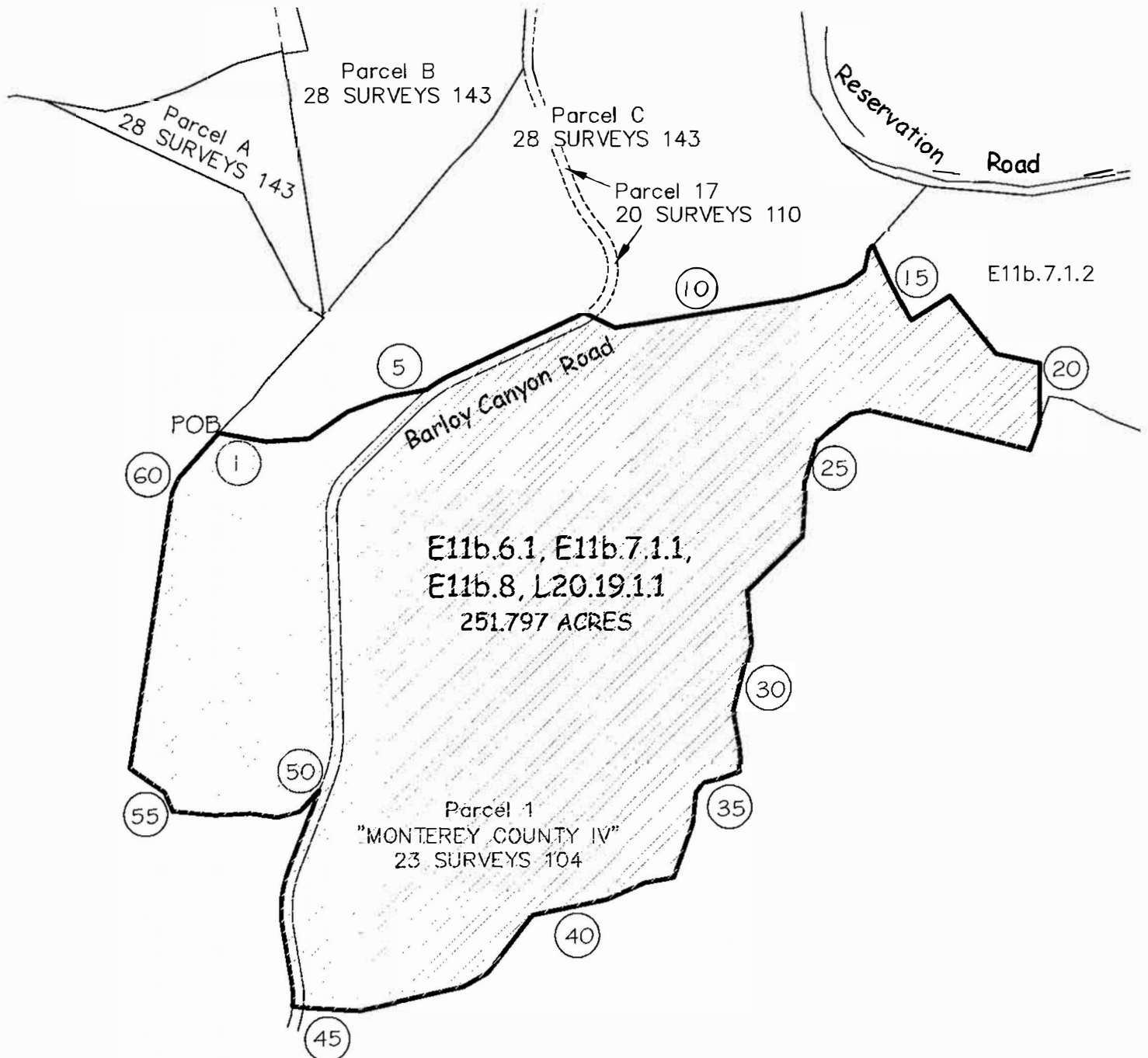
This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT
of
EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
Being a Portion of
Parcel 1 "Monterey County IV" as shown on Vol. 23 of Surveys at Page 104
Monterey County Jurisdiction
Fort Ord FOSET 5
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Not To Scale



Note: Course Numbers Refer to the Legal Description.

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North 18° 59' 35" East (shown on said map as North 18° 59' 46" East), 298.43 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North 18° 59' 35" East for a distance of 4944.59 feet; thence leaving said common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A"
2. North 56° 06' 54" East for a distance of 80.01 feet to a point on the southerly boundary of Parcel 1, L23.4.2, as it is shown on that certain map recorded in Volume 27 of Surveys at Page 17; thence along the southerly boundary of said Parcel 1, L23.4.2
3. South 86° 42' 26" East (shown on said map as South 86° 35' 49" East) for a distance of 59.64 feet to the southeast corner of said Parcel 1, L23.4.2 at Gigling Road, being also corner numbered 13 in the southerly boundary of Parcel 3 as it is shown on that certain map recorded in Volume 25 of Surveys at Page 54; thence along the southerly boundary of said Parcel 3,
4. South 86° 45' 00" East for a distance of 492.62 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of 12° 17' 46", having a radius of 532.00 feet, for an arc length of 114.17 feet, and whose long chord bears South 80° 36' 07" East for a distance of 113.95 feet to the beginning of a tangent curve at an angle point in the southerly boundary of said Parcel 1, L23.4.2; thence along the southerly boundary of said Parcel 1, L23.4.2
6. Along a curve to the right, through a central angle of 14° 16' 14", having a radius of 532.00 feet, for an arc length of 132.50 feet, and whose long chord bears South 67° 19' 07" East for a distance of 132.16 feet to a point of intersection with a tangent line; thence
7. South 60° 11' 00" East for a distance of 153.83 feet to the beginning of a tangent curve, at 2.05 feet, leaving the southerly boundary of said Parcel 1, L23.4.2 and following the

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

common boundary of said "Monterey County III" and "MST Parcel 2" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; thence continuing along the boundary of said "Monterey County III"

8. Along a curve to the left, through a central angle of $31^{\circ} 35' 00''$, having a radius of 418.00 feet, for an arc length of 230.42 feet, and whose long chord bears South $75^{\circ} 58' 30''$ East for a distance of 227.51 feet to a point of intersection with a tangent line; thence
9. North $88^{\circ} 14' 00''$ East for a distance of 107.55 feet to the beginning of a tangent curve; thence
10. Along a curve to the left, through a central angle of $26^{\circ} 00' 00''$, having a radius of 568.00 feet, for an arc length of 257.75 feet, and whose long chord bears North $75^{\circ} 14' 00''$ East for a distance of 255.54 feet to a point of intersection with a tangent line; thence
11. North $62^{\circ} 14' 00''$ East for a distance of 25.58 feet to the beginning of a tangent curve; thence
12. Along a curve to the right, through a central angle of $19^{\circ} 25' 00''$, having a radius of 482.00 feet, for an arc length of 163.34 feet, and whose long chord bears North $71^{\circ} 56' 30''$ East for a distance of 162.56 feet to the beginning of a tangent curve; thence
13. Along a curve to the right, through a central angle of $14^{\circ} 13' 51''$, having a radius of 1632.00 feet, for an arc length of 405.35 feet, and whose long chord bears North $88^{\circ} 45' 56''$ East for a distance of 404.31 feet to a point of intersection with a non-tangent line; thence
14. North $04^{\circ} 50' 13''$ East for a distance of 768.48 feet to a point on the common boundary of "Monterey County III" and Parcel 7 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence along said common boundary
15. South $83^{\circ} 34' 21''$ East for a distance of 382.09 feet to the southeasterly corner of said Parcel 7; thence
16. North $06^{\circ} 30' 01''$ East for a distance of 985.25 feet to a point on the common boundary of said "Monterey County III" and Parcel 3C as it is shown on that certain map recorded in Volume 19 of Surveys at Page 86; thence along said common boundary
17. North $06^{\circ} 27' 43''$ East for a distance of 66.72 feet to a point on the common boundary of said "Monterey County III" and Parcel 3 as it is shown on that certain map recorded in Volume 19 of Surveys at Page 15; thence leaving said common boundary of "Monterey County III" and Parcel 3C and following said common boundary of "Monterey County III" and Parcel 3
18. South $87^{\circ} 45' 00''$ East for a distance of 4,791.91 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

19. North 02° 15' 00" East for a distance of 645.13 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 64; thence leaving said common boundary of "Monterey County III" and Parcel 3 and following said common boundary of "Monterey County III" and Parcel 1
20. North 87° 27' 00" East for a distance of 577.00 feet; thence
21. North 79° 00' 00" East for a distance of 351.00 feet; thence
22. South 82° 51' 00" East for a distance of 359.00 feet; thence
23. South 89° 38' 00" East for a distance of 244.00 feet; thence
24. North 84° 00' 00" East for a distance of 199.00 feet; thence
25. North 68° 44' 00" East for a distance of 163.00 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89; thence along said common boundary of "Monterey County III" and Parcel 1 "Travel Camp"
26. South 07° 51' 00" East for a distance of 198.34 feet; thence
27. South 13° 25' 00" East for a distance of 206.15 feet; thence
28. South 26° 14' 00" East for a distance of 145.60 feet; thence
29. South 24° 41' 00" West for a distance of 96.00 feet; thence
30. South 30° 56' 00" East for a distance of 170.50 feet; thence
31. South 14° 47' 00" East for a distance of 137.30 feet; thence
32. South 38° 48' 00" East for a distance of 112.50 feet; thence
33. South 13° 07' 00" East for a distance of 170.90 feet; thence
34. South 28° 52' 00" East for a distance of 253.18 feet (shown on said map of "Monterey County III" as 253.20 feet); thence
35. South 34° 13' 00" West for a distance of 24.50 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

36. South 55° 46' 46" East for a distance of 60.00 feet (shown on said map of Parcel 1 "Travel Camp" as South 54° 47' 00" East, 60.00 feet) (shown on said map of "Monterey County III" as South 54° 40' 49" East, 59.38 feet); thence leaving said common boundary of "Monterey County III" and Parcel 1 "Travel Camp" and following the boundary of said "Monterey County III"
37. South 52° 45' 14" West for a distance of 85.69 feet (shown on said map as 85.68 feet); thence
38. South 57° 36' 32" West for a distance of 133.91 feet (shown on said map as 133.90 feet); thence
39. South 62° 57' 50" West for a distance of 427.70 feet (shown on said map as 427.67 feet); thence
40. South 61° 05' 51" West for a distance of 584.54 feet (shown on said map as 584.50 feet); thence
41. South 63° 53' 31" West for a distance of 221.98 feet (shown on said map as 221.96 feet); thence
42. South 65° 18' 13" West for a distance of 428.37 feet (shown on said map as 428.34 feet); thence
43. South 38° 21' 27" West for a distance of 78.55 feet (shown on said map as 78.54 feet); thence
44. South 20° 57' 08" West for a distance of 89.62 feet (shown on said map as 89.61 feet); thence
45. South 19° 29' 14" West for a distance of 673.04 feet (shown on said map as 672.99 feet); thence
46. South 31° 41' 09" West for a distance of 132.84 feet (shown on said map as 132.83 feet); thence
47. South 46° 19' 42" West for a distance of 160.39 feet (shown on said map as 160.38 feet); thence
48. South 61° 30' 46" West for a distance of 508.42 feet (shown on said map as 508.39 feet); thence
49. South 50° 40' 25" West for a distance of 223.70 feet (shown on said map as 223.68 feet); thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

