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Stephen L. Vagnini  
Monterey County Clerk-Recorder

01/08/2020 02:32 PM

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SAYLER LEGAL

Titles: 1 Pages: 68

Fees: \$223.00  
Taxes: \$0.00  
AMT PAID: \$223.00



**RECORDING REQUESTED BY:**

Fort Ord Reuse Authority  
920 2nd Avenue, Suite A  
Marina, California 93933

**WHEN RECORDED MAIL TO:**

Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826  
Attention: Charlie Ridenour  
Branch Chief  
Site Mitigation and Restoration Program

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

Documentary Transfer Tax \$0-government agency, exempt from DTT

\_\_\_ Computed on full value of property conveyed

\_\_\_ Computed on full value less liens and encumbrances  
remaining at time of sale

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

(Re: Monterey Peninsula College - Munitions and Explosives of Concern,  
Fort Ord Reuse Authority Early Transfer Parcels, Monterey County, California,  
Department of Toxic Substances Control Site Code 201729)

This Covenant and Agreement (**Covenant**) replaces in its entirety the Covenant and Agreement to Restrict Use of Property recorded May 8, 2009 as Instrument No. 2009028273 (the **Original Covenant**) for the Monterey Peninsula College (MPC) - Munitions and Explosives of Concern (MEC), Fort Ord Reuse Authority (FORA) Early Transfer Parcels, County of Monterey, State of California. The Original Covenant is, accordingly, replaced by virtue of this Covenant and pursuant to Section 6.03 of the Original Covenant.

This Covenant is made by and between FORA (the **Covenantor**), the current owner of the Property, and the California Department of Toxic Substances Control (**DTSC**). Pursuant to California Civil Code section 1471, DTSC has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on a portion of the Property of hazardous materials as defined in California Health and Safety Code (H&SC) section 25260. The Covenantor and DTSC hereby agree that, pursuant to H&SC section 25355.5 and California Civil Code section 1471, that the use of the Property will be restricted as set forth in this Covenant, and that the Covenant shall conform with the requirements of California Code of Regulations, Title 22, section 67391.1. The provisions of this Covenant shall be for the benefit of, and shall be enforceable by, the United States Environmental Protection Agency (U.S. EPA), as a third-party beneficiary pursuant to general contract law, including, but not limited to, Civil Code Section 1559.

ARTICLE I  
STATEMENT OF FACTS

1.01. Property Location. The Property, consisting of nine (9) non-contiguous Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2 and totaling approximately 546.5 acres, is more particularly described in Exhibit A. The Property is located on the former Fort Ord, California, and within the jurisdictions of the County of Monterey, California (Parcels E19a.5, E21b.3, E39, E40, E41, E42, F1.7.2, and L23.2) and City of Seaside, California (Parcel E38). The intended reuse of the Property is provided in Table 1. The Property descriptions in Exhibit A are supported by Point of Beginning latitude and longitude coordinates in Tables 2A and 2B.

1.02. Property History. Portions of the former Fort Ord were used for maneuvers, target ranges, and other purposes from 1917 until base closure in 1994.

The U.S. EPA placed Fort Ord on the National Priorities List (Superfund) in 1990. The U.S. Department of the Army (Army) conveyed by deed the Property to the Covenantor on May 8, 2009 under the early transfer authority of §120(h)(3)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) prior to the completion of the CERCLA remediation process, with approval of the California Governor and the U.S. EPA.

Remedial actions were conducted by the Covenantor pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between the Covenantor, the U.S. EPA, and DTSC finalized on April 18, 2007.

The Property is included in the Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels, Operable Unit 2 Fort Ord Landfills Parcels, and Operable Unit Carbon Tetrachloride Plume Parcels (FOSET 5).

The County of Monterey adopted Ordinance No. 5012, entitled "Digging and Excavation on the Former Fort Ord" (County of Monterey Excavation Ordinance) amending the County of Monterey Code to add Chapter 16.10. The City of Seaside adopted Ordinance No. 924, entitled "Digging and Excavation on the Former Fort Ord" (City of Seaside Excavation Ordinance) amending the City of Seaside Code to add Chapter 15.34. The Excavation Ordinances address 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. Section 4.02 of this covenant further prohibits these activities.

In accordance with the Munitions Response Site (MRS) Security Program, dated March 2016, 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. MEC recognition and safety training is required for access to restricted MRSs.

A Memorandum of Agreement (MOA) (Fort Ord Administrative Record No. ESCA-0301B Appendix E) was entered into by and among DTSC, FORA, MPC and other Jurisdictions on February 27, 2008. The MOA requires MPC and other jurisdictions to monitor compliance with land use covenants for property on the former Fort Ord, and report to FORA or the County of Monterey concerning their compliance with all recorded Land Use Controls (LUC) within their jurisdiction. The MOA requires FORA or the County of Monterey to compile and transmit monitoring compliance reports to DTSC.

1.03. Remediation of Property. MEC investigations and removal actions were conducted at the Property, consisting of parcels in the Parker Flats Munitions Response Area (MRA) (Exhibit A1), Interim Action Ranges MRA (Exhibit A2), and Military Operations in Urban Terrain (MOUT) Site MRA (Exhibit A3), prior to and after the Original Covenant. These MEC investigations and removal actions were summarized in the Army Record of Decision, Parker Flats Munitions Response Area, Track 2 Munitions Response Site, dated June 24, 2008 and fully executed on August 26, 2008 (Fort Ord Administrative Record No. OE-0661), the Army Group 3 Record of Decision, dated October 27, 2014 and fully executed on November 25, 2014 (Fort Ord Administrative Record No. ESCA-0293), the Army Interim Action Ranges MRA Record of Decision, dated December 12, 2016 and fully executed on January 18, 2017 (Fort Ord Administrative Record No. ESCA-0331), and the Army Group 1 Record of Decision, dated September 19, 2018 and fully executed on September 25, 2018 (Fort Ord Administrative Record No. ESCA-0359).

In 2012, a munitions response (instrument-aided verification survey) was conducted by FORA in the southwestern portion of the designated non-residential development area of the MOUT training facility (Parcel F1.7.2, Exhibit A3-2) verifying that munitions were not present on the surface. The Group 3 Remedial Investigation/Feasibility Study, which addresses the MOUT Site MRA (Fort Ord Administrative Record No. ESCA-0249B), provides data and findings to support non-residential development reuse.

From 2011 to 2013, munitions responses (remedial actions) for sensitively-fuzed munitions were conducted by FORA in the habitat reserve area of the Interim Action Ranges MRA resulting in (1) the excavation, sifting, and removal of MEC and other munitions in Range 47 and (2) the excavation, sifting, and removal of MEC and other munitions along transects in Range 44 (Exhibit B2). The Interim Remedial Action Completion Report, Interim Action Ranges MRA (Fort Ord Administrative Record No. ESCA-0285B) provides data and findings to support habitat reserve reuse.

From 2011 to 2017, a Residential Quality Assurance (RQA) evaluation, including a RQA Pilot Study and RQA Implementation Study, was conducted by FORA on approximately 3.86 acres in the Parker Flats MRA (Parcel E19a.5, Sub-Parcel O). The Residential Protocol Implementation Report, Parker Flats MRA (Fort Ord Administrative Record No. ESCA-

0311C) provides data and findings to support the removal of the residential use restriction in the Original Covenant for the residential area. The residential area (Parcel E19a.5, Sub-Parcel O) is depicted in Exhibit A1.

The U.S. EPA issued a Remedial Action Certification of Completion for MRAs including the Parker Flats Munitions Response Area (MRA) (Exhibit A1) (Fort Ord Administrative Record No. ESCA-0370) on February 28, 2019, as well as a Remedial Action Certification of Completion for MRAs, including the Interim Action Ranges MRA (Exhibit A2) and Military Operations in Urban Terrain (MOUT) Site MRA (Exhibit A3) (Fort Ord Administrative Record No. ESCA-0363), on September 27, 2018, fulfilling the requirement listed in the Original Covenant for removal of the restriction that the Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways.

The Army Explanation of Significant Differences No. 1, Record of Decision, Parker Flats Munitions Response Area, Track 2 Munitions Response Site, dated April 27, 2018 and fully executed on May 21, 2018 (Fort Ord Administrative Record No. ESCA-0356) removed the residential use restriction on an area that included Parcel E19a.5, Sub-Parcel O and continued prohibiting residential use in areas designated for non-residential development reuse and habitat reserve. The Army will amend the deeds accordingly.

1.04. Basis for Environmental Restrictions. The Property includes nine Munitions Response Sites (MRSs) as shown in Exhibit B. The MRSs include: MRS-15 Monterey County 02 (MOCO 02), MRS-27G, MRS-28, MRS-44 PBC, and portions of MRS-Ranges 43-48, MRS-50, MRS-50 EXP, MRS-53, and MRS-53 EXP. The MRSs have been evaluated for the presence of MEC. Based on a review of existing records and available information, as described in the Army Record of Decision, Parker Flats Munitions Response Area, Track 2 Munitions Response Site (Fort Ord Administrative Record No. OE-0661), the Army Group 3 Record of Decision (Fort Ord Administrative Record No. ESCA-0293), the Army Interim Action Ranges MRA Record of Decision (Fort Ord Administrative Record No. ESCA-0331), the Army Explanation of Significant Differences No. 1, Record of Decision, Parker Flats Munitions Response Area, Track 2 Munitions Response Site (Fort Ord Administrative Record No. ESCA-0356), and the Army Group 1 Record of Decision (Fort Ord Administrative Record No. ESCA-0359), there is evidence MEC are or may be present on the Property.

ARTICLE II  
DEFINITIONS

2.01. DTSC. "DTSC" means the California Department of Toxic Substances Control and includes its successor agencies, if any.

2.02. Environmental Restrictions. "Environmental Restrictions" means all protective provisions, covenants, restrictions, requirements, prohibitions, and terms and conditions as set forth in this Covenant.

2.03. Improvements. "Improvements" includes, but is not limited to buildings, structures, roads, driveways, improved parking areas, wells, pipelines, or other utilities.

2.04. Lease. "Lease" means lease, rental agreement, or any other document that creates a right to use or occupy any portion of the Property.

2.05. Occupant. "Occupant" or "Occupants" means Owner and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

2.06. Owner. "Owner" or "Owners" means the Covenantor, and any successor in interest including any heir and assignee, who at any time holds title to all or any portion of the Property.

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2.07. U.S. EPA. "U.S. EPA" means the United States Environmental Protection Agency and includes its successor agencies, if any.

2.08. 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.

ARTICLE III  
GENERAL PROVISIONS

3.01. Restrictions to Run with the Land. This Covenant sets forth Environmental Restrictions that apply to and encumber the Property and every portion thereof no matter how

it is improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. This Covenant: (a) runs with the land pursuant to Civil Code section 1471 and H&SC section 25355.5; (b) inures to the benefit of and passes with each and every portion of the Property; (c) is for the benefit of, and is enforceable by the DTSC; 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. This Covenant: (a) binds all Owners of the Property, their heirs, successors, and assignees; and (b) the agents, employees, and lessees of the Owners and the Owners' heirs, successors, and assignees. Pursuant to Civil Code section 1471, all successive Owners of the Property are expressly bound hereby for the benefit of DTSC; this Covenant, however, is binding on all Owners and Occupants, and their respective successors and assignees, only during their respective periods of ownership or occupancy except that such Owners or Occupants shall continue to be liable for any violations of, or non-compliance with, the Environmental Restrictions of this Covenant or any acts or omissions during their ownership or occupancy.

3.03. Incorporation into Deeds and Leases. This Covenant shall be incorporated by reference in each and every deed and Lease for any portion of the Property.

3.04. Conveyance of Property. The Owner shall provide Notice to DTSC not later than 30 days after any conveyance of any ownership interest in the Property (excluding Leases, mortgages, liens, and other non-possessory encumbrances). The Notice shall include the name and mailing address of the new Owner of the Property and shall reference the site name and site code as listed on page one of this Covenant. The notice shall also include the Assessor's Parcel Number(s) noted in Table 1. If the new Owner's property has been assigned a different Assessor Parcel Number, each such Assessor Parcel Number that covers the Property must be provided. DTSC shall not, by reason of this Covenant, have authority to approve, disapprove, or otherwise affect proposed conveyance, except as otherwise provided by law or by administrative order.

3.05. Costs of Administering this Covenant. DTSC has already incurred and will in the future incur costs associated with this Covenant. Therefore, the Covenantor hereby covenants for the Covenantor and for all subsequent Owners that, pursuant to California Code of Regulations, title 22, section 67391.1(h), the Owner agrees to pay, DTSC's reasonable costs in administering, implementing and enforcing this Covenant.

ARTICLE IV  
RESTRICTIONS

4.01. Prohibited Uses.

- A. Except for the residential area designated in Table 1, Fourth Column, the Property shall not be used for any of the following purposes:
- a) A residence, including any mobile home or factory-built housing.
  - b) A hospital for humans.
  - c) A public or private school for persons under 18 years of age.
  - d) A day care center for children.
- B. The habitat reserve area designated in Table 1, Fourth Column (Parcels E38, E39, E41, and E42), has a restriction against inconsistent use with the Installation-Wide Multispecies Habitat Management Plan (Fort Ord Administrative Record No. BW-1787).

4.02. Prohibited Activities and Soil Management Requirements. The excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil, except pursuant to a valid excavation permit from the County of Monterey (Ordinance No. 5012, entitled "Digging and Excavation on the Former Fort Ord") or City of Seaside (Municipal Code Chapter 15.34 "Digging and Excavation on the Former Fort Ord"), are prohibited.

4.03 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.

4.04. Access. The DTSC and the U.S. EPA, 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 DTSC in order to protect the public health and safety or the environment and oversee any required activities. Nothing in this instrument shall limit or otherwise affect

U.S. EPA's right of entry and access, or U.S. EPA's authority to take response actions, under CERCLA; the National Oil and Hazardous Substances Pollution Contingency Plan, 40 Code of Federal Regulations Part 300 and its successor provisions; or federal law. Nothing in this instrument shall limit or otherwise effect the DTSC's right of entry and access, or authority to take response actions, under CERCLA; Chapter 6.8, Division 20 of the California Health and Safety Code; California Civil Code, or other applicable State Law.

4.05. . Inspection and Reporting Requirements. 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 and among DTSC, FORA, and the Jurisdictions, shall satisfy this requirement.

#### ARTICLE V ENFORCEMENT

5.01. Enforcement. Failure of the Owner or Occupant to comply with this Covenant shall be grounds for DTSC to require modification or removal of any Improvements constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant, such as failure to submit (including submission of any false statement) record or report to DTSC, shall be grounds for DTSC to pursue administrative, civil, or criminal actions, as provided by law.

5.02 Enforcement Rights of U.S. EPA as a Third-Party Beneficiary. U.S. EPA, as a third-party beneficiary, has the right to enforce the Environmental Restrictions contained herein.

#### ARTICLE VI VARIANCE, REMOVAL, AND TERM

6.01. Variance from Environmental Restrictions. Any person may apply to DTSC for a written variance from any of the Environmental Restrictions imposed by this Covenant. Such application shall be made in accordance with H&SC section 25233 and a copy of the application shall be submitted to U.S. EPA simultaneously with the application submitted to the DTSC. No variance may be granted under this paragraph without prior notice to and an opportunity to comment by U.S. EPA.

6.02. Removal or Termination of Environmental Restrictions. Any person may apply to DTSC to remove any of the Environmental Restrictions imposed by this Covenant or terminate the Covenant in its entirety. Such application shall be made in accordance with H&SC section 25224 and a copy of the application shall be submitted to U.S. EPA simultaneously with the application submitted to the DTSC. No termination may be granted under this paragraph without prior notice to and opportunity to comment by U.S. EPA.

6.03. Term. Unless ended in accordance with paragraph 6.02, by law, or by DTSC in the exercise of its discretion, this Covenant shall continue in effect 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. Further, nothing in this Covenant shall be construed to effect a taking under state or federal law.

7.02. 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.

7.03. 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: (a) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served; or (b) five calendar days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Owners: Fort Ord Reuse Authority  
920 2nd Avenue, Suite A  
Marina, California 93933  
Attention: Michael A. Houlemard, J.R.  
Executive Officer

To DTSC: Department of Toxic Substances Control  
Site Mitigation and Restoration Program  
8800 Cal Center Drive  
Sacramento, California 95826  
Attention: Charlie Ridenour  
Branch Chief

To U.S. EPA: U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, California 94105-3901  
Attention: John Chesnutt  
Chief, Federal Facilities Section

To U.S. Army, Base Realignment and Closure Division  
Office of the Assistant Chief of Staff for Installation Management  
600 Army Pentagon  
Washington, D.C. 20310-600

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.

7.04. Partial Invalidity. If any portion of the Restrictions or other term set forth herein 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.

7.05. Statutory References. All statutory references include successor provisions.

7.06. Incorporation of Exhibits. Exhibits A and B to this Covenant are incorporated herein by reference.

IN WITNESS WHEREOF, the Parties execute this Covenant.

(Signature pages to follow)

Covenantor:

By:

Title: Michael A. Houlemard, J.R.  
Executive Officer  
Fort Ord Reuse Authority

Date: December 31, 2019

**ACKNOWLEDGMENT**

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

State of California )

County of Monterey )

On 12/31/2019, before me Sandie Shelby-notary  
(insert name of notary)

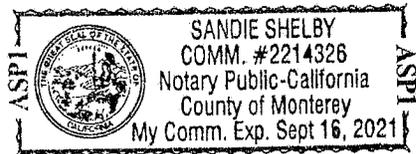
Notary Public, personally appeared Michael A. Houlemard Jr., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that 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.

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

WITNESS my hand and official seal.

Signature Sandie Shelby

(Seal)



Department of Toxic Substances Control:

By: Charlie Ridenour  
Title: Charlie Ridenour  
Branch Chief  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

Date: 12/27/19

**ACKNOWLEDGMENT**

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

State of California )

County of Sacramento )

On 12/27/19, before me, Angela C Golden,  
(insert name of notary)

Notary Public, personally appeared Charlie Ridenour, 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.

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

WITNESS my hand and official seal.

Signature Angela C Golden

(Seal)

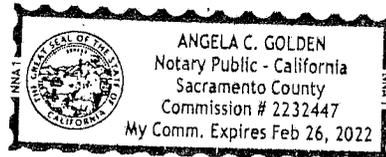


Table 1  
DTSC CRUP Parcel Summary  
FORA Environmental Services Cooperative Remediation Program, Former Fort Ord

USACE Parcel No.	Parcel Label	Acreage	Designated Reuse <sup>5</sup>	Fort Ord Base Reuse Plan - Designated Use <sup>4,5</sup>	DTSC State CRUP Intended Reuse <sup>2</sup>	DTSC State CRUP Institutional Controls <sup>3</sup>							DTSC Residential Protocol	MRS Designation (whole or partial)	MRA	Decision Document <sup>4</sup>	Assessor's Parcel No.
						a	b	c	d	e	f	g					
Monterey Peninsula College CRUP																	
E19a.5	O	3.86	Residential	Residential	Monterey Peninsula College Emergency Vehicles Operation Center	x	x	x	x				Yes	MRS-50 EXP, MRS-53 EXP	Parker Flats MRA (Phase I)	PF Track 2 ROD	031-011-043-000
E19a.5	Q	222.61	Non-Residential	Emergency Vehicles Operation Center, Borderland Buffer	Monterey Peninsula College Emergency Vehicles Operation Center	x	x	x	x				No	MRS-27G, MRS-50, MRS-50 EXP, MRS-53, MRS-53 EXP	Parker Flats MRA (Phase I)	PF Track 2 ROD	031-011-043-000 031-011-044-000
E21b.3	-	31.627	Non-Residential	Non-Residential	Small Arms Range	x	x	x	x				No	MRS-15 MOCO 02	Parker Flats MRA (Phase II)	Group 1 ROD	031-011-061-000
E40	-	25.3	Non-Residential	Non-Residential, Borderland Buffer	Small Arms Range Extension	x	x	x	x				No	MRS Ranges 43-48	Interim Action Ranges MRA	IAR MRA ROD	031-011-048-000
F1.7.2	-	51.206	Non-Residential	MOUT Training Area	Law Enforcement Tactical Training	x	x	x	x				No	MRS-28	MOUT Site MRA	Group 3 ROD	031-011-042-000
L23.2	-	10.572	Non-Residential	Non-Residential	Habitat Reserve	x	x	x	x				No	MRS-44 PBC	Parker Flats MRA (Phase II)	Group 1 ROD	031-011-046-000
E38	-	17.734	Habitat Reserve	Habitat Reserve	Habitat Reserve	x	x	x	x				No	MRS Ranges 43-48	Interim Action Ranges MRA	IAR MRA ROD	031-011-045-000
E39	-	161.7	Habitat Reserve	Habitat Reserve	Habitat Reserve	x	x	x	x				No	MRS Ranges 43-48	Interim Action Ranges MRA	IAR MRA ROD	031-011-048-000
E41	-	9.1	Habitat Reserve	Habitat Reserve	Habitat Reserve	x	x	x	x				No	MRS Ranges 43-48	Interim Action Ranges MRA	IAR MRA ROD	031-011-048-000
E42	-	12.8	Habitat Reserve	Habitat Reserve	Habitat Reserve	x	x	x	x				No	MRS Ranges 43-48	Interim Action Ranges MRA	IAR MRA ROD	031-011-048-000

**Table 1**  
**DTSC CRUP Parcel Summary**  
**FORA Environmental Services Cooperative Agreement Remediation Program, Former Fort Ord**

Notes:

CRUP = Covenant to Restrict Use of Property

DTSC = Department of Toxic Substances Control

MOUT = Military Operations in Urban Terrain

MRA = Munitions Response Area

MRS = Munitions Response Site

ROD = Record of Decision

USACE = United States Army Corps of Engineers

-- = Not Applicable

1. Fort Ord Base Reuse Plan, Fort Ord Reuse Authority, 1997.

2. Intended reuse as stated in 2009 DTSC State CRUP.

3. DTSC State CRUP Institutional Controls:

- a. Prohibited Uses: Property shall not be used for a residence, hospital for humans, public or private school, or a day care center for children.
- b. Prohibited Activities and Soil Requirements: Ground disturbance of any type that involves displacement of ten cubic yards or more of soil without a valid City or County excavation permit is prohibited.
- c. Written Notice of Presence of MEC.
- d. Access: DTSC, EPA, and their contractors and agents shall have reasonable right-of-entry and access to the property.
- e. Inspection and Reporting Requirements: Submit an annual report detailing compliance with the CRUP.
- f. Restrictions against inconsistent uses (applicable to the habitat reserve areas).
- g. Access management measures in areas designated for habitat reserve.

4. Decision Documents:

Group 1 ROD. Final Record of Decision, Group 1, Seaside and Parker Flats (Phase II) Munitions Response Areas, Former Fort Ord, California, September 2018 (Fort Ord Administrative Record No. ESCA-0359)

Group 3 ROD. Final Record of Decision, Group 3, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Former Fort Ord, California, November 2014 (Fort Ord Administrative Record No. ESCA-0293)

IAR MRA ROD. Final Record of Decision, Interim Action Ranges Munitions Response Area, Former Fort Ord, California, December 2016 (Fort Ord Administrative Record No. ESCA-0331)

PF Track 2 ROD. Record of Decision, Parker Flats Munitions Response Area, Track 2 Munitions Response Site, Former Fort Ord, California, June 2008 (Fort Ord Administrative Record No. OE-0661)

5. Residential reuse examples include: single family or multi-family residences; childcare facilities; playgrounds; hospitals; nursing homes or assisted living facilities; and any type of educational facility for children or young adults in grades kindergarten through 12. Non-residential development reuse examples include: infrastructure activities (such as roadway and utility construction); development of MPC institutional structures and parking; and borderland development buffer along the Natural Resources Management Area (NRMA) interface with the former Impact Area MRA. The borderland development buffer was established in the Installation-Wide Multispecies Habitat Management Plan and can include parking lots, greenbelts, or other nonflammable or fire-resistant land uses to minimize the possibility of fire damage to the NRMA as well as structures on the development parcels (Fort Ord Administrative Record No. BW-1787). Habitat reserve is land set aside from development to protect biologically important habitat and for conservation and enhancement of threatened and endangered species.