50. South 49° 16' 25" West for a distance of 135.48 feet (shown on said map as 135.47 feet);
thence
51. South 36° 37' 42" West for a distance of 162.54 feet (shown on said map as 162.53 feet);
thence
52. South 33° 25' 09" West for a distance of 265.19 feet (shown on said map as 265.17 feet);
thence
53. South 49° 49' 05" West for a distance of 123.54 feet (shown on said map as 123.53 feet);
thence
54. South 62° 19' 42" West for a distance of 168.15 feet (shown on said map as 168.14 feet);
thence
55. South 43° 50' 29" West for a distance of 115.37 feet (shown on said map as 115.36 feet);
thence
56. South 38° 11' 13" West for a distance of 200.82 feet (shown on said map as 200.81 feet);
thence
57. South 40° 27' 38" West for a distance of 271.06 feet (shown on said map as 271.04 feet);
thence
58. South 53° 08' 07" West for a distance of 144.59 feet (shown on said map as 144.58 feet);
thence
59. South 69° 49' 08" West for a distance of 193.33 feet (shown on said map as 193.32 feet);
thence
60. South 54° 59' 05" West for a distance of 72.44 feet; thence
61. South 41° 12' 49" West for a distance of 81.00 feet (shown on said map as 80.99 feet);
thence
62. South 24° 33' 59" West for a distance of 55.05 feet; thence
63. South 05° 54' 51" West for a distance of 88.85 feet (shown on said map as 88.84 feet);
thence
64. South 08° 19' 42" East for a distance of 329.24 feet (shown on said map as 329.22 feet);
thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

65. South 00° 05' 57" West for a distance of 78.53 feet (shown on said map as 78.52 feet);
thence
66. South 08° 37' 33" West for a distance of 97.39 feet (shown on said map as 97.38 feet);
thence
67. South 18° 58' 46" West for a distance of 165.56 feet (shown on said map as 165.55 feet);
thence
68. South 44° 37' 32" West for a distance of 95.78 feet (shown on said map as 95.77 feet);
thence
69. South 60° 52' 39" West for a distance of 254.56 feet (shown on said map as 254.54 feet);
thence
70. South 37° 26' 54" West for a distance of 126.63 feet (shown on said map as 126.62 feet);
thence
71. South 10° 48' 03" West for a distance of 68.50 feet; thence
72. South 29° 22' 04" West for a distance of 156.15 feet (shown on said map as 156.14 feet);
thence
73. South 34° 57' 59" West for a distance of 139.63 feet (shown on said map as 139.62 feet);
thence
74. South 56° 21' 39" West for a distance of 59.71 feet; thence
75. South 82° 29' 44" West for a distance of 194.59 feet (shown on said map as 194.58 feet);
thence
76. North 83° 42' 42" West for a distance of 287.16 feet (shown on said map as 287.14 feet);
thence
77. North 66° 01' 20" West for a distance of 147.40 feet (shown on said map as 147.39 feet);
thence
78. North 79° 00' 34" West for a distance of 251.38 feet (shown on said map as 251.36 feet);
thence
79. South 77° 12' 53" West for a distance of 55.92 feet; thence
80. South 46° 42' 29" West for a distance of 87.19 feet (shown on said map as 87.18 feet);
thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

81. South 58° 47' 57" West for a distance of 75.86 feet (shown on said map as 75.85 feet);
thence
82. South 80° 55' 21" West for a distance of 132.37 feet (shown on said map as 132.36 feet);
thence
83. South 87° 12' 11" West for a distance of 112.48 feet (shown on said map as 112.47 feet);
thence
84. South 71° 38' 58" West for a distance of 176.74 feet (shown on said map as 176.73 feet);
thence
85. South 56° 09' 46" West for a distance of 97.72 feet (shown on said map as 97.71 feet);
thence
86. South 37° 48' 47" East for a distance of 90.92 feet (shown on said map as 90.91 feet);
thence
87. South 17° 07' 11" East for a distance of 62.89 feet; thence
88. South 02° 33' 03" West for a distance of 88.27 feet (shown on said map as 88.26 feet);
thence
89. South 18° 58' 47" West for a distance of 63.58 feet; thence
90. South 36° 47' 12" West for a distance of 201.49 feet (shown on said map as 201.48 feet);
thence
91. South 31° 02' 57" West for a distance of 121.85 feet (shown on said map as 121.84 feet);
thence
92. South 51° 55' 07" West for a distance of 113.24 feet (shown on said map as 113.23 feet);
thence
93. South 61° 32' 12" West for a distance of 269.69 feet (shown on said map as 269.67 feet);
thence
94. South 75° 50' 25" West for a distance of 66.11 feet; thence
95. South 59° 39' 37" West for a distance of 1066.26 feet; thence
96. North 52° 52' 17" East for a distance of 1103.36 feet to a 5/8" rebar with cap stamped LS
5321; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

97. North 12° 53' 13" West for a distance of 90.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
98. North 23° 03' 02" West for a distance of 1755.77 feet to a 5/8" rebar with cap stamped LS 5321; thence
99. North 20° 08' 36" West for a distance of 268.73 feet to a 5/8" rebar with cap stamped LS 5321; thence
100. North 06° 42' 03" East for a distance of 153.53 feet to a 5/8" rebar with cap stamped LS 5321; thence
101. North 17° 38' 14" East for a distance of 226.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
102. North 48° 03' 46" West for a distance of 283.49 feet; thence
103. North 55° 11' 28" West for a distance of 278.91 feet to a 5/8" rebar with cap stamped LS 5321; thence
104. North 62° 41' 36" West for a distance of 227.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
105. North 65° 01' 11" West for a distance of 250.60 feet; thence
106. North 71° 11' 51" West for a distance of 335.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
107. North 79° 30' 16" West for a distance of 483.47 feet to a 5/8" rebar with cap stamped LS 5321; thence
108. North 84° 57' 11" West for a distance of 320.10 feet; thence
109. South 89° 14' 18" West for a distance of 321.74 feet to a 5/8" rebar with cap stamped LS 5321; thence
110. South 85° 32' 01" West for a distance of 169.80 feet; thence
111. South 04° 34' 26" East for a distance of 338.58 feet; thence
112. South 14° 47' 14" East for a distance of 1369.35 feet; thence
113. South 20° 28' 20" West for a distance of 520.37 feet; thence

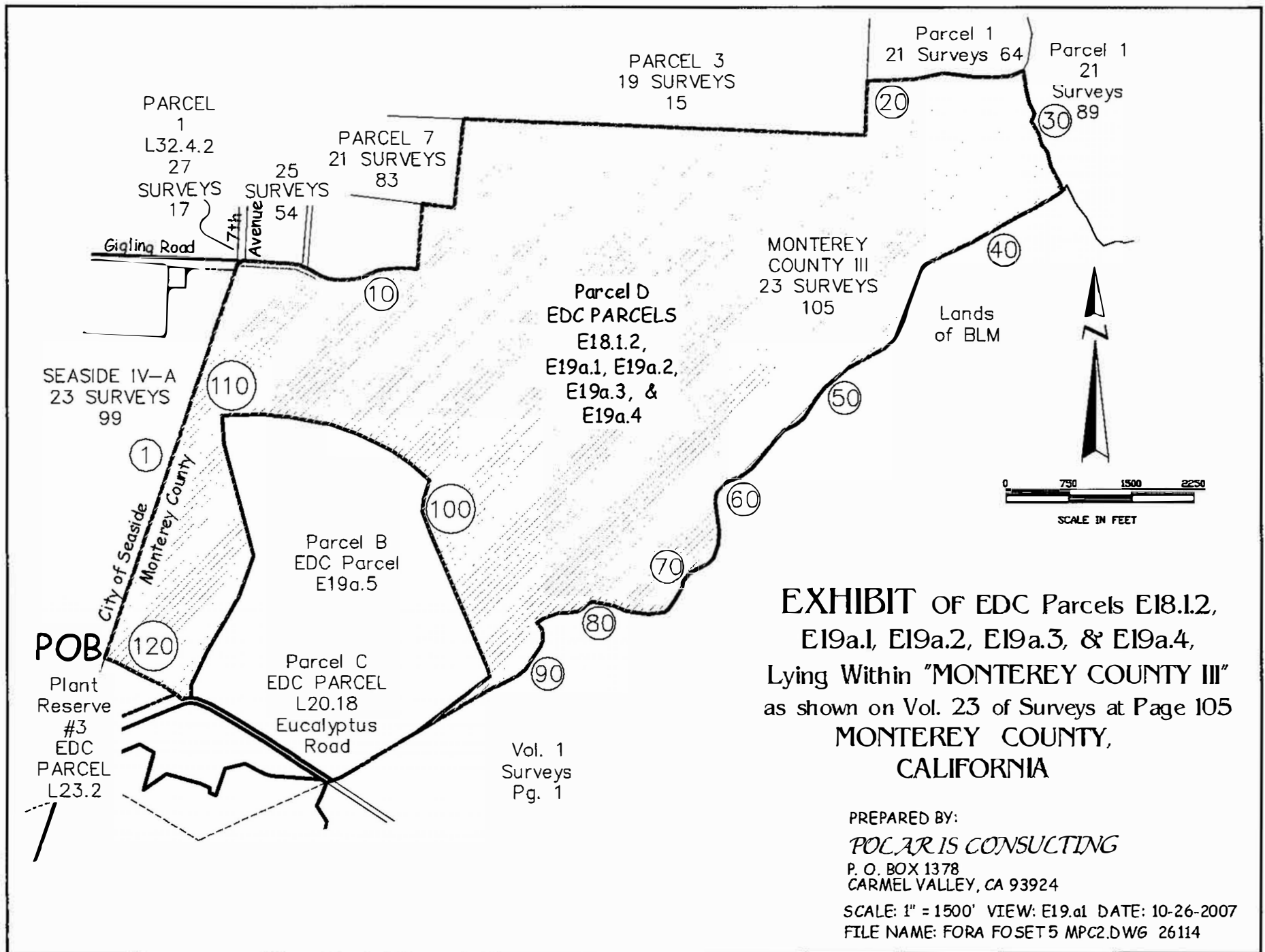
EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

114. South 30° 46' 05" West for a distance of 753.57 feet; thence
115. South 25° 53' 24" West for a distance of 427.12 feet; thence
116. South 01° 39' 30" West for a distance of 156.63 feet to the beginning of a non-tangent curve; thence
117. Along a curve to the left, the center of which bears South 00° 33' 41" East for a distance of 280.00 feet, through a central angle of 22° 52' 50", having a radius of 280.00 feet, for an arc length of 111.82 feet, and whose long chord bears South 77° 59' 54" West for a distance of 111.07 feet to the beginning of a non-tangent curve; thence
118. Along a curve to the left, the center of which bears South 41° 45' 33" West for a distance of 1,370.00 feet, through a central angle of 04° 10' 37", having a radius of 1,370.00 feet, for an arc length of 99.87 feet, and whose long chord bears North 50° 19' 45" West for a distance of 99.85 feet to a point on a curve, being the most easterly corner of "Plant Reserve #3, EDC Parcel L23.2; thence continuing along said curve and along the northerly boundary of said "Plant Reserve #3"
119. Along a compound curve to the left, through a central angle of 16° 36' 37", having a radius of 1,370.00 feet, for an arc length of 397.17 feet, and whose long chord bears North 60° 43' 22" West for a distance of 395.78 feet to the beginning of a tangent curve; thence
120. Along a reverse curve to the right, through a central angle of 10° 50' 30", having a radius of 1,430.00 feet, for an arc length of 270.59 feet, and whose long chord bears North 63° 36' 25" West for a distance of 270.19 feet to the beginning of a tangent curve; thence
121. Along a reverse curve to the left, through a central angle of 16° 42' 49", having a radius of 970.00 feet, for an arc length of 282.96 feet, and whose long chord bears North 66° 32' 34" West for a distance of 281.95 feet to the POINT OF BEGINNING.