Table 2A  
 DTSC CRUP Legal Descriptions  
 Point of Beginning Latitude / Longitude Coordinates  
 FORA Environmental Services Cooperative Agreement Remediation Program  
 Former Fort Ord

USACE Parcel No.	Parcel Label	Legal Description Point of Beginning Latitude / Longitude Coordinates
<b>Monterey Peninsula College CRUP</b>		
E19a.5	O	N36° 38' 19.81" / W121° 47' 26.10"
E19a.5	Q	N36° 37' 46.71" / W121° 47' 29.59"
E40	--	N36° 37' 35.75" / W121° 47' 36.21"

Notes:

CRUP = Covenant to Restrict Use of Property  
 DTSC = Department of Toxic Substances Control  
 FORA = Fort Ord Reuse Authority  
 USACE = United States Army Corps of Engineers  
 -- = Not applicable

PREPARED BY:  
 WHITSON ENGINEERS

  
 \_\_\_\_\_ 10/31/19  
 RICHARD P. WEBER P.L.S.  
 L.S. NO. 8002



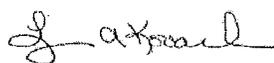
Table 2B  
 DTSC CRUP Legal Descriptions  
 Point of Beginning Latitude / Longitude Coordinates  
 FORA Environmental Services Cooperative Agreement Remediation Program  
 Former Fort Ord

USACE Parcel No.	Legal Description Point of Beginning Latitude / Longitude Coordinates
<b>Monterey Peninsula College CRUP</b>	
E21b.3	N36° 37' 37.16" / W121° 47' 47.77"
E38	N36° 37' 34.34" / W121° 47' 48.86"
E39 / E40 / E41 / E42 <sup>1</sup>	N36° 37' 37.16" / W121° 47' 47.77"
F1.7.2	N36° 36' 57.49" / W121° 45' 24.45"
L23.2	N36° 37' 42.06" / W121° 47' 45.87"

Notes:

- CRUP = Covenant to Restrict Use of Property
- DTSC = Department of Toxic Substances Control
- FORA = Fort Ord Reuse Authority
- USACE = United States Army Corps of Engineers
- 1. Property transfer perimeter.

PREPARED BY:  
 POLARIS CONSULTING



LYNN A. KOVACH, P.L.S.  
 L.S. NO. 5321



Dated: December 3, 2019

## EXHIBIT A

Designated reuse and corresponding legal descriptions and survey records of the parcels restricted by this covenant.

### Exhibit A1

- A1-1 Designated Reuse, Parker Flats MRA Parcels, Monterey Peninsula College
- A1-2 Parcel E19a.5 – Parcel O Legal Description: Residential Development
- A1-3 Parcel E19a.5 – Parcel Q Legal Description: Non-Residential Development
- A1-4 Parcel E21b.3 Legal Description: Non-Residential Development
- A1-5 Parcel L23.2 Legal Description: Non-Residential Development

### Exhibit A2

- A2-1 Designated Reuse, Interim Action Ranges MRA Parcels, Monterey Peninsula College
- A2-2 Parcel E38 Legal Description: Habitat Reserve
- A2-3 Parcels E39, E40, E41, and E42 Perimeter Legal Description: Non-Residential Development and Habitat Reserve
- A2-4 Parcel E40 Legal Description: Non-Residential Development

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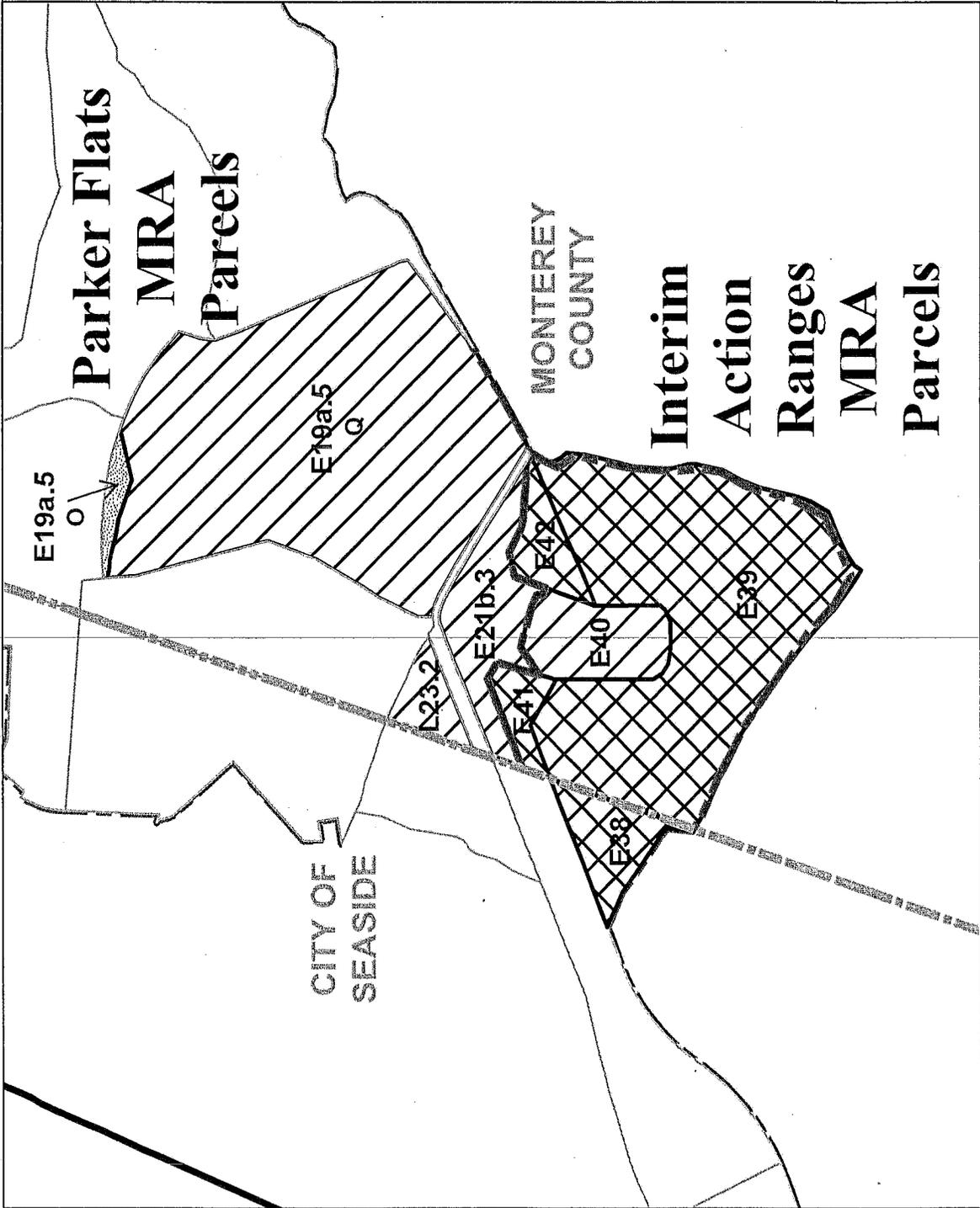
### Exhibit A3

- A3-1 Designated Reuse, MOUT Site MRA Parcel, Monterey Peninsula College
- A3-2 Parcel F1.7.2 Legal Description: Non-Residential Development

**EXHIBIT A1**

**A1-1 Designated Reuse, Parker Flats MRA Parcels, Monterey Peninsula College**

Path: Z:\GIS\Projects\ENVP\01065596\_GIS\Project\ESCA\_CRUP\MXD\Fig\_X\_ESCA\_CRUP\_Monterey\_Peninsula\_College\_1.mxd



Monterey Peninsula College CRUP 2019 – Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2

**EXHIBIT A1**

**A1-2 Parcel E19a.5 – Parcel O Legal Description: Residential Development**

**Parcel O  
Legal Description**

Certain real property situate in the unincorporated area of Monterey County, also situate in the City Lands of Monterey, Tract No. 1, County of Monterey, State of California, described as follows:

Being a portion of the land shown as Parcel 1 on the map filed June 26, 2000 in Volume 23 of Surveys at Page 105, also being a portion of Parcel B on the map filed December 2, 2008 in Volume 30 of Surveys at Page 41, Official Records of said County, more particularly described as follows:

**Beginning** at the most Northwesterly corner of said of Parcel B, thence along the northerly line of said Parcel B

- 1) North 85° 32' 01" East, 169.80 feet; thence
  - 2) North 89° 14' 18" East, 321.74 feet; thence
  - 3) South 84° 57' 11" East, 320.10 feet; thence
  - 4) South 79° 30' 16" East, 483.47 feet; thence
  - 5) South 71° 11' 51" East, 137.97 feet; thence departing said northerly line
  - 6) South 66° 13' 08" West, 9.07 feet; thence
  - 7) Westerly along a tangent arc to the right, having a radius of 520.00 feet, through a central angle of 15° 31' 53", for an arc length of 140.96 feet; thence
  - 8) South 81° 45' 01" West, 267.63 feet; thence
- 
- 9) Westerly along a tangent arc to the left, having a radius of 130.00 feet, through a central angle of 40° 54' 36", for an arc length of 92.82 feet; thence
  - 10) Westerly along a non-tangent arc to the left, the center of which bears South 29° 52' 20" West, having a radius of 347.00 feet, through a central angle of 9° 54' 30", for an arc length of 60.01 feet; thence tangentially
  - 11) North 70° 02' 10" West, 261.26 feet; thence
  - 12) Westerly along a tangent arc to the left, having a radius of 2032.00 feet, through a central angle of 4° 46' 45", for an arc length of 169.50 feet ; thence
  - 13) North 74° 48' 55" West, 222.00 feet; thence
  - 14) Westerly along a tangent arc to the left, having a radius of 532.00 feet through a central angle of 12° 00' 58", for an arc length of 111.57 feet ; thence

**LEGAL DESCRIPTION**

Page 2 of 2

March 22, 2013

Job No.: 1827.13

15) North 86° 49' 53" West, 141.03 feet; to a point on the westerly boundary of said Parcel B; thence along said westerly boundary

16) North 4° 34' 26" West, 18.41 feet to the point of beginning.

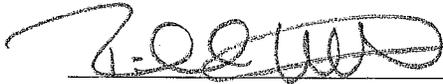
Containing an area of 3.86 acres, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof.

**END OF DESCRIPTION**

PREPARED BY:

WHITSON ENGINEERS



RICHARD P. WEBER P.L.S.

L.S. NO. 8002



Job No.: 1827.13

# ATTACHMENT TO EXHIBIT "A"



PARCEL S

PARCEL U

PARCEL D  
EDC PARCELS  
E18.1.2 E19d.1 E19d.2  
E19d.3 E19d.4 E19d.5  
30-SUR-41

CITY OF SEASIDE  
COUNTY OF MONTEREY

POINT OF BEGINNING

PARCEL N

PARCEL P

PARCEL L

**PARCEL O**  
3.86 AC.

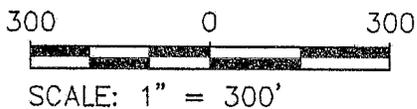
PARCEL R

PARCEL K

PARCEL Q

PARCEL B  
EDC PARCEL E19.d.5  
30-SUR-41

S29°52'20"W (R)



① COURSE NUMBER  
PER LEGAL  
DESCRIPTION



## PARCEL O

COUNTY OF MONTEREY

CALIFORNIA

DATE: MARCH 22, 2012

SHEET

SCALE: 1" = 300'

DRAWN: SMG

CHECKED: RPW

PROJECT No.: 1827.13

1

OF 1

DRAWING PATH: T:\Monterey Projects\1827\182713\182713 - ROS - Parcel Plats.dwg

## EXHIBIT A1

### A1-3 Parcel E19a.5 – Parcel Q Legal Description: Non-Residential Development

**Parcel Q  
Legal Description**

Certain real property situate in the unincorporated area of Monterey County, also situate in the City Lands of Monterey, Tract No. 1, County of Monterey, State of California, described as follows:

Being a portion of the land shown as Parcel 1 on the map filed June 26, 2000 in Volume 23 of Surveys at Page 105, also being a portion of Parcel B on the map filed December 2, 2008 in Volume 30 of Surveys at Page 41, Official Records of said County, more particularly described as follows:

**Beginning** at the most Southwesterly corner of said of Parcel B, thence along the westerly line of said Parcel B

- 1) North 1° 39' 30" East, 156.62 feet; thence
- 2) North 25° 53' 24" East, 427.12 feet; thence
- 3) North 30° 46' 05" East, 753.57 feet; thence
- 4) North 20° 28' 20" East, 520.37 feet; thence
- 5) North 14° 47' 14" West, 1369.35 feet; thence
- 6) North 4° 34' 26" West, 320.17 feet; thence
- 7) South 86° 49' 53" East, 141.03 feet; thence
- 8) Easterly along the tangent arc to the left, having a radius of 532.00 feet, through a central angle of 12° 00' 58", for an arc length of 111.57 feet ; thence

---

- 9) South 74° 48' 55" East, 222.00 feet; thence
- 10) Easterly along the tangent arc to the left, having a radius of 2032.00 feet, through a central angle of 4° 46' 45", for an arc length of 169.50 feet ; thence tangentially
- 11) South 70° 02' 10" East, 261.26 feet; thence
- 12) Easterly along the tangent arc to the right, having a radius of 347.00 feet, through a central angle of 9° 45' 30", for an arc length of 60.01 feet; thence
- 13) Easterly along a non-tangent arc to the right the center of which bears South 49° 09' 35" East, having a radius of 130.00 feet, through a central angle of 40° 54' 36", for an arc length of 92.82 feet; thence
- 14) North 81° 45' 01" East, 267.63 feet; thence

**LEGAL DESCRIPTION**

Page 2 of 3

March 22, 2013

Job No.: 1827.13

- 15) Westerly along the tangent arc to the left, having a radius of 520.00 feet, through a central angle of  $15^{\circ} 31' 53''$ , for an arc length of 140.96 feet; thence tangentially
- 16) North  $66^{\circ} 13' 08''$  East, 9.07 feet to a point in the northerly boundary of said Parcel B; thence along the northerly boundary of said Parcel B
- 17) South  $71^{\circ} 11' 51''$  East, 197.17 feet; thence
- 18) South  $65^{\circ} 01' 11''$  East, 250.60 feet; thence
- 19) South  $62^{\circ} 41' 36''$  East, 227.15 feet; thence
- 20) South  $55^{\circ} 11' 28''$  East, 278.91 feet; thence
- 21) South  $48^{\circ} 03' 46''$  East, 283.49 feet; thence along the easterly boundary of said Parcel B
- 22) South  $17^{\circ} 38' 41''$  West, 226.03 feet; thence
- 23) South  $6^{\circ} 42' 03''$  West, 153.53 feet; thence
- 24) South  $20^{\circ} 08' 36''$  East, 268.73 feet; thence
- 25) South  $23^{\circ} 03' 02''$  East, 1755.77 feet; thence
- 26) South  $12^{\circ} 53' 13''$  East, 90.03 feet; thence along the southerly boundary of said Parcel B
- 27) South  $52^{\circ} 52' 17''$  West, 1103.36 feet; thence
- 28) South  $59^{\circ} 39' 37''$  West, 1040.43 feet; thence

---

- 29) South  $71^{\circ} 12' 11''$  West, 111.11 feet; thence
- 30) Easterly along the non-tangent arc to the left the center of which bears South  $33^{\circ} 22' 23''$  West, having a radius of 5030.00 feet, through a central angle of  $0^{\circ} 33' 23''$ , for an arc length of 48.85 feet; thence
- 31) North  $57^{\circ} 11' 00''$  West, 948.60 feet; thence
- 32) Easterly along the tangent arc to the left, having a radius of 10030.00 feet, through a central angle of  $4^{\circ} 00' 00''$ , for an arc length of 700.23 feet to a point of compound curvature; thence
- 33) Easterly along the arc to the left, the center of which bears South  $28^{\circ} 49' 00''$  West, having a radius of 830.00 feet, through a central angle of  $12^{\circ} 08' 00''$ , for an arc length of 175.77 feet to a point of compound curvature; thence

34) Easterly along the arc to the left, the center of which bears South 16° 41' 00" West, having a radius of 280.00 feet, through a central angle of 17° 14' 41", for an arc length of 84.27 feet to the point of beginning.

Containing an area of 222.61 acres, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof.

END OF DESCRIPTION

PREPARED BY:

WHITSON ENGINEERS

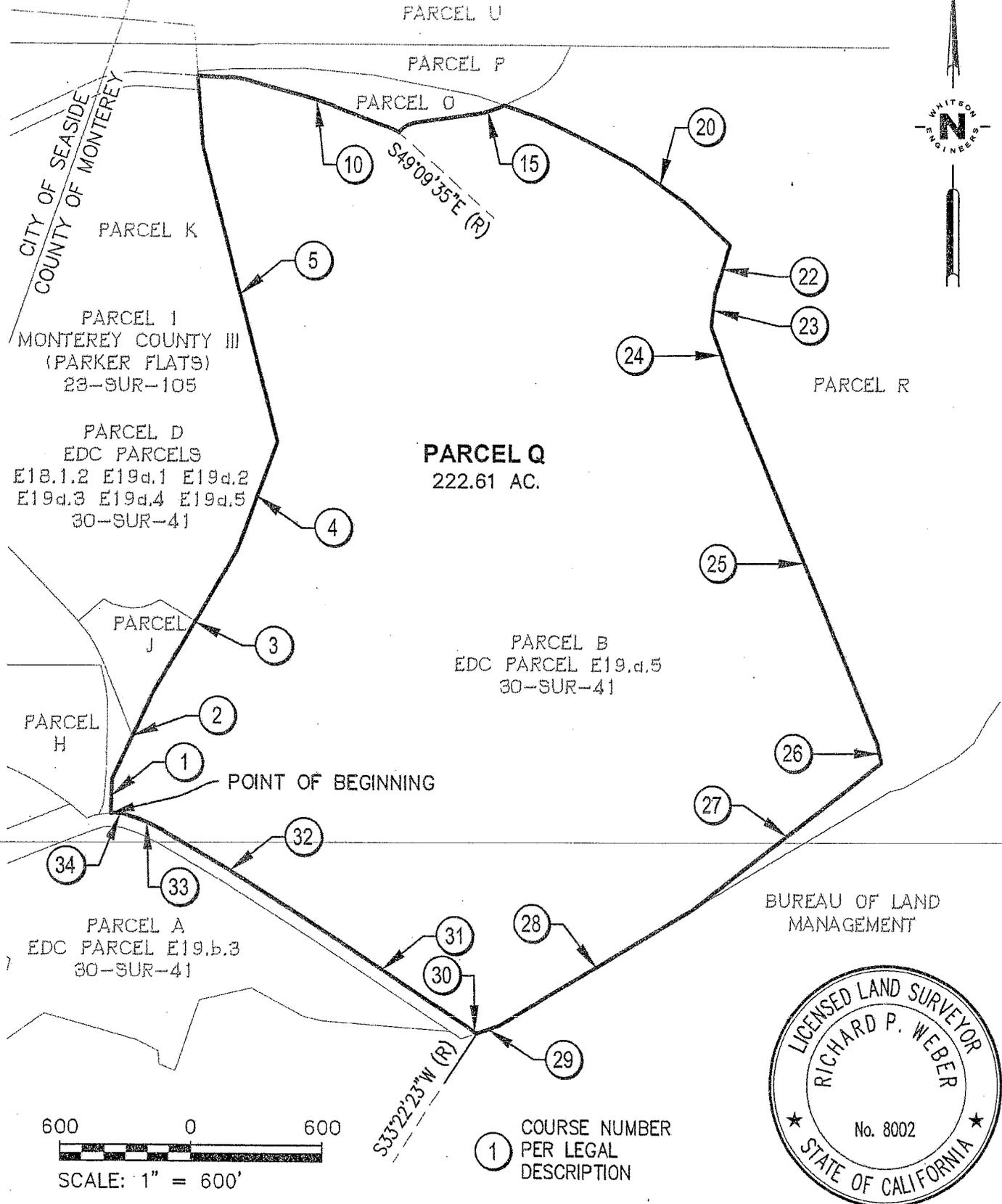


RICHARD P. WEBER P.L.S.  
L.S. NO. 8002



Job No.: 1827.13

ATTACHMENT TO EXHIBIT "A"



	<b>PARCEL Q</b>	DATE: MARCH 22, 2012	SHEET
	COUNTY OF MONTEREY CALIFORNIA	SCALE: 1" = 600'	<b>1</b>
DRAWING PATH: T:\Monterey Projects\1827\182713\182713 - ROS - Parcel Plats.dwg		DRAWN: SMG	OF 1
		CHECKED: RPW	
		PROJECT No.: 1827.13	

## EXHIBIT A1

### A1-4 Parcel E21b.3 Legal Description: Non-Residential Development

EDC Parcel E21b.3  
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 (shown on said map as North  $18^{\circ} 59' 46''$  East), 298.42 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

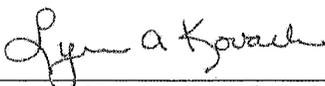
1. North  $18^{\circ} 59' 35''$  East for a distance of 325.58 feet to a point on the southerly boundary line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said southerly boundary line
2. North  $67^{\circ} 40' 00''$  East for a distance of 1,051.60 feet (shown on said map as 1028.50 feet) to the beginning of a tangent curve; thence
3. Along a curve to the right, 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 North  $68^{\circ} 09' 00''$  East for a distance of 168.21 feet to a point of intersection with a tangent line; thence
4. North  $68^{\circ} 38' 00''$  East for a distance of 211.78 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, 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 North  $87^{\circ} 39' 30''$  East for a distance of 143.43 feet to the beginning of a tangent curve; thence
6. Along a compound curve to the right 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 South  $67^{\circ} 15' 00''$  East for a distance of 162.76 feet to the beginning of a tangent curve; thence
7. Along a compound curve to the right, 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 South  $59^{\circ} 11' 00''$  East for a distance of 695.90 feet to a point of intersection with a tangent line; thence

EDC Parcel E21b.3  
FOSET 5  
Fort Ord Military Reservation  
Monterey County, California

8. South 57° 11' 00" East for a distance of 889.89 feet to the northerly boundary of EDC Parcels E39, E40, E41, & E42; thence leaving said southerly boundary line and following along said northerly boundary line
  9. North 85° 51' 38" West for a distance of 595.99 feet; thence
  10. North 76° 37' 26" West for a distance of 86.38 feet; thence
  11. North 61° 54' 12" West for a distance of 267.56 feet; thence
  12. South 77° 05' 31" West for a distance of 246.21 feet; thence
  13. South 19° 14' 23" West for a distance of 336.79 feet; thence
  14. North 68° 47' 10" West for a distance of 77.24 feet; thence
  15. North 01° 56' 56" West for a distance of 59.05 feet; thence
  16. North 65° 07' 58" West for a distance of 118.98 feet; thence
  17. North 74° 05' 58" West for a distance of 430.52 feet; thence
  18. South 54° 47' 09" West for a distance of 332.90 feet; thence
  19. North 15° 42' 12" East for a distance of 450.85 feet; thence
  20. North 59° 15' 04" West for a distance of 195.50 feet; thence
- 
21. South 67° 46' 14" West for a distance of 963.07 feet to the POINT OF BEGINNING.

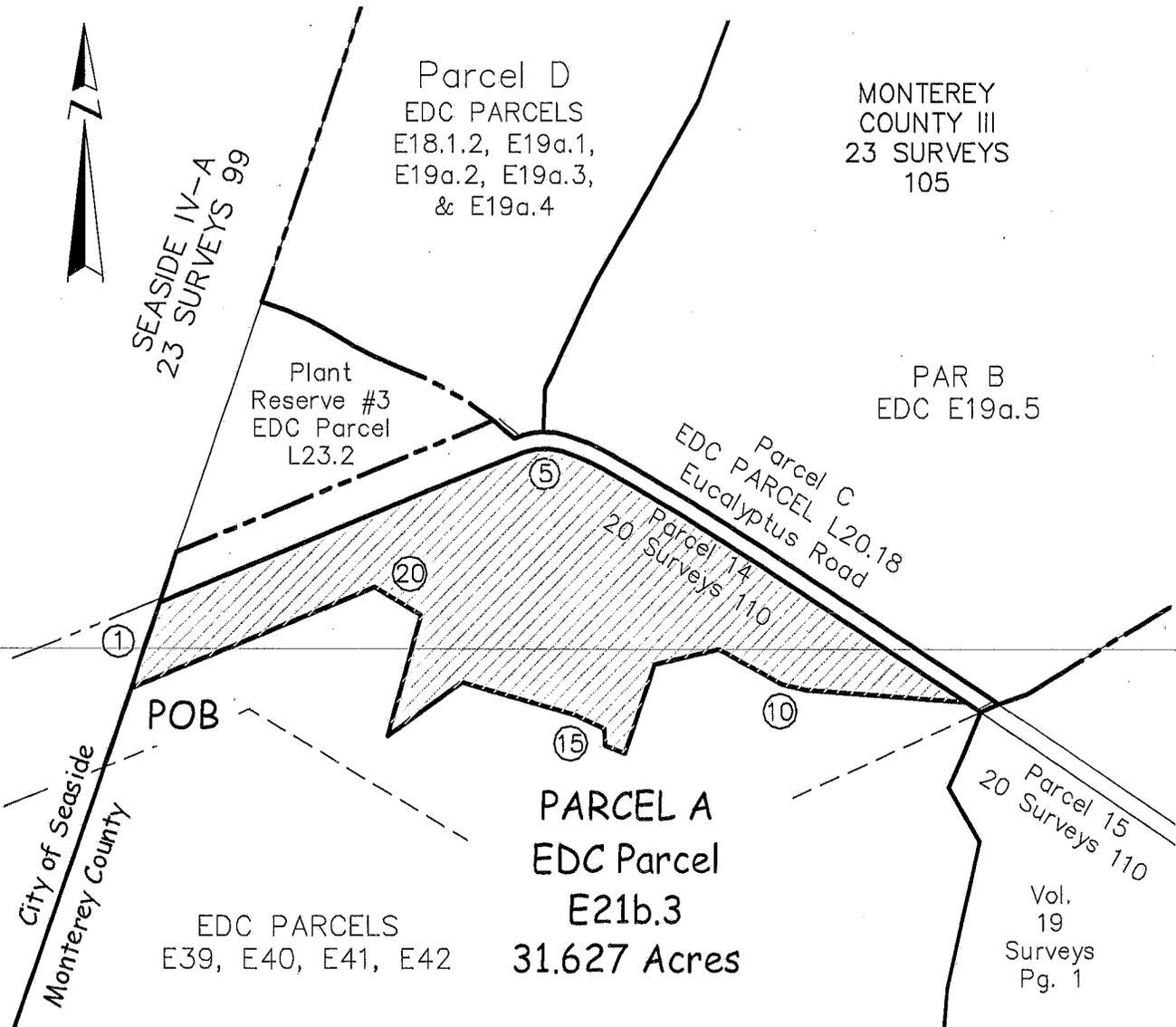
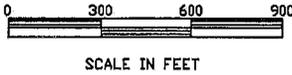
Containing an area of 31.627 acres, more or less.