Containing an area of 896.981 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North $18^{\circ} 59' 35''$ East, 624.00 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North $18^{\circ} 59' 35''$ East for a distance of 193.37 feet to a point on the northerly boundary line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said northerly boundary line
2. North $67^{\circ} 45' 41''$ East for a distance of 1,247.86 feet (shown on said map as 1,247.79 feet) to the beginning of a non-tangent curve; thence
3. Along a curve to the right, the center of which bears South $37^{\circ} 34' 57''$ West for a distance of 1,370.00 feet, through a central angle of $04^{\circ} 10' 37''$ (shown on said map as $04^{\circ} 05' 30''$), having a radius of 1,370.00 feet, for an arc length of 99.87 feet (shown on said map as 97.89 feet), and whose long chord bears South $50^{\circ} 19' 45''$ East for a distance of 99.85 feet to the beginning of a non-tangent curve; thence
4. Along a curve to the right, the center of which bears South $23^{\circ} 26' 31''$ East for a distance of 280.00 feet, through a central angle of $40^{\circ} 07' 31''$ (shown on said map as $35^{\circ} 31' 41''$), having a radius of 280.00 feet, for an arc length of 196.09 feet (shown on said map as 173.62 feet), and whose long chord bears North $86^{\circ} 37' 14''$ East for a distance of 192.11 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of $12^{\circ} 08' 00''$, having a radius of 830.00 feet, for an arc length of 175.77 feet, and whose long chord bears South $67^{\circ} 15' 00''$ East for a distance of 175.44 feet to the beginning of a tangent curve; thence
6. Along a curve to the right, through a central angle of $04^{\circ} 00' 00''$, having a radius of 10,030.00 feet, for an arc length of 700.23 feet, and whose long chord bears South $59^{\circ} 11' 00''$ East for a distance of 700.08 feet to a point of intersection with a tangent line; thence

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

7. South $57^{\circ} 11' 00''$ East for a distance of 948.60 feet to the beginning of a tangent curve; thence
8. Along a curve to the right, through a central angle of $00^{\circ} 18' 36''$, having a radius of 5,030.00 feet, for an arc length of 27.21 feet, and whose long chord bears South $57^{\circ} 01' 42''$ East for a distance of 27.22 feet to the common northerly corner of Parcel 14 and Parcel 15, as they are shown on that certain map recorded in Volume 20 of Surveys at Page 110, being also the beginning of a tangent curve; thence along the northerly boundary of said Parcel 15
9. Along a compound curve to the right, through a central angle of $00^{\circ} 14' 46''$, having a radius of 5,030.00 feet, for an arc length of 175.77 feet, and whose long chord bears South $56^{\circ} 45' 00''$ East for a distance of 21.62 feet to the southerly boundary line of said "Monterey County III"; thence along said southerly boundary
10. South $71^{\circ} 12' 11''$ West for a distance of 18.27 feet to a brass disk marked "BLM AP61D" at an angle point in said southerly boundary line of "Monterey County III"; thence continuing along said southerly boundary
11. South $66^{\circ} 03' 27''$ West for a distance of 54.34 feet to the southerly boundary of said Parcel 15, being also the beginning of a non-tangent curve; thence along said southerly boundary
12. Along a curve to the left, the center of which bears South $32^{\circ} 54' 20''$ West for a distance of 4,970.00 feet, through a central angle of $00^{\circ} 05' 20''$, having a radius of 4,970.00 feet, for an arc length of 7.71 feet, and whose long chord bears North $57^{\circ} 08' 20''$ West for a distance of 7.70 feet to a point of intersection with a tangent line; thence
13. North $57^{\circ} 11' 00''$ West for a total distance of 948.60 feet to the beginning of a tangent curve, at a distance of 5.28 feet the common southerly corner of said Parcel 14 and Parcel 15; thence
14. Along a curve to the left, through a central angle of $04^{\circ} 00' 00''$, having a radius of 9,970.00 feet, for an arc length of 696.04 feet, and whose long chord bears North $59^{\circ} 11' 00''$ West for a distance of 695.90 feet to the beginning of a tangent compound curve; thence
15. Along a curve to the left, through a central angle of $12^{\circ} 08' 00''$, having a radius of 770.00 feet, for an arc length of 163.06 feet, and whose long chord bears North $67^{\circ} 15' 00''$ West for a distance of 162.76 feet to the beginning of a tangent compound curve; thence
16. Along a curve to the left, through a central angle of $38^{\circ} 03' 00''$, having a radius of 220.00 feet, for an arc length of 146.10 feet, and whose long chord bears South $87^{\circ} 39' 30''$ West for a distance of 143.43 feet to a point of intersection with a tangent line; thence
17. South $68^{\circ} 38' 00''$ West for a distance of 211.78 feet to the beginning of a tangent curve; thence

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

18. Along a curve to the left, through a central angle of $00^{\circ} 58' 00''$, having a radius of 9,970.00 feet, for an arc length of 168.21 feet, and whose long chord bears South $68^{\circ} 09' 00''$ West for a distance of 168.21 feet to a point of intersection with a tangent line; thence
19. South $67^{\circ} 40' 00''$ West a distance of 1051.60 feet (shown on said map as 1028.50 feet) to the POINT OF BEGINNING.

Containing an area of 7.249 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT OF EDC Parcel L20.18
Lying Within "MONTEREY COUNTY III"
as shown on Vol. 23 of Surveys at Page 105

MONTEREY COUNTY,
CALIFORNIA



SEASIDE IV-A
23 SURVEYS 99

Parcel D
EDC PARCELS
E18.1.2, E19a.1,
E19a.2, E19a.3,
& E19a.4

MONTEREY
COUNTY III
23 SURVEYS
105

PAR B
EDC E19a.5

Parcel C
EDC PARCEL
L20.18

Eucalyptus Road

Plant
Reserve #3
EDC Parcel
L23.2

①
POB

PARCEL A
EDC Parcel
E21b.3
31.627 Acres

⑮
Parcel 14
20 Surveys 110

⑩
Parcel 15
20 Surveys 110

Vol.
19
Surveys
Pg. 1

EDC PARCELS
E39, E40, E41, E42

City of Seaside
Monterey County

PREPARED BY:

POLARIS CONSULTING

P. O. BOX 1378
CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: L20.18 DATE: 10-26-2007

FILE NAME: FORA FOSET 5 MPC2.DWG 26114

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of Parcel 1, "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1, "Travel Camp," being also a point on the southerly boundary of Parcel 9 as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning, along said southerly boundary of Parcel 9

1. North $88^{\circ} 50' 07''$ East for a distance of 255.92 feet; thence
2. North $88^{\circ} 53' 00''$ East for a distance of 84.43 feet, at 5.21 feet a point being the southeast corner of said Parcel 9 and the southwest corner of Parcel 10, as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence leaving said southerly boundary of Parcel 9 and following the southerly boundary of said Parcel 10 a distance of 79.22 feet to the beginning of a tangent curve; thence
3. Along a curve to the right, through a central angle of $02^{\circ} 48' 30''$, having a radius of 4906.00 feet, for an arc length of 240.47 feet, and whose long chord bears South $89^{\circ} 42' 45''$ East for a distance of 240.44 feet to a point of intersection with a tangent line; thence
4. South $88^{\circ} 18' 30''$ East for a distance of 2351.06 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of $01^{\circ} 14' 07''$, having a radius of 6770.00 feet, for an arc length of 145.96 feet, and whose long chord bears South $87^{\circ} 41' 26''$ East for a distance of 145.96 feet to a point of intersection with a non-tangential line, point also being the northwest corner of EDC Parcel L20.2.2; thence leaving said southerly boundary of Parcel 10 and following the westerly boundary of said EDC Parcel L20.2.2 & L20.2.3.1
6. South $00^{\circ} 14' 04''$ East for a distance of 593.48 feet to the beginning of a non-tangential curve, said point also being on the perimeter boundary of EDC Parcel L35.4; thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said perimeter boundary of EDC Parcel L35.4

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

7. Along a curve to the left, the center of which bears South $31^{\circ}47'11''$ West for a distance of 75.00 feet, through a central angle of $145^{\circ}56'11''$, having a radius of 75.00 feet, for an arc length of 191.03 feet, and whose long chord bears South $48^{\circ}49'06''$ West for a distance of 143.42 feet to a point of intersection with a tangent line; thence
8. South $24^{\circ}09'00''$ East for a distance of 200.00 feet to the beginning of a tangent curve; thence
9. Along a curve to the left, through a central angle of $31^{\circ}29'46''$, having a radius of 75.00 feet, for an arc length of 41.23 feet, and whose long chord bears South $39^{\circ}53'53''$ East for a distance of 40.71 feet to a point of intersection with a non-tangential line; thence leaving said perimeter boundary of EDC Parcel L35.4 and following said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1
10. South for a distance of 699.31 feet; thence
11. South $61^{\circ}39'09''$ East for a distance of 71.98 feet; thence
12. South $33^{\circ}25'44''$ East for a distance of 906.41 feet; thence
13. South $14^{\circ}11'56''$ East for a distance of 245.87 feet; thence
14. South $29^{\circ}41'01''$ East for a distance of 599.01 feet, more or less, to a point on the southerly boundary of said Parcel 1, "Travel Camp;" thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said southerly boundary of Parcel 1
15. North $89^{\circ}42'00''$ West for a distance of 242.59 feet; thence
16. South $86^{\circ}36'00''$ West for a distance of 211.30 feet; thence
17. North $87^{\circ}14'00''$ West for a distance of 337.00 feet; thence
18. North $62^{\circ}14'00''$ West for a distance of 360.60 feet; thence
19. South $68^{\circ}40'00''$ West for a distance of 198.00 feet; thence
20. South $74^{\circ}30'00''$ West for a distance of 361.60 feet; thence
21. South $86^{\circ}04'00''$ West for a distance of 194.20 feet; thence

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

22. South 65° 00' 00" West for a distance of 255.50 feet; thence
23. South 77° 50' 00" West for a distance of 187.60 feet; thence
24. South 47° 16' 00" West for a distance of 203.30 feet; thence
25. South 80° 16' 00" West for a distance of 310.10 feet; thence
26. South 55° 23' 00" West for a distance of 123.00 feet; thence
27. South 74° 52' 00" West for a distance of 141.10 feet; thence
28. North 84° 16' 00" West for a distance of 96.50 feet; thence
29. South 70° 02' 00" West for a distance of 164.10 feet to the southwest corner of said Parcel 1, "Travel Camp;" thence leaving said southerly boundary of Parcel 1 and following the westerly boundary of said Parcel 1
30. North 43° 39' 00" West for a distance of 128.40 feet; thence
31. North 25° 11' 00" West for a distance of 271.80 feet; thence
32. North 37° 55' 00" West for a distance of 216.30 feet; thence
33. North 25° 54' 00" West for a distance of 226.00 feet; thence
34. South 34° 13' 00" West for a distance of 63.70 feet to the most easterly corner of "Monterey County III," as said parcel is shown on that certain map recorded in Volume 23 of Surveys at Page 110; thence along the easterly boundary of said "Monterey County III"
35. North 55° 47' 00" West for a distance of 60.00 feet; thence
36. North 34° 13' 00" East for a distance of 24.50 feet; thence
37. North 28° 52' 00" West for a distance of 253.20 feet; thence
38. North 13° 07' 00" West for a distance of 170.90 feet; thence
39. North 38° 48' 00" West for a distance of 112.50 feet; thence

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

40. North 14° 47' 00" West for a distance of 137.30 feet; thence
41. North 30° 56' 00" West for a distance of 170.50 feet; thence
42. North 24° 41' 00" East for a distance of 96.00 feet; thence
43. North 26° 14' 00" West for a distance of 145.60 feet; thence
44. North 13° 25' 00" West for a distance of 206.15 feet; thence
45. North 07° 51' 00" West for a distance of 198.34 feet to the southeast corner of Parcel 1 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 64; thence leaving said easterly boundary of "Monterey County III" and following the easterly boundary of said Parcel 1
46. North 28° 16' 00" East for a distance of 121.00 feet; thence
47. North 07° 43' 00" East for a distance of 345.00 feet; thence
48. North 14° 40' 00" West for a distance of 277.00 feet; thence
49. North 04° 09' 00" West for a distance of 474.00 feet; thence
50. North 19° 18' 00" East for a distance of 473.59 feet to the POINT OF BEGINNING.

Containing a gross area of 253.375 acres, more or less.

EXCEPTING THEREFROM EDC Parcel L35.5 which is more particularly described as follows:

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, the City of Marina, County of Monterey, State of California; being all of the Tank Parcel 0.918 acres as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89 being more particularly described as follows:

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

BEGINNING at a point from which an angle point in the westerly boundary of Parcel 1 "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89 bears South 69° 28' 49" West for a distance of 909.95 feet (as shown on said map of Parcel 1 "Travel Camp"); thence from said Point of Beginning

1. North 74° 23' 00" East for a distance of 200.00 feet to a point on a line; thence
2. South 15° 37' 00" East for a distance of 200.00 feet to a point on a line; thence
3. South 74° 23' 00" West for a distance of 200.00 feet to a point on a line; thence
4. North 15° 37' 00" West a distance of 200.00 feet to the POINT OF BEGINNING.