This legal description was prepared by

  
\_\_\_\_\_  
Lynn A. Kovach      L.S. 5321  
Dated: Oct. 25, 2007



**EXHIBIT OF EDC Parcel E21b.3,  
Lying Within "MONTEREY COUNTY III"  
as shown on Vol. 23 of Surveys at Page 105  
MONTEREY COUNTY,  
CALIFORNIA**



PREPARED BY:

*POCARIS CONSULTING*

P. O. BOX 1378  
CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: E21b.3 DATE: 10-26-2007

FILE NAME: FORA FOSET 5 MPC2.DWG 26114

**EXHIBIT A1**

**A1-5 Parcel L23.2 Legal Description: Non-Residential Development**

EDC Parcel L23.2  
FOSET 5  
Fort Ord Military Reservation  
Monterey County, California

Legal Description

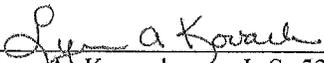
SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described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

BEGINNING at an angle point on the westerly boundary of "Monterey County III" as shown on that certain map recorded in Volume 23 of Surveys at Page 105, from which the most southerly corner common to said "Monterey County III" and "Seaside IV-A" as it is shown on Volume 23 of Surveys at Page 99 bears South 18° 59' 46" West a distance of 817.41 feet; thence from said Point of Beginning leaving said westerly boundary

1. North 18° 59' 46" East for a distance of 949.84 feet to the beginning of a non-tangential curve, point also being an angle point on said westerly boundary of "Monterey County III"; thence following said westerly boundary
2. Along a curve to the right, the center of which bears South 15° 06' 21" West for a distance of 970.00 feet, through a central angle of 16° 42' 29", having a radius of 970.00 feet, for an arc length of 262.86 feet and whose long chord bears South 66° 32' 24" East for a distance of 281.86 feet to the beginning of a tangent reverse curve; thence
3. Along a curve to the left, the center of which bears North 31° 48' 50" East for a distance of 1430.00 feet, through a central angle of 10° 50' 30", having a radius of 1430.00 feet, for an arc length of 270.59 feet and whose long chord bears South 63° 36' 25" East for a distance of 270.19 feet to the beginning of a tangent reverse curve; thence
4. Along a curve to the right, the center of which bears South 20° 58' 20" West for a distance of 1370.00 feet through a central angle of 16° 36' 37", having a radius of 1370.00 feet, for an arc length of 397.17 feet, and whose long chord bears South 60° 43' 22" East for a distance of 395.78 feet to a point of intersection with a non-tangential line; thence
5. South 67° 45' 41" West a distance of 1247.79 feet to the POINT OF BEGINNING.

Containing an area of 10.572 acres, more or less.

This legal description was prepared by

  
Lynn A. Kovach L.S. 5321  
Dated: February 19, 2007

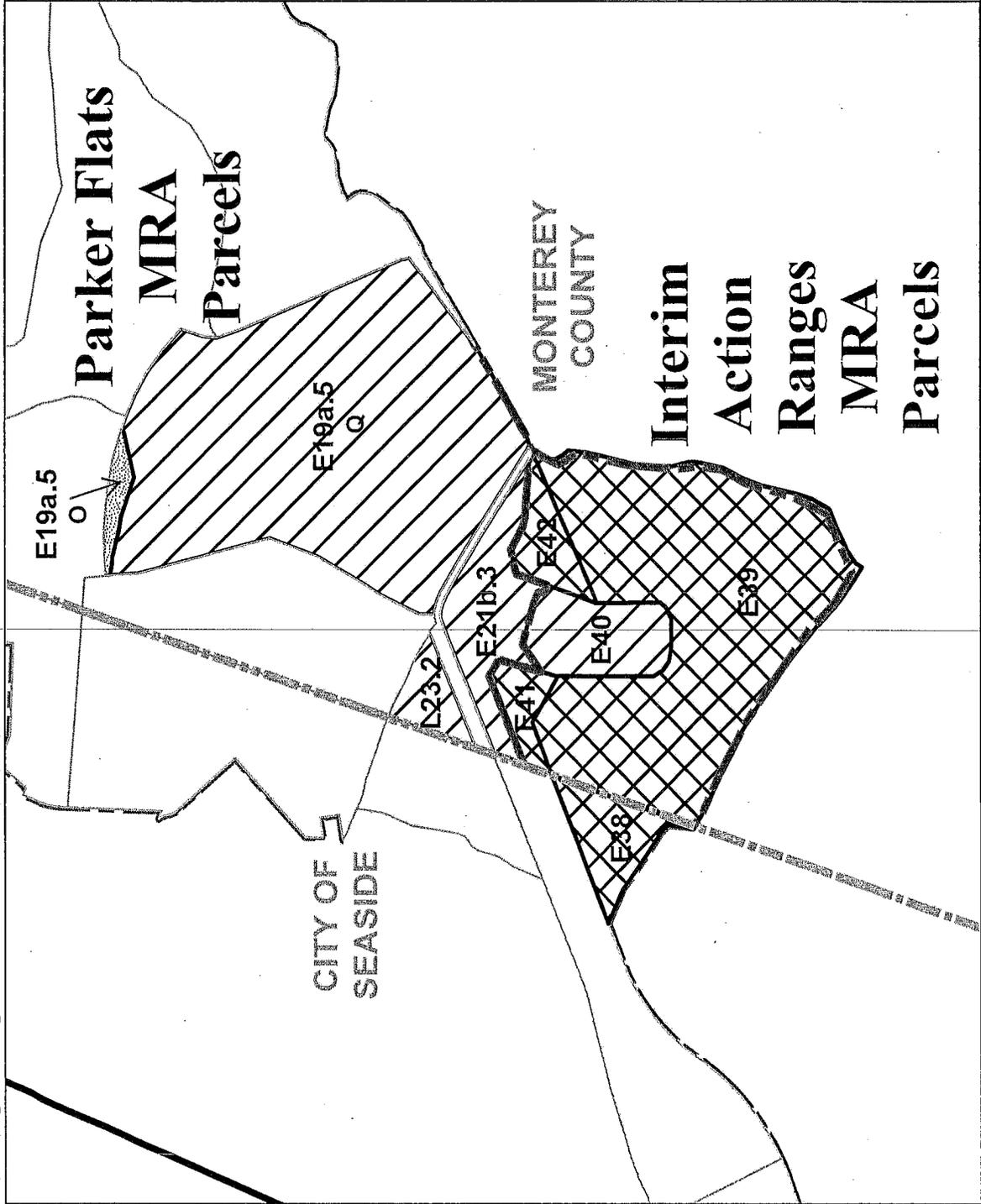




## EXHIBIT A2

### A2-1 Designated Reuse, Interim Action Ranges MRA Parcels, Monterey Peninsula College

Path: Z:\GISProjects\ENV\FC\0405555\GIS\Projects\ESCA\_CRUP\W\03\Fig\_X\_ESCA\_CRUP\_Monterey\_Peninsula\_College\_1.mxd

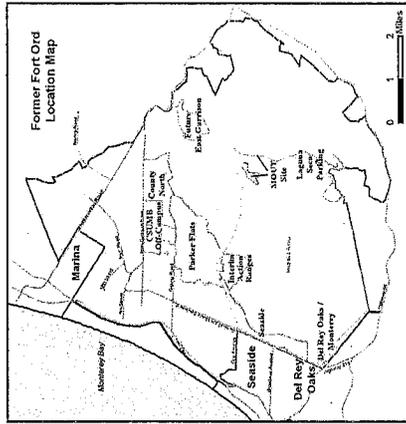


**Legend**

- Munitions Response Area
- Major Road
- USACE Parcel
- Jurisdictional Boundary

**Future Land Use**

- Residential
- Non-Residential
- Habitat Reserve



Designated Reuse  
 Parker Flats MRA and Interim  
 Action Ranges MRA Parcels  
 Monterey Peninsula College  
 FORA-ECSCA-RP  
 Monterey County, California

Exhibit A2-1

**EXHIBIT A2**

**A2-2 Parcel E38 Legal Description: Habitat Reserve**

Parcel C  
EDC Parcel E38  
FOSET 5  
City of Seaside  
Fort Ord Military Reservation  
Monterey County, California

Legal Description

SITUATE within 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 southerly corner common to Parcel 1, "Seaside IV-A" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99 and "Monterey County III", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, thence from said Point of Beginning along an extension southerly of the common boundary of said "Seaside IV-A" and "Monterey County III"

1. South 18° 59' 46" West a distance of 1549.04 feet; thence leaving said extended boundary
2. North 52° 57' 06" West for a distance of 20.33 feet; thence
3. North 05° 40' 08" East for a distance of 253.17 feet; thence
4. North 44° 56' 58" West for a distance of 103.26 feet; thence
5. North 56° 33' 32" West for a distance of 459.02 feet; thence
6. North 52° 21' 41" West for a distance of 226.05 feet; thence
7. North 66° 14' 49" West for a distance of 383.36 feet to a point on the southeasterly boundary of said "Seaside IV-A"; thence along said boundary
8. North 68° 33' 01" East for a distance of 1591.54 feet to the POINT OF BEGINNING.

Containing an area of 17.734 acres, more or less.

This legal description was prepared by

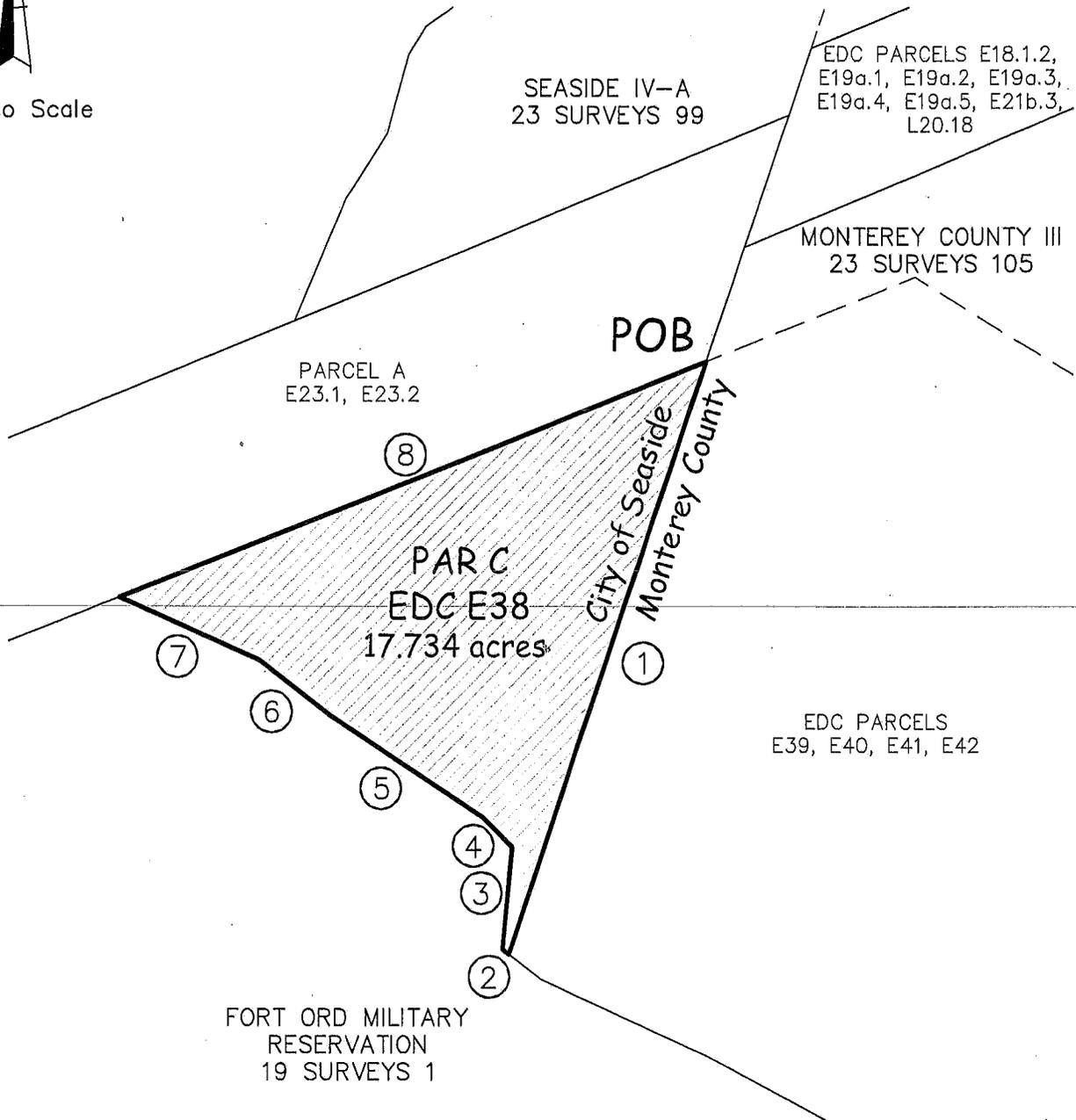
  
Lynn A. Kovach L.S. 5321  
Dated: March 12, 2007



EXHIBIT  
of  
Parcel C  
EDC Parcel E38  
Fort Ord FOSET 5  
City of Seaside Jurisdiction  
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.

**EXHIBIT A2**

**A2-3 Parcels E39, E40, E41, and E42 Perimeter Legal Description: Non-Residential  
Development and Habitat Reserve**

Parcel 1  
EDC Parcels E39, E40, E41 & E42  
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° 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, leaving said common boundary

1. North 67° 46' 14" East for a distance of 963.05 feet; thence
2. South 59° 15' 04" East for a distance of 195.50 feet; thence
3. South 15° 42' 12" West for a distance of 450.85 feet; thence
4. North 54° 47' 09" East for a distance of 332.90 feet; thence
5. South 74° 05' 58" East for a distance of 430.52 feet; thence

---

6. South 65° 07' 58" East for a distance of 118.98 feet; thence
7. South 01° 56' 56" East for a distance of 59.05 feet; thence
8. South 68° 47' 10" East for a distance of 77.24 feet; thence
9. North 19° 14' 23" East for a distance of 336.79 feet; thence
10. North 77° 05' 31" East for a distance of 246.21 feet; thence
11. South 61° 54' 12" East for a distance of 267.56 feet; thence
12. South 76° 37' 26" East for a distance of 86.38 feet; thence
13. South 85° 51' 38" East for a distance of 595.51 feet; thence

Parcel 1  
EDC Parcels E39, E40, E41 & E42  
FOSET 5  
Fort Ord Military Reservation  
Monterey County, California

14. South 57° 12' 02" West for a distance of 53.54 feet; thence
15. North 61° 55' 39" West for a distance of 34.00 feet; thence
16. South 53° 58' 21" East for a distance of 15.32 feet to a point on the boundary of said  
"Monterey County III" from which an angle point in said boundary bears North 66° 03' 27"  
East 19.66 feet; thence leaving said boundary
17. South 29° 37' 25" West for a distance of 190.95 feet; thence
18. South 24° 52' 08" West for a distance of 132.40 feet; thence
19. South 30° 53' 24" East for a distance of 225.90 feet; thence
20. South 13° 06' 23" West for a distance of 543.13 feet; thence
21. South 04° 07' 20" West for a distance of 483.32 feet; thence
22. South 06° 31' 33" East for a distance of 230.52 feet; thence
23. South 08° 45' 20" West for a distance of 241.64 feet; thence
24. South 29° 03' 59" West for a distance of 280.62 feet; thence
25. South 15° 38' 15" West for a distance of 515.65 feet; thence
26. South 26° 54' 57" West for a distance of 367.63 feet; thence
27. South 65° 46' 16" West for a distance of 641.08 feet; thence
28. North 60° 00' 53" West for a distance of 350.01 feet; thence
29. North 44° 43' 48" West for a distance of 368.70 feet; thence
30. North 55° 02' 55" West for a distance of 1130.89 feet; thence
31. North 62° 22' 55" West for a distance of 600.00 feet; thence
32. North 65° 56' 29" West for a distance of 467.91 feet; thence

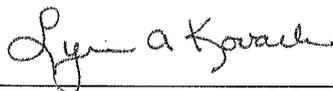
Parcel 1  
EDC Parcels E39, E40, E41 & E42  
FOSET 5  
Fort Ord Military Reservation  
Monterey County, California

33. North 52° 57' 06" West a distance of 102.50 feet to a point on the City of Seaside Corporate Boundary line; thence along said boundary line

34. North 18° 59' 46" East for a distance of 1847.47 feet to the POINT OF BEGINNING

Containing an area of 208.926 acres, more or less.

This legal description was prepared by

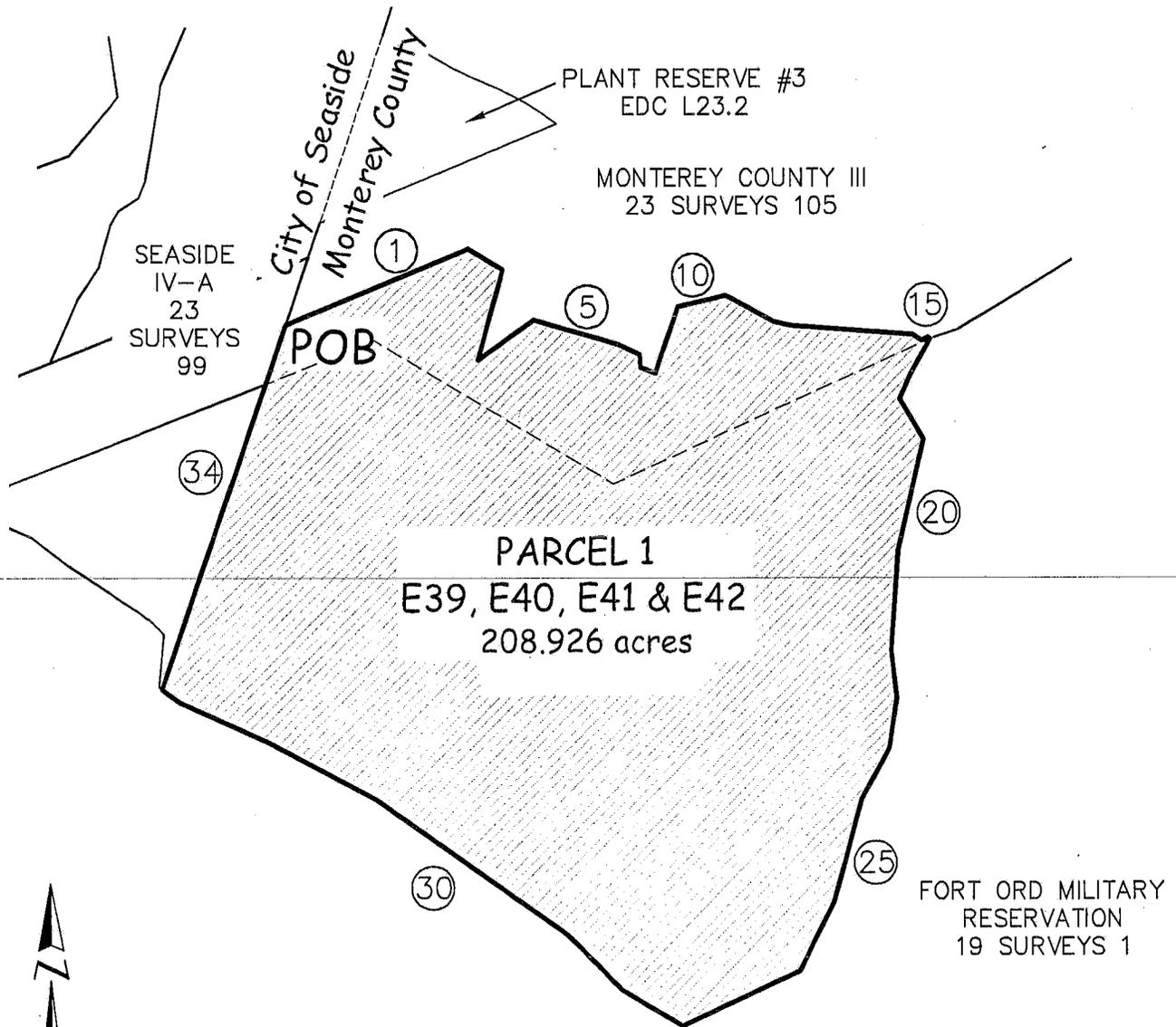


Lynn A. Kovach      L.S. 5321

Dated April 6, 2007

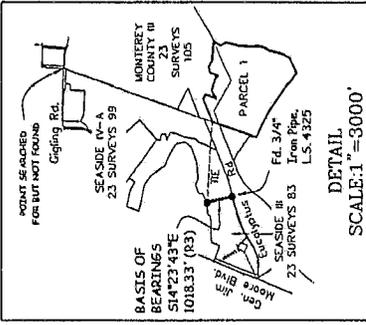
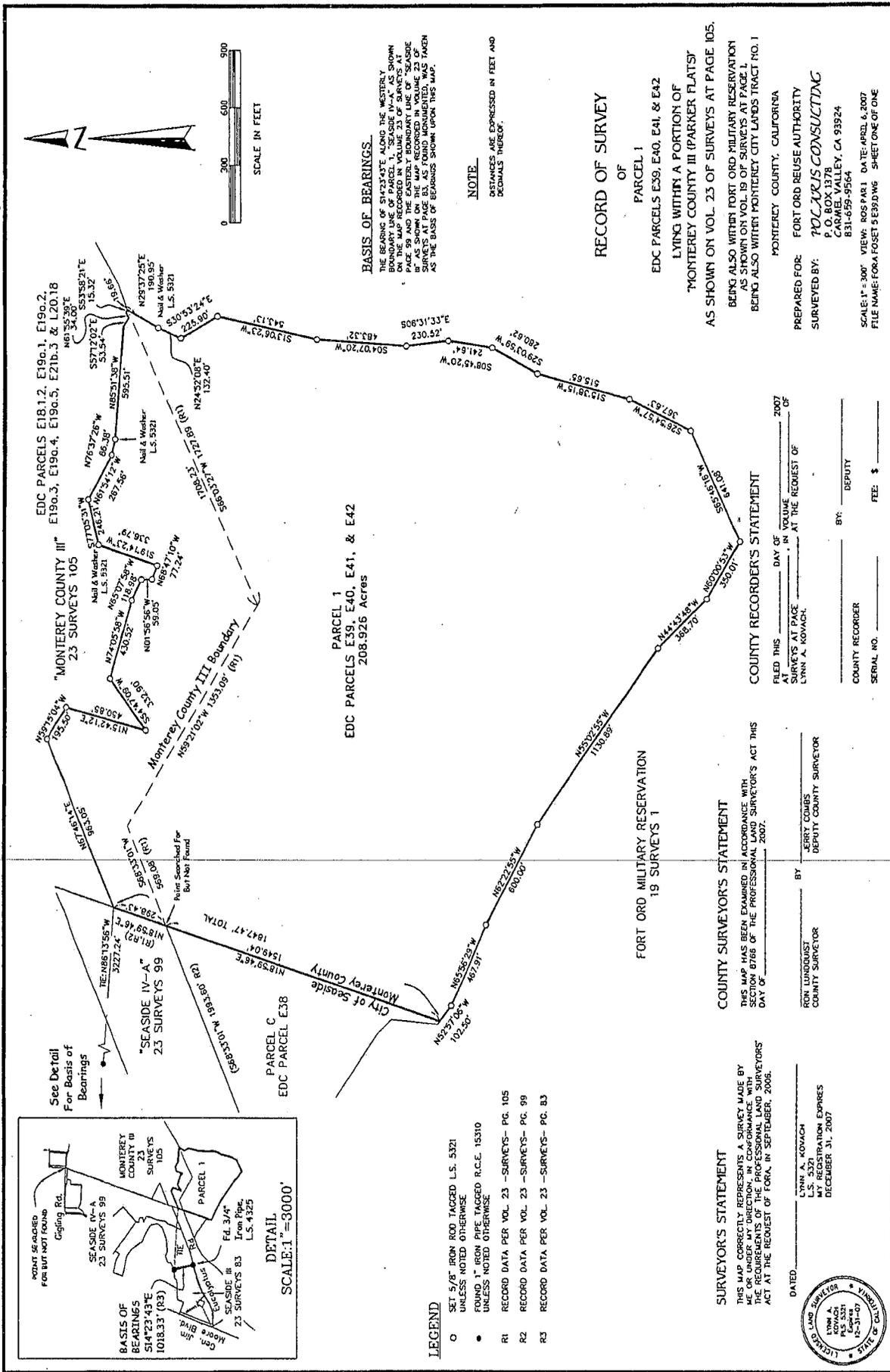


EXHIBIT  
 of  
 Parcel 1  
 EDC Parcels E39, E40, E41, & E42  
 Fort Ord FOSET 5  
 Being a Portion of  
 "Monterey County III (Parker Flats)" as shown on Vol. 23 of Surveys at Page 105 and  
 Lying within the Fort Ord Military Reservation  
 as shown on Vol. 19 of Surveys at Page 1  
 Being also within Monterey City Lands Tract No. 1  
 Monterey County, California



Not to Scale

Note: Course Numbers Refer to the Legal Description.