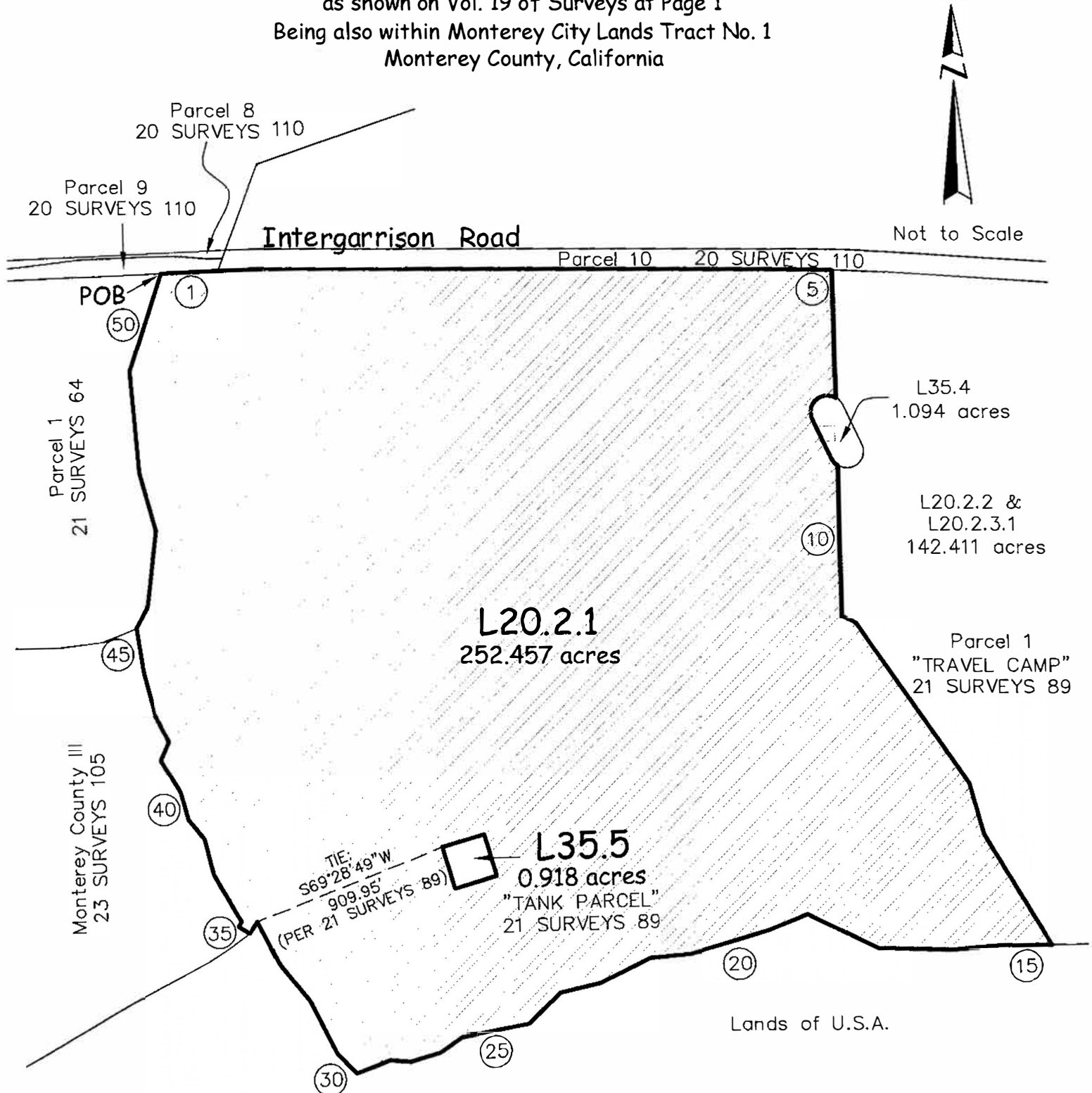
Containing an area of 0.918 acres, more or less.

Leaving a net area of 252.457 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT
of
EDC Parcel L20.2.1
Being a Portion of
Parcel 1 "Travel Camp" as shown on Vol. 21 of Surveys at Page 89
Monterey County Jurisdiction
Fort Ord FOSET 5
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Note: Course Numbers Refer to the Legal Description.

**COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1, County of Monterey, State of California, particularly described as follows:

COMMENCING at a point on the southerly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said parcel is shown and so designated on that certain Record of Survey Map filed September 7, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered 14 as shown on said map and described as "Found 1½" iron pipe with brass disk " R.C.E. 15310"; thence leaving said boundary

- (a) S. 59° 43' 54" W., 119.19 feet to the TRUE POINT OF BEGINNING; thence
- (1) N. 34° 31' 04" W., 61.26 feet; thence
- (2) Northwesterly, 115.85 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 15° 48' 16"; thence tangentially
- (3) N. 18° 42' 48" W., 128.06 feet; thence
- (4) Northwesterly, 74.69 feet along the arc of a tangent curve to the left having a radius of 105.00 feet, through a central angle of 40° 45' 28"; thence tangentially
- (5) N. 59° 28' 16" W., 244.53 feet; thence
- (6) Northwesterly, 138.76 feet along the arc of a tangent curve to the right having a radius of 345.00 feet, through a central angle of 23° 02' 39"; thence tangentially
- (7) N. 36° 25' 37" W., 55.37 feet; thence
- (8) Northwesterly, 123.62 feet along the arc of a tangent curve to the right having a radius of 545.00 feet, through a central angle of 12° 59' 46"; thence tangentially
- (9) N. 23° 25' 51" W., 19.72 feet; thence
- (10) Northerly, 126.08 feet along the arc of a tangent curve to the right having a radius of 370.00 feet, through a central angle of 19° 31' 25"; thence tangentially
- (11) N. 03° 54' 26" W., 113.05 feet; thence
- (12) Northerly, 187.44 feet along the arc of a tangent curve to the right having a radius of 1220.00 feet, through a central angle of 08° 48' 10"; thence tangentially
- (13) N. 04° 53' 44" E., 51.22 feet; thence
- (14) Northerly, 47.69 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 06° 30' 20"; thence tangentially
- (15) N. 11° 24' 04" E., 44.03 feet; thence
- (16) Northerly, 21.00 feet along the arc of a tangent curve to the left having a radius of 180.00 feet, through a central angle of 06° 41' 05"; thence tangentially
- (17) N. 04° 42' 59" E., 6.90 feet; thence

**COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL, PAGE 2

- (18) Northerly, 23.13 feet along the arc of a tangent curve to the left having a radius of 60.00 feet, through a central angle of 22° 05' 10"; thence tangentially
- (19) N. 17° 22' 11" W., 61.94 feet; thence
- (20) Northerly, 117.52 feet along the arc of a tangent curve to the right having a radius of 145.00 feet, through a central angle of 46° 26' 17"; thence tangentially
- (21) N. 29° 04' 06" E., 176.53 feet; thence
- (22) Northerly, 56.83 feet along the arc of a tangent curve to the left having a radius of 230.00 feet, through a central angle of 14° 09' 21"; thence tangentially
- (23) N. 14° 54' 45" E., 171.95 feet; thence
- (24) Northeasterly, 188.99 feet along the arc of a tangent curve to the right having a radius of 295.00 feet, through a central angle of 36° 42' 21"; thence tangentially
- (25) N. 51° 37' 06" E., 70.71 feet; thence
- (26) Northeasterly, 12.09 feet along the arc of a tangent curve to the left having a radius of 30.00 feet, through a central angle of 23° 05' 34"; thence tangentially
- (27) N. 28° 31' 32" E., 111.64 feet; thence
- (28) Northeasterly, 53.32 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 07° 16' 27"; thence tangentially
- (29) N. 35° 47' 59" E., 17.19 feet; thence
- (30) Northeasterly, 41.28 feet along the arc of a tangent curve to the right having a radius of 95.00 feet, through a central angle of 24° 53' 44"; thence tangentially
- (31) N. 60° 41' 43" E., 100.44 feet; thence
- (32) Northeasterly, 73.87 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 11° 08' 19"; thence tangentially
- (32) N. 49° 33' 24" E., 274.65 feet; thence
- (33) S. 55° 08' 44" E., 1377.76 feet; thence
- (34) S. 29° 09' 04" E., 537.48 feet; thence
- (35) S. 84° 54' 10" E., 820.96 feet; thence
- (36) S. 72° 46' 28" W., 72.15 feet; thence
- (37) Westerly, 419.04 feet along the arc of a tangent curve to the left having a radius of 3020.00 feet, through a central angle of 07° 57' 00"; thence tangentially
- (38) S. 64° 49' 28" W., 153.97 feet; thence

COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA

DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL, PAGE 3

- (39) Westerly, 71.98 feet along the arc of a tangent curve to the right having a radius of 120.00 feet, through a central angle of 34° 22' 00"; thence tangentially
- (40) N. 80° 48' 32" W., 112.41 feet; thence
- (41) Westerly, 27.36 feet along the arc of a tangent curve to the left having a radius of 60.00 feet, through a central angle of 26° 07' 46"; thence tangentially
- (42) Westerly, 9.05 feet along the arc of a reverse curve to the right having a radius of 20.00 feet, through a central angle of 25° 54' 59"; thence tangentially
- (43) N. 81° 01' 19" W., 265.74 feet; thence
- (44) Westerly, 453.90 feet along the arc of a tangent curve to the left having a radius of 410.00 feet, through a central angle of 63° 25' 51"; thence tangentially
- (45) S. 35° 32' 50" W., 467.34 feet; thence
- (46) Southwesterly, 278.97 feet along the arc of a tangent curve to the right having a radius of 480.00 feet, through a central angle of 33° 18' 00"; thence tangentially
- (47) S. 68° 50' 50" W., 158.42 feet; thence
- (48) Southwesterly, 262.54 feet along the arc of a tangent curve to the left having a radius of 495.00 feet, through a central angle of 30° 23' 18"; thence tangentially
- (49) S. 38° 27' 32" W., 118.24 feet to the TRUE POINT OF BEGINNING.

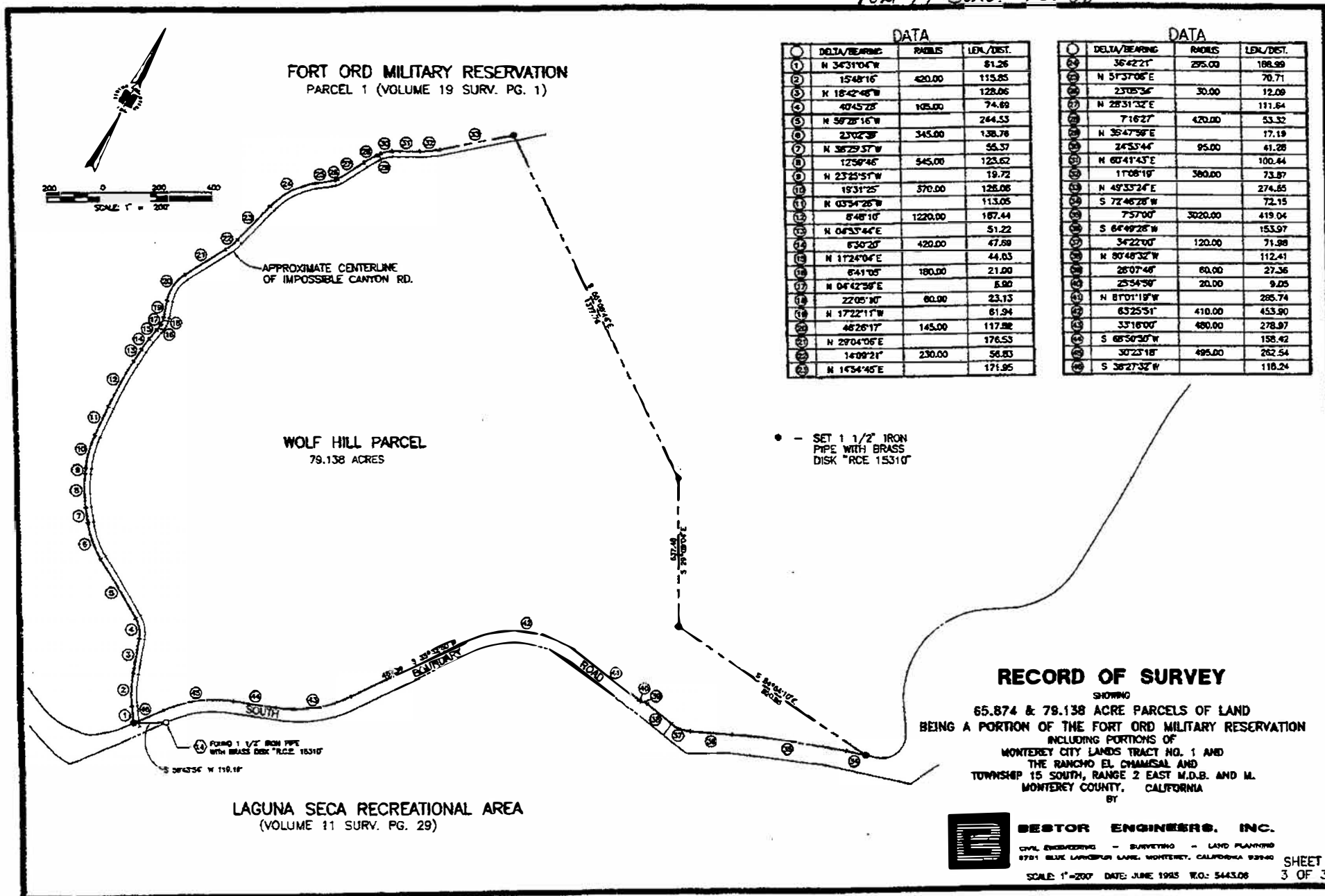
H. Patrick Ward
H. Patrick Ward
Registered Civil Engineer #29811
State of California
Expires: 31 March 2009