**BASIS OF BEARINGS**

THE BEARINGS OF THIS MAP, ALONG THE MONTEREY BOUNDARY LINE OF PARCEL 1, "SEASIDE IV-A", AS SHOWN ON THE MAP RECORDED IN VOLUME 23 OF SURVEYS AT PAGE 99 AND THE EASTERN BOUNDARY LINE OF PARCEL 1, AS SHOWN ON THE MAP RECORDED IN VOLUME 23 OF SURVEYS AT PAGE 83, AS FOUND UNDOCUMENTED, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

**NOTE**

BEARINGS ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

**RECORD OF SURVEY**  
OF  
**PARCEL 1**  
EDC PARCELS E39, E40, E41, & E42  
LYING WITHIN A PORTION OF  
MONTEREY COUNTY III (PARKER FLATS)  
AS SHOWN ON VOL. 23 OF SURVEYS AT PAGE 105,  
BEING ALSO WITHIN 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

PREPARED FOR: **FORT ORD REUSE AUTHORITY**  
SURVEYED BY: **NOVARIS CONSULTING**  
BY: **LYNN A. KOWACH**  
DATE: **APRIL 3, 2007**  
FILE NAME: **FORA\_F05E39DWS** SHEET ONE OF ONE

COUNTY RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007  
AT \_\_\_\_\_ IN THE COUNTY OF \_\_\_\_\_  
LYNN A. KOWACH

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS DAY OF \_\_\_\_\_ 2007.

BY: **JERRY COMBS** DEPUTY COUNTY SURVEYOR  
**RON LUNDQUIST** COUNTY SURVEYOR

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF FORA, IN SEPTEMBER, 2006.

DATED: \_\_\_\_\_  
BY: **LYNN A. KOWACH**  
L.S. 5321  
MY REGISTRATION EXPIRES  
DECEMBER 31, 2007



- LEGEND**
- SET 5/8" IRON ROD TAGGED L.S. 5321 UNLESS NOTED OTHERWISE
  - FOUND 1" IRON PIPE TAGGED R.C.E. 15310 UNLESS NOTED OTHERWISE
  - R1 RECORD DATA PER VOL. 23 - SURVEYS - PG. 105
  - R2 RECORD DATA PER VOL. 23 - SURVEYS - PG. 99
  - R3 RECORD DATA PER VOL. 23 - SURVEYS - PG. 83

## EXHIBIT A2

### A2-4 Parcel E40 Legal Description: Non-Residential Development

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**EDC PARCEL E39, E40, E41 & E42**  
**HABITAT RESERVE AND NON-RESIDENTIAL DESIGNATIONS**

Certain real property situate in the County of Monterey, State of California, described as follows:

Being that certain real property shown as Parcel 1, on that certain map filed on February 13, 2008 as Volume 29 Surveys at Page 103 of said County, more particularly described as follows:

**HABITAT RESERVE AREA:**

Being all of said Parcel 1.

Excepting therefrom the "Non-Residential area" described as follows:

**NON-RESIDENTIAL AREA:**

All that land bound by the following described area.

**Beginning** at point on the northerly boundary of said Parcel 1, said point being the southerly terminus of the course shown as South 54°47'09" West, 332.90' on said map: thence along the northerly boundary of said Parcel 1

- 1) North 54°47'09" East, 332.90 feet; thence
  - 2) South 74°05'58" East, 430.52 feet; thence
  - 3) South 65°07'58" East, 118.98 feet; thence
  - 4) South 1°56'56" East, 59.05 feet; thence
- 
- 5) South 68°47'10" East, 77.24 feet; thence departing said northerly boundary
  - 6) South 19°29'28" West, 536.49 feet; thence
  - 7) South 0°18'04" East, 665.52 feet; thence
  - 8) South 37°04'23" West, 70.50 feet; thence
  - 9) South 67°37'12" West, 128.69 feet; thence
  - 10) South 88°24'43" West, 252.60 feet; thence
  - 11) North 80°45'14" West, 174.26 feet; thence
  - 12) North 56°12'18" West, 113.71 feet; thence

- 13) North 30°39'02" West, 109.85 feet; thence
- 14) North 00°01'42" West, 1,005.76 feet; thence
- 15) North 16°01'30" East, 161.25 feet to the **POINT OF BEGINNING.**

The Habitat Reserve area containing 183.6 acres, more or less.  
The Non-Residential area containing 25.3 acres, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof

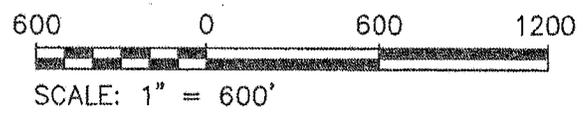
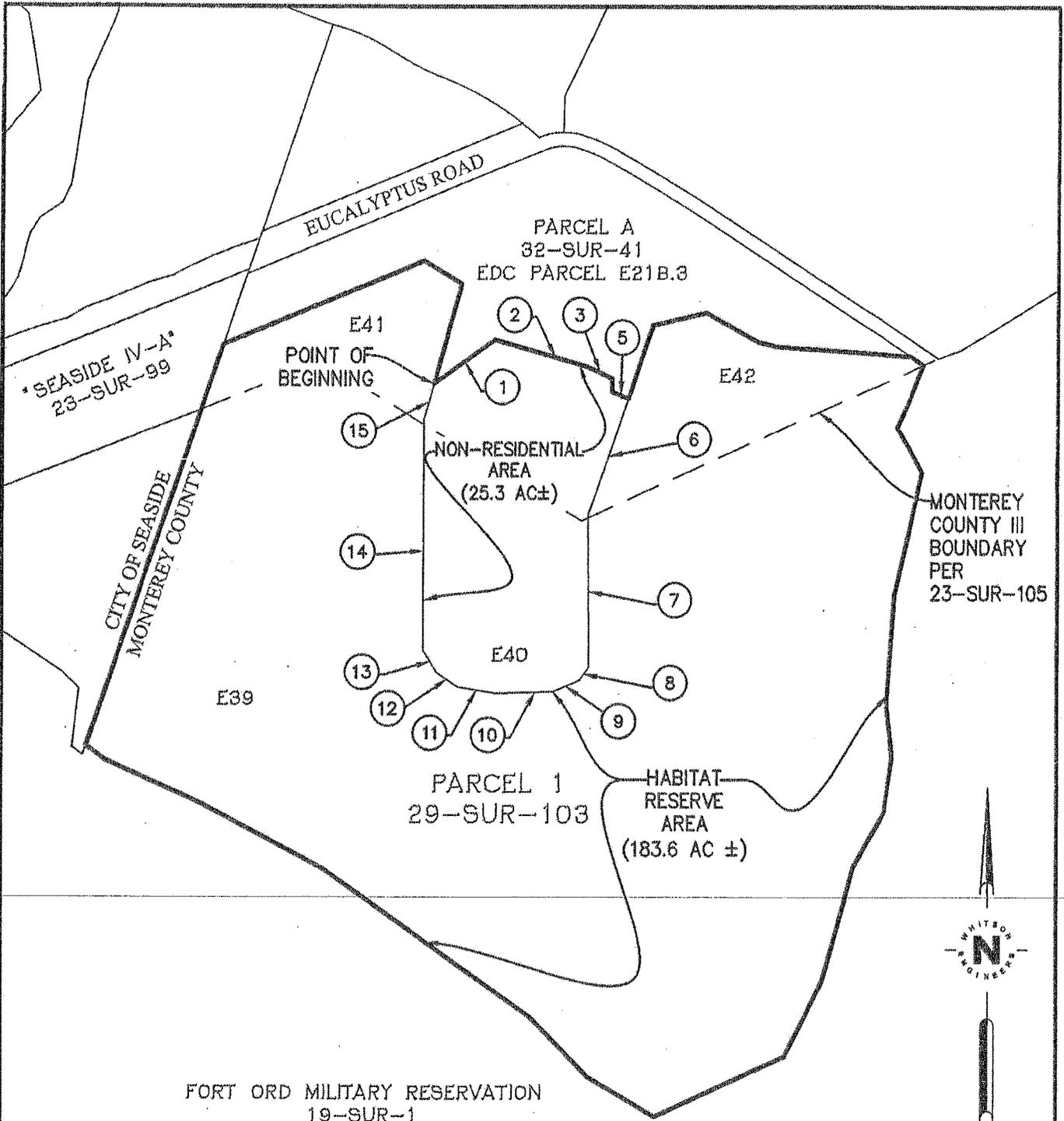
**END OF DESCRIPTION**