6 April 07
W.O. 5443.06
HPW/jf.L./5443/544306/070406 Description of Wolf Hill.doc

**COE PARCELS L20.3.1 and L20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

VOL. 19 SURV. PG. 88



**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1 and Rancho El Chamisal, County of Monterey, State of California, Particularly described as follows:

BEGINNING at point on the southerly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said parcel is shown and so designated on that certain Record of Survey Map filed September 7, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered 29 as shown on said map and described as "Found 1" iron pipe with plastic plug marked "Monterey County"; thence along said boundary

- (1) N. 19° 24' 53" W., 635.06 feet to Corner numbered 28, as shown on said map; thence
- (2) N. 19° 30' 25" W., 119.39 feet to Corner numbered 27, as shown on said map; thence
- (3) N. 10° 32' 25" E., 666.50 feet to Corner numbered 26, as shown on said map; thence
- (4) N. 05° 46' 37" W., 643.24 feet to Corner numbered 25, as shown on said map; thence
- (5) N. 79° 53' 53" W., 512.80 feet to Corner numbered 24, as shown on said map; thence
- (6) S. 27° 22' 32" W., 668.29 feet to Corner numbered 23, as shown on said map; thence
- (7) S. 72° 49' 35" W., 332.97 feet to Corner numbered 22, as shown on said map; thence
- (8) S. 67° 39' 05" W., 338.33 feet to Corner numbered 21, as shown on said map; thence
- (9) S. 60° 12' 34" W., 155.84 feet to Corner numbered 20, as shown on said map; thence
- (10) N. 81° 16' 14" W., 106.74 feet; thence leaving said boundary
- (11) N. 09° 11' 28" E., 50.43 feet; thence
- (12) Easterly, 71.98 feet along the arc of a non-tangent curve to the left having a radius of 120.00 feet whose center bears N. 09° 11' 28" E., through a central angle of 34° 22' 00"; thence tangentially
- (13) N. 64° 49' 28" E., 153.97 feet; thence
- (14) Easterly, 419.04 feet along the arc of a tangent curve to the right having a radius of 3020.00 feet, through a central angle of 07° 57' 00"; thence tangentially
- (15) N. 72° 46' 28" E., 113.20 feet; thence
- (16) Northeasterly and Northerly, 167.02 feet along the arc of a tangent curve to the left having a radius of 90.00 feet, through a central angle of 106° 19' 49"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 2

- (17) N. 33° 33' 21" W., 97.98 feet; thence
- (18) Northerly, 505.07 feet along the arc of a tangent curve to the right having a radius of 320.00 feet, through a central angle of 90° 25' 58"; thence tangentially
- (19) N. 56° 52' 37" E., 96.39 feet; thence
- (20) Northeasterly, 304.72 feet along the arc of a tangent curve to the left having a radius of 320.00 feet, through a central angle of 54° 33' 34"; thence tangentially
- (21) N. 02° 19' 03" E., 244.58 feet; thence
- (22) Northerly, 109.35 feet along the arc of a tangent curve to the left having a radius of 2380.00 feet, through a central angle of 02° 37' 57"; thence tangentially
- (23) N. 00° 18' 54" W., 212.24 feet; thence
- (24) Northerly, 192.81 feet along the arc of a tangent curve to the right having a radius of 1170.00 feet, through a central angle of 09° 26' 32"; thence tangentially
- (25) N. 09° 07' 38" E., 363.12 feet; thence
- (26) Northeasterly, 262.98 feet along the arc of a tangent curve to the right having a radius of 295.00 feet, through a central angle of 51° 04' 36"; thence tangentially
- (27) N. 60° 12' 14" E., 11.73 feet; thence
- (28) Northeasterly, 193.21 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 11° 17' 46"; thence tangentially
- (29) N. 48° 54' 28" E., 287.39 feet; thence
- (30) Northeasterly, 755.17 feet along the arc of a tangent curve to the left having a radius of 1255.00 feet, through a central angle of 34° 28' 35"; thence tangentially
- (31) N. 14° 25' 53" E., 263.22 feet; thence
- (32) Northerly, 240.99 feet along the arc of a tangent curve to the left having a radius of 1455.00 feet, through a central angle of 09° 29' 24"; thence tangentially
- (33) Northeasterly, 364.77 feet along the arc of a reverse curve to the right having a radius of 450.00 feet, through a central angle of 46° 26' 40"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 3

- (34) N. 51° 23' 09" E., 308.19 feet; thence
- (35) Northeasterly, 100.46 feet along the arc of a tangent curve to the left having a radius of 755.00 feet, through a central angle of 07° 37' 25"; thence tangentially
- (36) N. 43° 45' 44" E., 570.59 feet; thence
- (37) Northeasterly, 163.06 feet along the arc of a tangent curve to the left having a radius of 355.00 feet, through a central angle of 26° 19' 04"; thence tangentially
- (38) N. 17° 26' 40" E., 196.66 feet; thence
- (39) Northerly, 40.24 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 06° 04' 01"; thence tangentially
- (40) N. 11° 22' 39" E., 182.54 feet; thence
- (41) S. 23° 25' 50" E., 1902.07 feet; thence
- (42) S. 64° 00' 53" W., 48.03 feet; thence
- (43) Southwesterly, 177.61 feet along the arc of a tangent curve to the left having a radius of 375.00 feet, through a central angle of 27° 08' 11"; thence tangentially
- (44) S. 36° 52' 42" W., 127.05 feet; thence
- (45) Southwesterly, 121.03 feet along the arc of a tangent curve to the left having a radius of 920.00 feet, through a central angle of 07° 32' 15"; thence tangentially
- (46) S. 29° 20' 27" W., 280.09 feet; thence
- (47) Southerly, 154.17 feet along the arc of a tangent curve to the left having a radius of 920.00 feet, through a central angle of 09° 36' 04"; thence tangentially
- (48) S. 19° 44' 23" W., 371.56 feet; thence
- (49) Southwesterly, 308.19 feet along the arc of a tangent curve to the right having a radius of 880.00 feet, through a central angle of 20° 03' 57"; thence tangentially
- (50) S. 39° 48' 20" W., 72.09 feet; thence
- (51) Southerly, 181.42 feet along the arc of a tangent curve to the left having a radius of 335.00 feet, through a central angle of 31° 01' 46"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 4

- (52) S. 08° 46' 34" W., 234.25 feet; thence
- (53) Southerly, 77.13 feet along the arc of a tangent curve to the left having a radius of 820.00 feet, through a central angle of 05° 23' 21"; thence tangentially
- (54) S. 03° 23' 13" W., 78.15 feet; thence
- (55) Southwesterly, 64.78 feet along the arc of a tangent curve to the right having a radius of 80.00 feet, through a central angle of 46° 23' 45"; thence tangentially
- (56) S. 49° 46' 58" W., 96.14 feet; thence
- (57) Southerly, 153.25 feet along the arc of a tangent curve to the left having a radius of 170.00 feet, through a central angle of 51° 39' 06"; thence tangentially
- (58) S. 01° 52' 08" E., 38.06 feet; thence
- (59) Southerly, 282.23 feet along the arc of a tangent curve to the right having a radius of 360.00 feet, through a central angle of 44° 55' 06"; thence tangentially
- (60) S. 43° 02' 58" W., 137.72 feet; thence
- (61) Southwesterly, 80.13 feet along the arc of a tangent curve to the left having a radius of 395.00 feet, through a central angle of 11° 37' 23"; thence tangentially
- (62) S. 31° 25' 35" W., 211.79 feet; thence
- (63) Southwesterly, 86.08 feet along the arc of a tangent curve to the right having a radius of 180.00 feet, through a central angle of 27° 24' 00"; thence tangentially
- (64) S. 58° 49' 35" W., 114.52 feet; thence
- (65) Southwesterly, 215.46 feet along the arc of a tangent curve to the left having a radius of 220.00 feet, through a central angle of 56° 06' 45"; thence tangentially
- (66) S. 02° 42' 50" W., 192.34 feet; thence
- (67) Southerly, 153.24 feet along the arc of a tangent curve to the right having a radius of 330.00 feet, through a central angle of 26° 36' 24"; thence tangentially
- (68) S. 29° 19' 14" W., 72.41 feet; thence

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

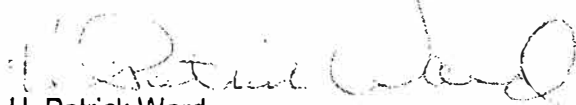
DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 5

- (69) Southwesterly, 264.59 feet along the arc of a tangent curve to the right having a radius of 1730.00 feet, through a central angle of 08° 45' 47"; thence tangentially
- (70) S. 38° 05' 01" W., 47.82 feet; thence
- (71) Southwesterly, 109.99 feet along the arc of a tangent curve to the left having a radius of 395.00 feet, through a central angle of 15° 57' 17"; thence tangentially
- (72) S. 22° 07' 44" W., 40.15 feet; thence
- (73) S. 50° 28' 45" E., 277.36 feet; thence
- (74) N. 88° 36' 10" E., 41.00 feet; thence
- (75) Easterly, 70.42 feet along the arc of a tangent curve to the left having a radius of 210.00 feet, through a central angle of 19° 12' 48"; thence tangentially
- (76) N. 69° 23' 22" E., 74.81 feet; thence
- (77) Easterly, 124.23 feet along the arc of a tangent curve to the right having a radius of 415.00 feet, through a central angle of 17° 09' 05"; thence tangentially
- (78) N. 86° 32' 27" E., 70.96 feet; thence
- (79) Easterly, 168.66 feet along the arc of a tangent curve to the left having a radius of 310.00 feet, through a central angle of 31° 10' 20"; thence tangentially
- (80) N. 55° 22' 07" E., 261.49 feet; thence
- (81) Northeasterly, 389.91 feet along the arc of a tangent curve to the right having a radius of 2230.00 feet, through a central angle of 10° 01' 05"; thence tangentially
- (82) Easterly, 153.97 feet along the arc of a compound curve to the right having a radius of 2030.00 feet, through a central angle of 04° 20' 45"; thence tangentially
- (83) N. 69° 43' 57" E., 78.18 feet; thence
- (84) Northeasterly, 146.62 feet along the arc of a tangent curve to the left having a radius of 345.00 feet, through a central angle of 24° 20' 57"; thence tangentially
- (85) S. 44° 37' 00" E., 50.00 feet; thence

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 6

- (86) Southwesterly, 65.00 feet along the arc of a non-tangent curve to the left having a radius of 345.00 feet whose center bears S. 44° 37' 00" E., through a central angle of 10° 47' 41"; thence tangentially
- (87) S. 34° 35' 19" W., 101.14 feet; thence
- (88) Southwesterly, 91.50 feet along the arc of a tangent curve to the right having a radius of 345.00 feet, through a central angle of 15° 11' 47"; thence tangentially
- (89) S. 49° 47' 06" W., 135.28 feet; thence
- (90) Southwesterly, 244.59 feet along the arc of a tangent curve to the left having a radius of 620.00 feet, through a central angle of 22° 36' 10"; thence tangentially
- (91) S. 27° 10' 56" W., 44.30 feet; thence
- (92) Southwesterly, 146.74 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 09° 08' 19"; thence tangentially
- (93) S. 36° 19' 15" W., 99.30 feet; thence
- (94) S. 37° 05' 30" W., 62.85 feet; thence
- (95) S. 64° 03' 14" W., 247.29 feet; thence
- (96) S. 56° 14' 40" W., 99.46 feet; thence
- (97) S. 30° 58' 07" W., 196.51 feet; thence
- (98) S. 54° 23' 54" W., 371.35 feet; thence
- (99) S. 75° 53' 37" W., 133.70 feet; thence
- (100) S. 51° 47' 35" W., 288.63 feet to the POINT OF THE BEGINNING



H. Patrick Ward
Registered Civil Engineer #29811
State of California
Expires: 31 March 2009

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1, County of Monterey, State of California, particularly described as follows:

COMMENCING at an angle point on the southeasterly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said boundary and parcel are shown and so designated on that certain Record of Survey Map filed September 3, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered (72) as shown and designated on said map and described as "Found 1¼" Iron Pipe with Brass Tag, RCE 1215"; thence leaving said perimeter boundary

- (a) N. 40° 11' 57" W., 8450.48 feet to the TRUE POINT OF BEGINNING; thence
- (1) N. 23° 25' 50" W., 70.07 feet; thence
- (2) Northerly, 21.60 feet along the arc of a non-tangent curve to the left having a radius of 80.00 feet whose center bears N. 78° 37' 21" W., through a central angle of 15° 28' 11"; thence tangentially
- (3) N. 04° 05' 32" W., 147.19 feet; thence
- (4) Northerly, 164.86 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, through a central angle of 10° 44' 01"; thence tangentially
- (5) N. 14° 49' 33" W., 300.42 feet; thence
- (6) Northerly, 115.84 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 06° 46' 21"; thence tangentially
- (7) N. 21° 35' 54" W., 206.25 feet; thence
- (8) Northerly, 77.40 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 04° 31' 30"; thence tangentially
- (9) N. 26° 07' 24" W., 408.35 feet; thence
- (10) Northerly, 244.49 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 15° 13' 35"; thence tangentially
- (11) N. 10° 53' 49" W., 244.21 feet; thence
- (12) Northerly, 153.80 feet along the arc of a tangent curve to the right having a radius of 620.00 feet, through a central angle of 14° 12' 46"; thence tangentially
- (13) N. 03° 18' 57" E., 123.57 feet; thence
- (14) Northerly, 326.49 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 35° 58' 25"; thence tangentially

Description of 7.245 Acre Parcel, Page 1

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (15) N. 39° 17' 22" E., 70.84 feet; thence
- (16) Northeasterly, 271.50 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 22° 52' 33"; thence tangentially
- (17) N. 16° 24' 49" E., 164.73 feet; thence
- (18) Northerly, 126.39 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 10° 38' 59"; thence tangentially
- (19) N. 05° 45' 50" E., 141.53 feet; thence
- (20) Northerly, 152.14 feet along the arc of a tangent curve to the right having a radius of 320.00 feet, through a central angle of 27° 14' 29"; thence tangentially
- (21) N. 33° 00' 19" E., 108.88 feet; thence
- (22) Northeasterly, 86.50 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 10° 19' 31"; thence tangentially
- (23) N. 22° 40' 48" E., 105.98 feet; thence
- (24) Northerly, 86.39 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (25) Northerly, 49.98 feet along the arc of a reverse curve to the right having a radius of 220.00 feet, through a central angle of 13° 01' 04"; thence tangentially
- (26) Northerly, 108.24 feet along the arc of a reverse curve to the left having a radius of 230.00 feet, through a central angle of 26° 57' 51"; thence tangentially
- (27) Northerly, 72.67 feet along the arc of a reverse curve to the right having a radius of 1520.00 feet, through a central angle of 02° 44' 22"; thence tangentially
- (28) N. 06° 12' 20" W., 218.35 feet; thence
- (29) Northerly, 157.39 feet along the arc of a tangent curve to the left having a radius of 1980.00 feet, through a central angle of 04° 33' 16"; thence tangentially
- (30) Northerly, 265.52 feet along the arc of a reverse curve to the right having a radius of 720.00 feet, through a central angle of 21° 07' 47"; thence tangentially
- (31) N. 10° 22' 11" E., 222.60 feet; thence
- (32) Northerly, 31.21 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 03° 26' 21"; thence tangentially

Description of 7.245 Acre Parcel, Page 2

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (33) N. 13° 48' 32" E., 253.08 feet; thence
- (34) Northerly, 103.33 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 21° 08' 40"; thence tangentially
- (35) Northerly, 123.40 feet along the arc of a reverse curve to the right having a radius of 1020.00 feet, through a central angle of 06° 55' 53"; thence tangentially
- (36) N. 00° 24' 15" W., 69.59 feet; thence
- (37) Northerly, 145.77 feet along the arc of a tangent curve to the right having a radius of 470.00 feet, through a central angle of 17° 46' 12"; thence tangentially
- (38) N. 17° 21' 57" E., 153.25 feet; thence
- (39) Northerly, 298.62 feet along the arc of a tangent curve to the left having a radius of 780.00 feet, through a central angle of 21° 56' 07"; thence tangentially
- (40) N. 04° 34' 10" W., 196.72 feet; thence
- (41) Northerly, 103.43 feet along the arc of a tangent curve to the right having a radius of 170.00 feet, through a central angle of 34° 51' 32"; thence tangentially
- (42) N. 30° 17' 22" E., 185.03 feet; thence
- (43) Northerly, 88.63 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 13° 21' 50"; thence tangentially
- (44) N. 16° 55' 32" E., 141.24 feet; thence
- (45) Northeasterly, 232.82 feet along the arc of a tangent curve to the right having a radius of 550.00 feet, through a central angle of 24° 15' 12"; thence tangentially
- (46) N. 41° 10' 44" E., 331.84 feet; thence
- (47) Northeasterly, 247.31 feet along the arc of a tangent curve to the left having a radius of 855.00 feet, through a central angle of 16° 34' 22"; thence tangentially
- (48) N. 24° 36' 22" E., 215.90 feet; thence
- (49) S. 65° 23' 38" E., 40.00 feet; thence along a line drawn parallel with and 40.00 feet southeasterly of the following forty-six courses
- (50) S. 24° 36' 22" W., 215.90 feet; thence
- (51) Southwesterly, 258.88 feet along the arc of a tangent curve to the right having a radius of 895.00 feet, through a central angle of 16° 34' 22"; thence tangentially

Description of 7.245 Acre Parcel, Page 3

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (52) S. 41° 10' 44" W., 331.84 feet; thence
- (53) Southwesterly, 215.88 feet along the arc of a tangent curve to the left having a radius of 510.00 feet, through a central angle of 24° 15' 12"; thence tangentially
- (54) S. 16° 55' 32" W., 141.24 feet; thence
- (55) Southerly, 97.96 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 13° 21' 50"; thence tangentially
- (56) S. 30° 17' 22" W., 185.03 feet; thence
- (57) Southerly, 79.09 feet along the arc of a tangent curve to the left having a radius of 130.00 feet, through a central angle of 34° 51' 32"; thence tangentially
- (58) S. 04° 34' 10" E., 196.72 feet; thence
- (59) Southerly, 313.93 feet along the arc of a tangent curve to the right having a radius of 820.00 feet, through a central angle of 21° 56' 07"; thence tangentially
- (60) S. 17° 21' 57" W., 153.25 feet; thence
- (61) Southerly, 133.36 feet along the arc of a tangent curve to the left having a radius of 430.00 feet, through a central angle of 17° 46' 12"; thence tangentially
- (62) S. 00° 24' 15" E., 69.59 feet; thence
- (63) Southerly, 118.56 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 06° 55' 53"; thence tangentially
- (64) Southerly, 118.09 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 21° 08' 40"; thence tangentially
- (65) S. 13° 48' 32" W., 253.08 feet; thence
- (66) Southerly, 28.81 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 03° 26' 21"; thence tangentially
- (67) S. 10° 22' 11" W., 222.60 feet; thence
- (68) Southerly, 250.77 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 21° 07' 47"; thence tangentially
- (69) Southerly, 160.57 feet along the arc of a reverse curve to the right having a radius of 2020.00 feet, through a central angle of 04° 33' 16"; thence tangentially
- (70) S. 06° 12' 20" E., 218.35 feet; thence

Description of 7.245 Acre Parcel, Page 4

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (71) Southerly, 70.76 feet along the arc of a tangent curve to the left having a radius of 1480.00 feet, through a central angle of 02° 44' 22"; thence tangentially
- (72) Southerly, 127.07 feet along the arc of a reverse curve to the left having a radius of 270.00 feet, through a central angle of 26° 57' 51"; thence tangentially
- (73) Southerly, 40.90 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (74) Southerly, 98.74 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (75) S. 22° 40' 48" W., 105.98 feet; thence
- (76) Southwesterly, 93.71 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 10° 19' 31"; thence tangentially
- (77) S. 33° 00' 19" W., 108.88 feet; thence
- (78) Southerly, 133.13 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 27° 14' 29"; thence tangentially
- (79) S. 05° 45' 50" W., 141.53 feet; thence
- (80) Southerly, 133.83 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, through a central angle of 10° 38' 59"; thence tangentially
- (81) S. 16° 24' 49" W., 164.73 feet; thence
- (82) Southwesterly, 287.47 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, through a central angle of 22° 52' 33"; thence tangentially
- (83) S. 39° 17' 22" W., 70.84 feet; thence
- (84) Southerly, 301.37 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 35° 58' 25"; thence tangentially
- (85) S. 03° 18' 57" W., 123.57 feet; thence
- (86) Southerly, 143.87 feet along the arc of a tangent curve to the left having a radius of 580.00 feet, through a central angle of 14° 12' 46"; thence tangentially
- (87) S. 10° 53' 49" E., 244.21 feet; thence
- (88) Southerly, 233.86 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, through a central angle of 15° 13' 35"; thence tangentially

Description of 7.245 Acre Parcel, Page 5

COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA

- (89) S. 26° 07' 24" E., 408.35 feet; thence
- (90) Southerly, 80.56 feet along the arc of a tangent curve to the right having a radius of 1020.00 feet, through a central angle of 04° 31' 30"; thence tangentially
- (91) S. 21° 35' 54" E., 206.25 feet; thence
- (92) Southerly, 120.57 feet along the arc of a tangent curve to the right having a radius of 1020.00 feet, through a central angle of 06° 46' 21"; thence tangentially
- (93) S. 14° 49' 33" E., 300.42 feet; thence
- (94) Southerly, 172.35 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 10° 44' 01"; thence tangentially
- (95) S. 04° 05' 32" E., 147.19 feet; thence
- (96) Southerly, 32.40 feet along the arc of a tangent curve to the right having a radius of 120.00 feet, through a central angle of 15° 28' 11"; thence tangentially
- (97) S. 11° 22' 39" W., 57.53 feet to the TRUE POINT OF BEGINNING

H. Patrick Ward
H. Patrick Ward
Registered Civil Engineer #2981
State of California
Expires: 31 March 2009

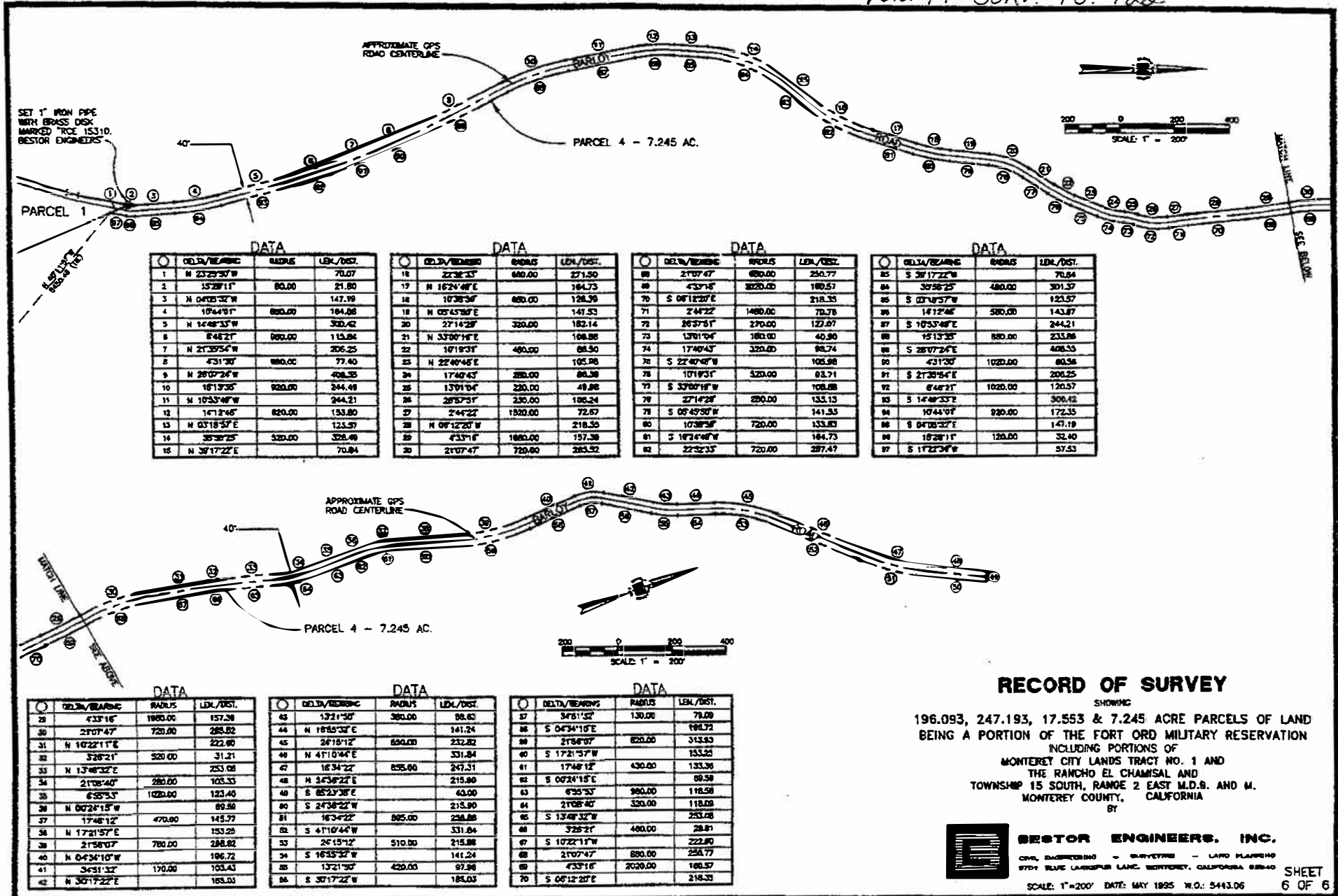


Description of 7.245 Acre Parcel, Page 6

6 April 07
W.O. 5443.06
HPW/J.L./5443/544306/Docs/070406 Description of Monterey City Lands.doc

COE PARCEL L20.8
DESCRIPTION OF 7.245 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA

VOL. 19 SURV. PG. 122



EDC Parcel L32.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

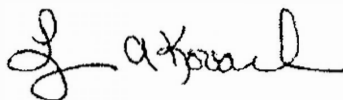
SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being a portion of Parcel 1, "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; being more particularly described as follows:

BEGINNING at the most northwesterly corner of said Parcel 1, "Monterey County III (Parker Flats)," being also an angle point in the westerly boundary of Parcel 7 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence from said Point of Beginning along the common boundary of said Parcels 1 and 7

1. South $83^{\circ} 26' 14''$ East for a distance of 351.31 feet; thence continuing along said common boundary
2. South $06^{\circ} 36' 58''$ West for a distance of 371.08 feet to a point on the southerly boundary of said Parcel 7; thence leaving said southerly boundary of Parcel 7 and continuing along the easterly boundary of said Parcel 1, "Monterey County III (Parker Flats)"
3. North $83^{\circ} 34' 21''$ West for a distance of 339.76 feet to a point on the easterly boundary of Parcel 1, L32.4.2. as it is shown on that certain map recorded in Volume 27 of Surveys at Page 17; thence along the common boundary of said Parcel 1, L32.4.2. and Parcel 1, "Monterey County III (Parker Flats)"
4. North $04^{\circ} 50' 13''$ East for a distance of 8.92 feet to the northeast corner of said Parcel 1, L32.4.2; thence continuing along the boundary of said Parcel 1, "Monterey County III (Parker Flats)"
5. North $04^{\circ} 50' 13''$ East a distance of 363.13 feet to the POINT OF BEGINNING.

Containing an area of 2.947 acres, more or less.

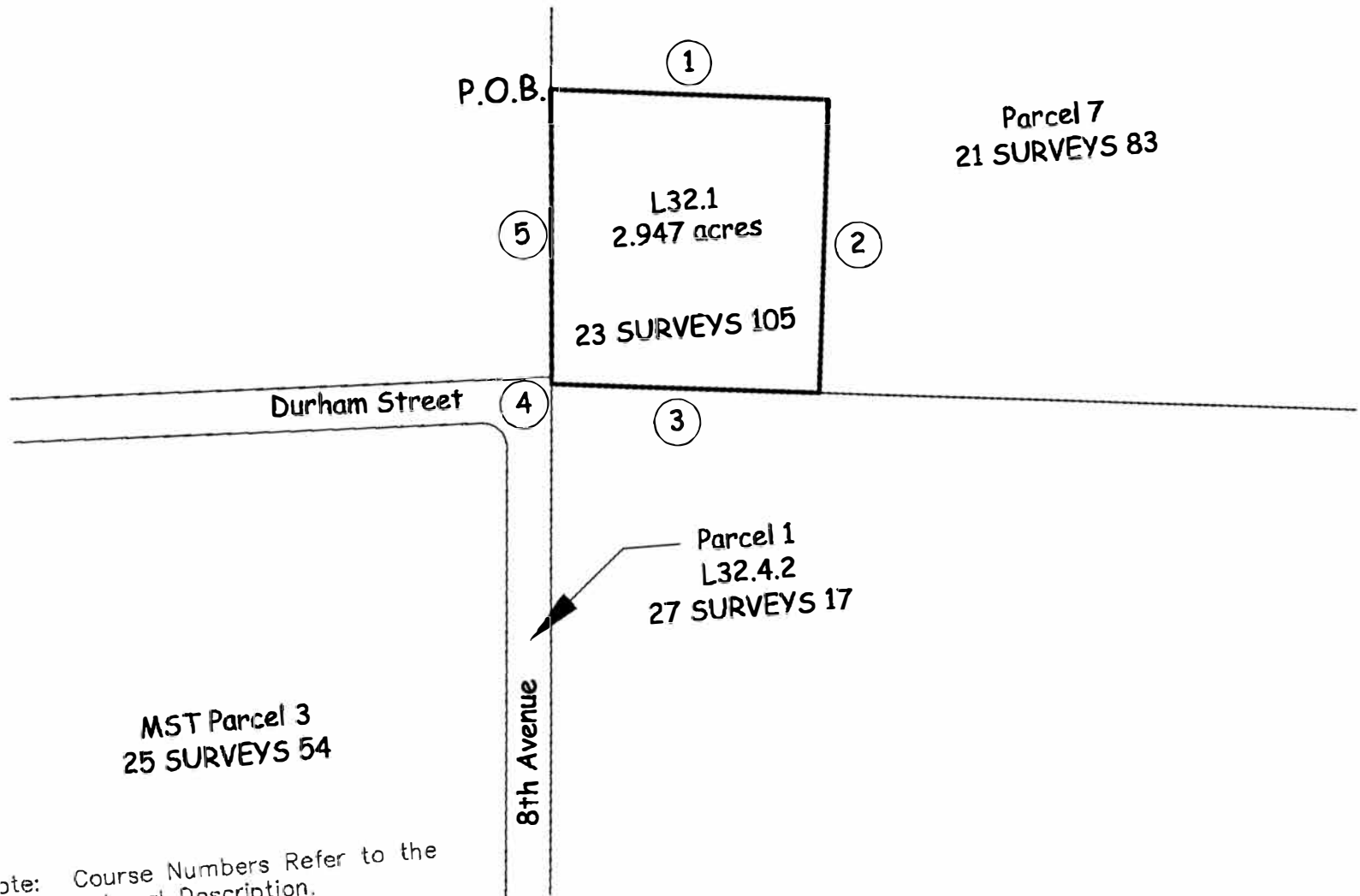
This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT
of
EDC Parcel L32.1
Being a portion of Parcel 1 as shown on Vol. 23 of Surveys at Page 105
Monterey County Jurisdiction
Fort Ord FOSET 5 EDC
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Note: Course Numbers Refer to the
Legal Description.

PBC Parcel L5.7
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being all of Parcel 1 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 64; being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1 being also the southeast corner of Parcel 6 and the southwest corner of Parcel 9, as said parcels are shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning

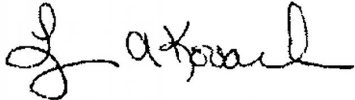
1. North 88° 53' 00" East along the common boundary of said Parcels 1 and 9 for a distance of 1237.33 feet; thence
2. North 88° 50' 07" East for a distance of 722.04 feet to the northeast corner of said Parcel 1 being also the northwest corner of Parcel 1, "Travel Camp," as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89; thence leaving said common boundary with said Parcel 9 and continuing along the common boundary of said Parcel 1 and said "Travel Camp" the following courses
3. South 19° 18' 00" West for a distance of 473.58 feet; thence
4. South 4° 09' 00" East for a distance of 474.00 feet; thence
5. South 14° 40' 00" East for a distance of 277.00 feet; thence
6. South 7° 43' 00" West for a distance of 345.00 feet; thence
7. South 28° 16' 00" West for a distance of 21.00 feet to the southwest corner of said "Travel Camp" being also the northeasterly corner of Parcel 1, Monterey County III (Parker Flats)" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; thence leaving said common boundary with said "Travel Camp" and continuing along the common boundary of said Parcel 1 and said "Monterey County III (Parker Flats)"
8. South 68° 45' 00" West for a distance of 163.00 feet; thence
9. South 84° 00' 00" West for a distance of 199.00 feet; thence
10. North 89° 38' 00" West for a distance of 244.00 feet; thence

PBC Parcel L5.7
FOSET 5
Fort Ord Military Reservation
Monterey County, California

11. North 82° 51' 00" West for a distance of 359.00 feet; thence
12. South 79° 00' 00" West for a distance of 351.00 feet; thence
13. South 87° 27' 00" West for a distance of 577.00 feet to the southwest corner of said Parcel 1 being also a point on the east boundary of Parcel 3 B as said parcel is shown on that certain map recorded in Volume 19 of Surveys at Page 86; thence along the common boundary of said Parcels 1 and 3 B
14. North 2° 15' 00" East for a distance of 1725.01 feet to the P●INT ●F BEGINNING

Containing an area of 73.444 acres. more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT
of
PBC Parcel L5.7
Being Parcel 1 as shown on Vol. 21 of Surveys at Page 64
Monterey County Jurisdiction
Fort Ord FOSET 5
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California

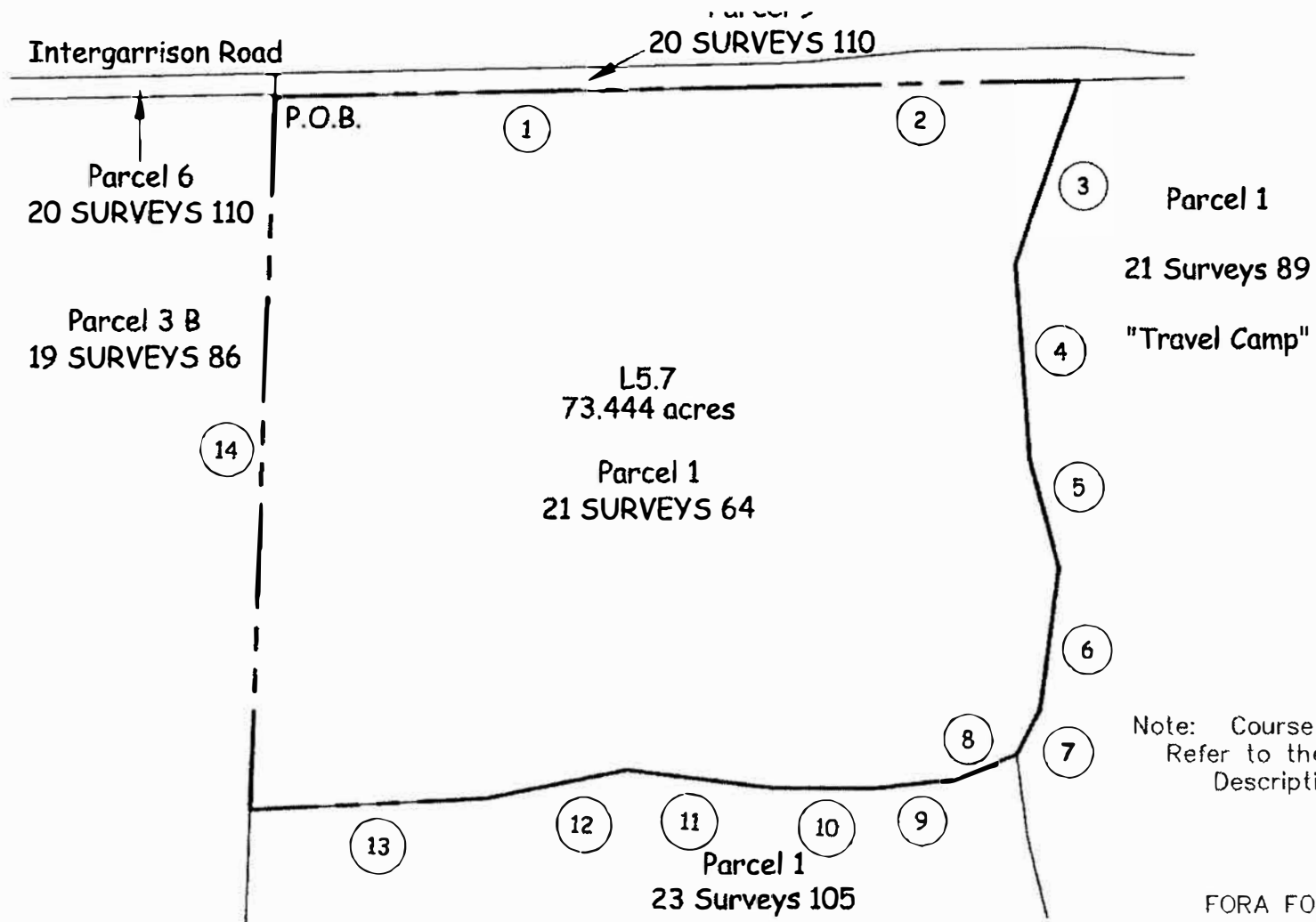


EXHIBIT C

County Code Chapter 16.10, titled “*Digging and Excavation on the Former Fort Ord*”. Chapter 16.10 prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT C

CRUP – F●SET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E4.7.2, E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

Monterey County Code Chapter 16.10

Chapter 16.10 DIGGING AND EXCAVATION ON THE FORMER FORT ORD

- 16.10.010 Purpose and intent.
- 16.10.020 General.
- 16.10.030 Applicability.
- 16.10.040 Excavation and digging restrictions.
- 16.10.050 Permit requirements.
- 16.10.060 Permit procedure.
- 16.10.070 Term of permit.
- 16.10.080 Exceptions to permit conditions.
- 16.10.090 Performance bond.
- 16.10.100 Amendment to permits.
- 16.10.110 Appeals.
- 16.10.120 Notification to property owners and other land users.
- 16.10.130 Revision of Chapter.

16.10.010 Purpose and intent.

The United States Army (Army) is in the process of transferring various parcels of the former Fort Ord military installation (Fort Ord) to the County or to other entities within the County's land use jurisdiction. Some parcels of the former Fort Ord were contaminated with unexploded ordnance and explosives (UXO), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of UXO to its standard. Even following the Army's completion of UXO response activities, it is possible that some UXO materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all UXO has been cleared and it will require a land use covenant to be recorded with the Monterey County Recorder on those parcels to provide additional controls and restrictions to protect the public health and safety. The County will also enter into an Agreement with DTSC to provide additional safety measures and reporting. (Ord. 5012 § 1 (part), 2005)

16.10.020 General.

The Board of Supervisors finds and determines that those properties formerly included within the Fort Ord military installation that are suspected of containing UXO require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

- A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- B. Potential purchasers or developers of sites which may contain UXO and those persons whose work at such sites includes disturbing soil, are aware of the potential that UXO may be located on these properties and are aware of the requirements for UXO precautions prior to any digging, excavation or ground disturbance thereon; and
- C. DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions. (Ord. 5012 § 1 (part), 2005)

16.10.030 Applicability.

A. The Board of Supervisors, with the concurrence of DTSC, hereby designates all real property within the County's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and supplement, dated 1997, or otherwise identified, as the possible location of unexploded ordnance or explosives as an Ordnance Remediation District (hereafter "district"). All such districts are defined as those areas of the unincorporated portions of the former Fort Ord, excepting therefrom the "Track 0" parcels as identified in the *Finding of Suitability to Transfer, Track 0 Parcels*,

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Former Fort Ord, California document, dated May 2003. The County shall notify DTSC of any change in the permitted land uses in any district within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all districts and shall be in addition and subject to all provisions of the County Code, including Titles 16, 18 and 21. (Ord. 5012 § 1 (part), 2005)

16.10.040 Excavation and digging restrictions.

It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid excavation permit (hereafter "permit") issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil. (Ord. 5012 § 1 (part), 2005)

16.10.050 Permit requirements.

An owner or user of real property located within a district who desires to conduct the activities described in Section 16.10.040 shall apply to the Building Official for a permit. The application shall be on a form approved by the County, may be combined with an application for grading pursuant to County Code Chapter 16.08, shall be signed by the permit applicant and all owners of each parcel of property on which excavation will be done, and shall contain the following information:

- A. Six copies of a description of any previous UXO excavation or removal activity conducted on the property whose soil is proposed to be excavated, moved or graded;
- B. Six copies of a description of the property where soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to do either of the following: (1) disturb ten (10) cubic yards or more of soil; or (2) disturb soil in a manner inconsistent with restrictions placed on the property by the Army or as noted on the district map;
- C. Six copies of a statement that the person submitting the application acknowledges liability for removing all detected unexploded ordnance and explosives in accordance with this Chapter and the permit;
- D. Six copies of a statement by the person submitting the application that they have, within the preceding twelve (12) months, delivered a copy of the notice to everyone whose work at the property described in Subsection 16.10.050(B) includes disturbing soil;
- E. The expected completion date of the activities authorized by the permit;
- F. Any other information which the Building Official may require as pertinent to the determination of the adequacy of the proposed plan;
- G. Payment of the permit fee, as established by the Board of Supervisors, at the time of filing the application for the permit. (Ord. 5012 § 1 (part), 2005)

16.10.060 Permit procedure.

The Building Official shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the Building Official, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Except as otherwise indicated in Section 16.10.080, any permit issued hereunder shall be subject to the following conditions:

- A. All excavation and grading shall be performed solely in accordance with the permit approved and issued by the County.
- B. Prior to movement of any soil on any property located within a district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert—Ordnance and Explosives at former Fort Ord, as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey, or its successor document, and explain to each such person the information set forth in that notice.

Monterey County Code Chapter 16.10

C. The permittee may not move or disturb soil unless the permittee is in compliance with the requirements placed on the property by an Agreement executed between the County, Redevelopment Agency, FORA and DTSC. Said Agreement shall, at a minimum, include OE construction support ("Construction Support") and shall be attached to and become a part of any permit issued pursuant to this Chapter.

D. The permittee shall cease soil disturbance activities upon a discovery of any suspected unexploded ordnance. The permittee shall notify the Monterey County Sheriff, Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC.

E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the Building Official, the Army and DTSC an After Action Report that shall state whether and where UXO was detected and the extent and depth of UXO response actions undertaken and completed on the property that is the subject of the permit. The After Action Report shall be in the form provided in Exhibit "A" and shall include site maps to illustrate the information contained in the report. All After Action Reports prepared and filed in accordance with this Chapter shall be deemed public records.

F. In consideration for the issuance of a permit and project approval, permittee shall defend at its sole expense any action or proceeding brought against the County and its Agents, Officers, and employees because of the approval of said permit. In further consideration for the issuance of a permit and project approval, the permittee shall indemnify and hold harmless from any liability the County and its agents, officers and employees and reimburse the County for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding and any and all related litigation costs, court costs, and attorneys' fees which the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this Subsection.

G. The Building Official shall mail a notice of permit approval to the Army, DTSC, and all owners of property within three hundred (300) feet of the real property that is the subject of the permit application. (Ord. 5012 § 1 (part), 2005)

16.10.070 Term of permit.

Every permit issued by the Building Official under the provisions of this Chapter shall expire if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the work authorized by such permit is commenced and then suspended or abandoned for a period of thirty (30) days, unless such suspension is approved by the Building Official. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefor shall be as established from time to time by the Board of Supervisors for a new permit for such work, provided no changes have been made or will be made in the original plans and specification for such work. (Ord. 5012 § 1 (part), 2005)

16.10.080 Exceptions to permit conditions.

Following consultation with and approval by DTSC, the Board of Supervisors may, upon a finding that the requirements of Section 16.10.060(C) are no longer necessary, designate by ordinance or resolution any district as a Limited Control District and/or no longer subject to the provisions of this Chapter. The holder of any permit issued for any Limited Control District shall not be subject to Section 16.10.060(C). (Ord. 5012 § 1 (part), 2005)

16.10.090 Performance bond.

Upon a finding by the Building Official that a permit should be issued for excavation or grading on the proposed site, a surety bond, in the form prescribed by the Monterey County Code Section 16.08.290, conditioned upon the faithful performance and completion of the permitted excavation activity, shall be filed with the County. Such surety shall be executed in favor of the County and shall be maintained in an

Monterey County Code Chapter 16.10

amount prescribed by the Building Official sufficient to ensure the completion of the ordnance remediation and excavation of the site as prescribed in the approved permit. (Ord. 5012 § 1 (part), 2005)

16.10.100 Amendment to permits.

Request for amendments to an approved excavation permit may be submitted to the Building Official at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the County in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit. (Ord. 5012 § 1 (part), 2005)

16.10.110 Appeals.

Any person aggrieved by any determination of the Building Official in exercise of the authority granted in this Chapter shall have the right to appeal pursuant to Monterey County Code Sections 16.08.460 through 16.08.510, inclusive. (Ord. 5012 § 1 (part), 2005)

16.10.120 Notification to property owners and other land users.

A. The County shall notify the owners of property designated as Ordnance Remediation Districts, and those utilities known to be providing service within the County, of the requirements of this Chapter and provide those persons with the Safety Alert—Ordnance and Explosives at Former Fort Ord, as identified in Section 16.10.060(B), above. The County shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve them from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question.

C. All persons identified in Subsection 16.10.120(A) above shall deliver, at least annually, a copy of the notice to everyone whose work at UXO sites includes disturbing soil and shall explain the contents thereof to those persons. (Ord. 5012 § 1 (part), 2005)

16.10.130 Revision of Chapter.

This Chapter shall not be revised without prior written notice to the DTSC. (Ord. 5012 § 1 (part), 2005)