PREPARED BY:  
WHITSON ENGINEERS

 5/14/2019

RICHARD P. WEBER P.L.S.  
L.S. NO. 8002  
Job No.: 1827.14





I:\Monterey Projects\1827\182714\SURVEY\1827.14 Legal.s.dwg

**PLAT TO ACCOMPANY LEGAL DESCRIPTION**

MRA MUNITION CLEANUP AREA  
 EDC PARCELS 39-42  
 MONTEREY COUNTY, CALIFORNIA  
 5/10/2019

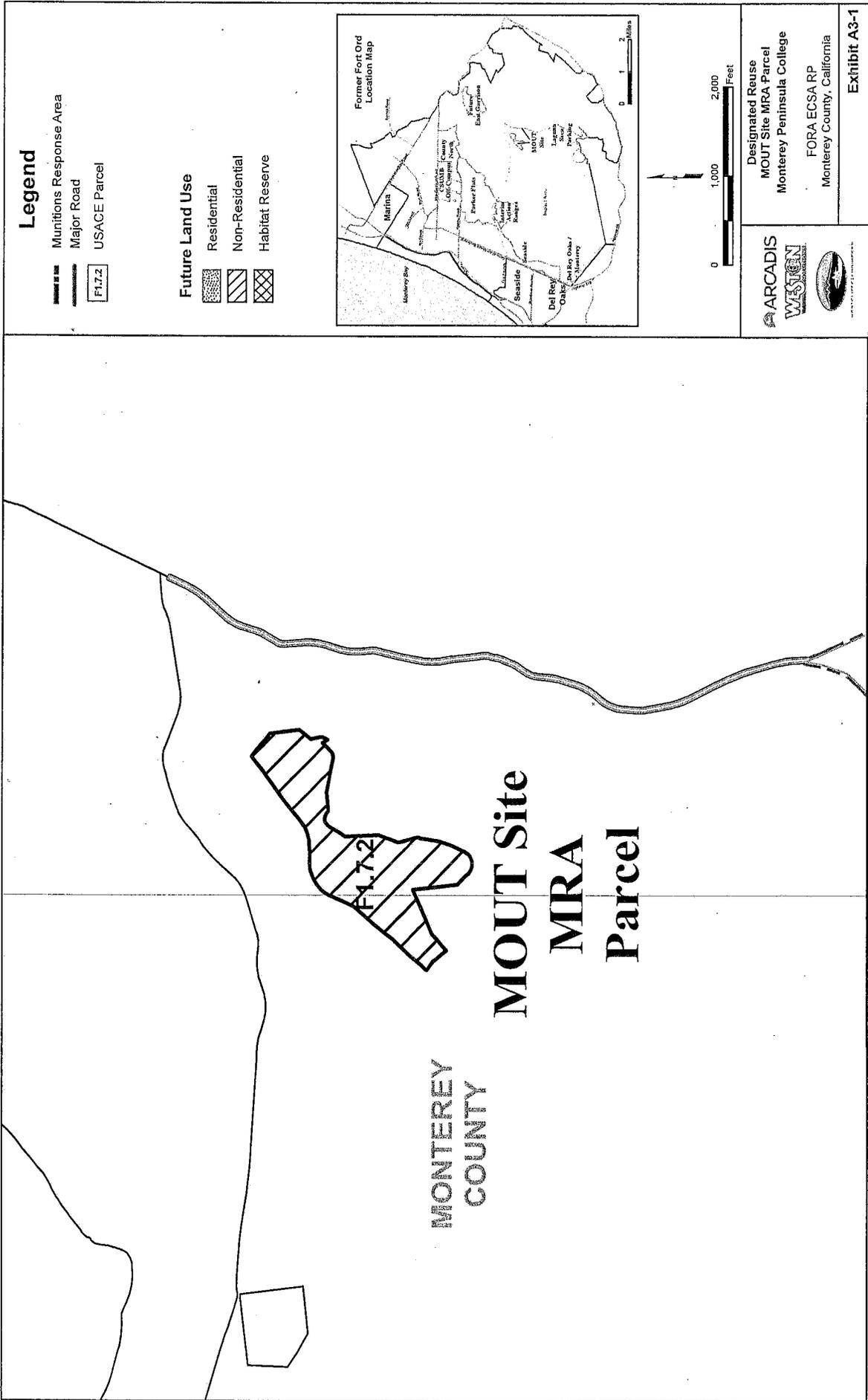


Civil Engineering +  
 Land Surveying  
 6 Harris Court  
 Monterey, CA 93940  
 831.649.5225  
 whitsonengineers.com

**EXHIBIT A3**

**A3-1 Designated Reuse, MOUT Site MRA Parcel, Monterey Peninsula College**

Path: Z:\GIS\Projects\_L\ENV\Ond\065656\_018\Project\ESCA\_CRUP\MXD\Fig\_X\_ESCA\_CRUP\_Monterey\_Peninsula\_College\_2.mxd



**EXHIBIT A3**

**A3-2 Parcel F1.7.2 Legal Description: Non-Residential Development**

PBC Parcel F1.7.2  
FOSET 5  
Fort Ord Military Reservation  
Monterey County, California

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 more particularly described as follows:

BEGINNING at a point from which Monument No. 1, a granite monument marked "NB4A", on the Perimeter Boundary of the former Fort Ord Military Reservation, as it is shown on that certain map recorded in Vol. 19 of Surveys at Page 1, bears North  $81^{\circ} 45' 31''$  West a distance of 17,968.22 feet; thence from said Point of Beginning

1. North  $40^{\circ} 13' 06''$  East for a distance of 287.87 feet; thence
2. North  $43^{\circ} 01' 43''$  East for a distance of 227.34 feet; thence
3. North  $37^{\circ} 15' 12''$  East for a distance of 267.60 feet; thence
4. North  $41^{\circ} 10' 12''$  East for a distance of 332.51 feet; thence
5. North  $23^{\circ} 20' 24''$  East for a distance of 275.58 feet to the beginning of a tangent curve; thence
6. Along a curve to the right, through a central angle of  $64^{\circ} 24' 10''$ , having a radius of 419.00 feet, for an arc length of 470.97 feet, and whose long chord bears North  $55^{\circ} 32' 29''$  East for a distance of 446.57 feet to a point of intersection with a tangent line; thence

---

7. North  $87^{\circ} 44' 34''$  East for a distance of 14.60 feet; thence
8. North  $89^{\circ} 46' 29''$  East for a distance of 180.02 feet to the beginning of a tangent curve; thence
9. Along a curve to the left, through a central angle of  $37^{\circ} 50' 30''$ , having a radius of 461.00 feet, for an arc length of 304.47 feet, and whose long chord bears North  $70^{\circ} 51' 14''$  East for a distance of 298.97 feet to a point of intersection with a tangent line; thence
10. North  $51^{\circ} 55' 59''$  East for a distance of 7.01 feet; thence
11. North  $50^{\circ} 32' 05''$  East for a distance of 326.64 feet; thence
12. North  $54^{\circ} 38' 14''$  East for a distance of 396.86 feet; thence
13. North  $50^{\circ} 59' 24''$  East for a distance of 196.40 feet; thence

PBC Parcel F1.7.2  
FOSET 5  
Fort Ord Military Reservation  
Monterey County, California

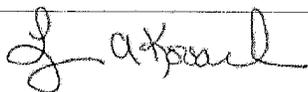
14. South 51° 23' 11" East for a distance of 331.15 feet; thence
  15. South 06° 55' 36" East for a distance of 339.39 feet; thence
  16. South 40° 05' 20" West for a distance of 166.04 feet; thence
  17. South 15° 48' 13" East for a distance of 55.07 feet; thence
  18. South 07° 42' 13" East for a distance of 81.71 feet; thence
  19. South 26° 30' 43" West for a distance of 71.55 feet; thence
  20. North 29° 46' 55" West for a distance of 64.55 feet; thence
  21. South 46° 01' 07" West for a distance of 154.19 feet; thence
  22. South 72° 19' 25" West for a distance of 52.51 feet; thence
  23. North 79° 01' 05" West for a distance of 409.46 feet; thence
  24. South 83° 05' 59" West for a distance of 208.51 feet; thence
  25. North 43° 19' 16" West for a distance of 19.17 feet to the beginning of a tangent curve;  
thence
  26. Along a curve to the left, through a central angle of 104° 56' 60", having a radius of 100.00 feet, for an arc length of 183.17 feet, and whose long chord bears South 84° 12' 14" West for a distance of 158.62 feet to a point of intersection with a tangent line; thence
- 
27. South 31° 43' 44" West for a distance of 224.42 feet; thence
  28. South 02° 31' 11" East for a distance of 385.38 feet; thence
  29. South 19° 01' 30" West for a distance of 248.61 feet; thence
  30. South 14° 39' 17" East for a distance of 229.41 feet; thence
  31. South 23° 50' 00" West for a distance of 37.21 feet; thence
  32. South 08° 29' 01" West for a distance of 230.50 feet; thence
  33. South 18° 40' 02" West for a distance of 156.18 feet; thence

PBC Parcel F1.7.2  
FOSET 5  
Fort Ord Military Reservation  
Monterey County, California

34. South 24° 51' 08" West for a distance of 152.10 feet to the beginning of a tangent curve;  
thence
35. Along a curve to the right, through a central angle of 120° 15' 38", having a radius of 153.00  
feet, for an arc length of 321.14 feet, and whose long chord bears South 84° 58' 57" West  
for a distance of 265.35 feet to a point of intersection with a tangent line; thence
36. North 34° 53' 14" West for a distance of 22.16 feet; thence
37. North 47° 09' 19" West for a distance of 130.89 feet; thence
38. North 06° 16' 21" West for a distance of 522.12 feet; thence
39. South 66° 30' 03" West for a distance of 544.15 feet; thence
40. South 46° 52' 48" West for a distance of 256.14 feet; thence
41. North 37° 32' 29" West for a distance of 201.82 feet; thence
42. North 52° 34' 51" West a distance of 123.44 feet to the POINT OF BEGINNING.

Containing an area of 51.206 acres, more or less.

This legal description was prepared by



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

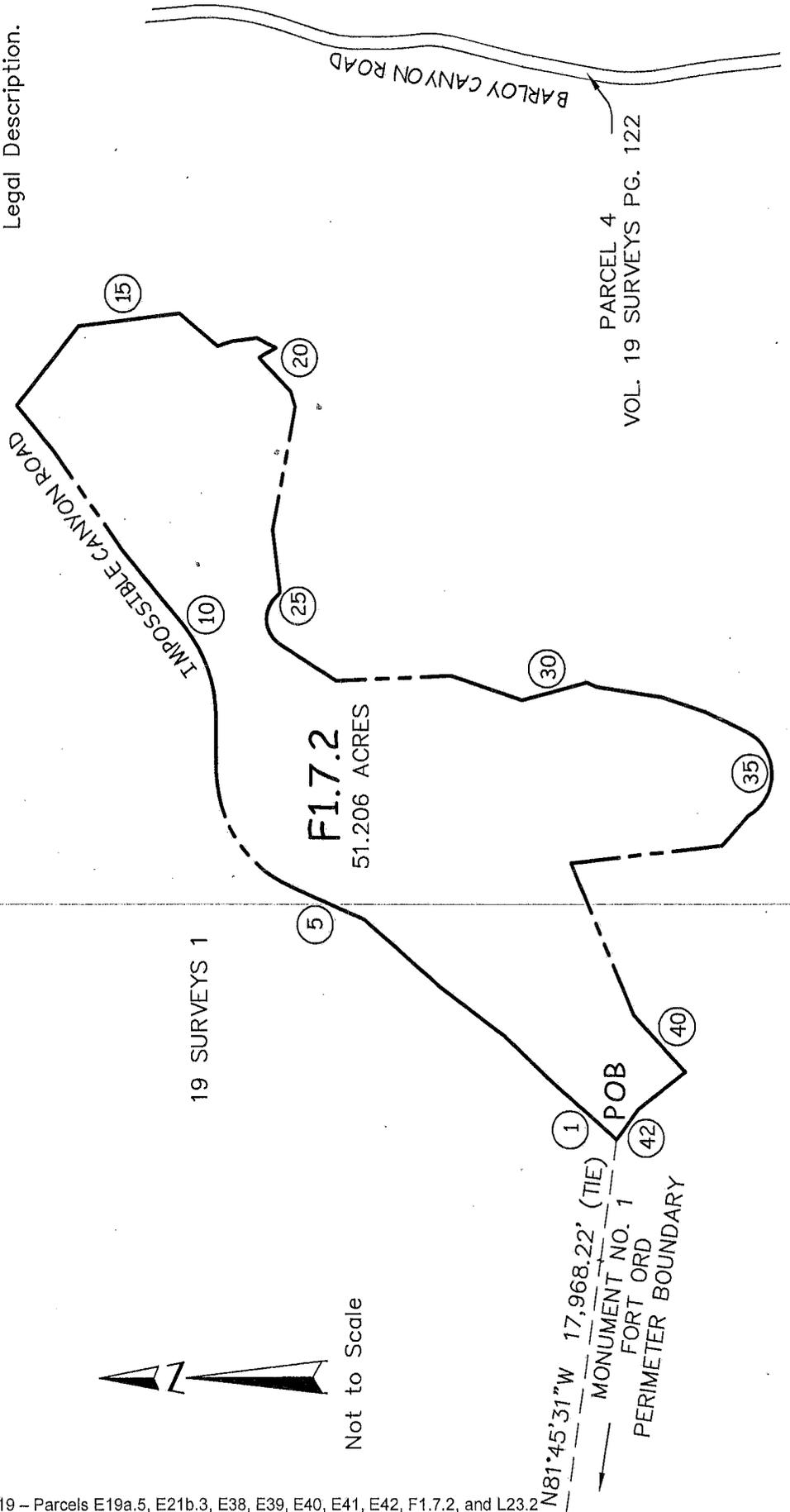


EXHIBIT

of  
PBC Parcel F1.7.2  
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.



Not to Scale

## EXHIBIT B

Plates showing the parcel locations restricted by this covenant  
and the Munitions Response Sites.

Exhibit B1: Parker Flats Munitions Response Area, Munitions Response Sites, Monterey Peninsula College

Exhibit B2: Interim Action Ranges Munitions Response Area, Munitions Response Site, Monterey Peninsula College

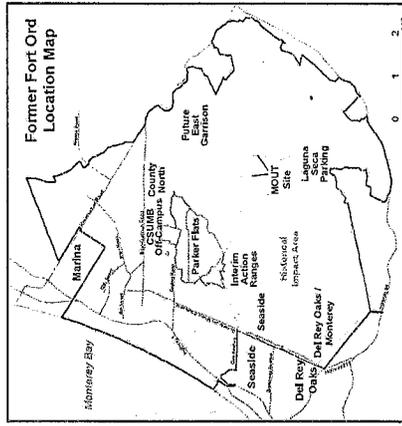
Exhibit B3: MOUT Site Munitions Response Area, Munitions Response Site, Monterey Peninsula College

**EXHIBIT B1**

**Parker Flats Munitions Response Area, Munitions Response Sites, Monterey Peninsula College**

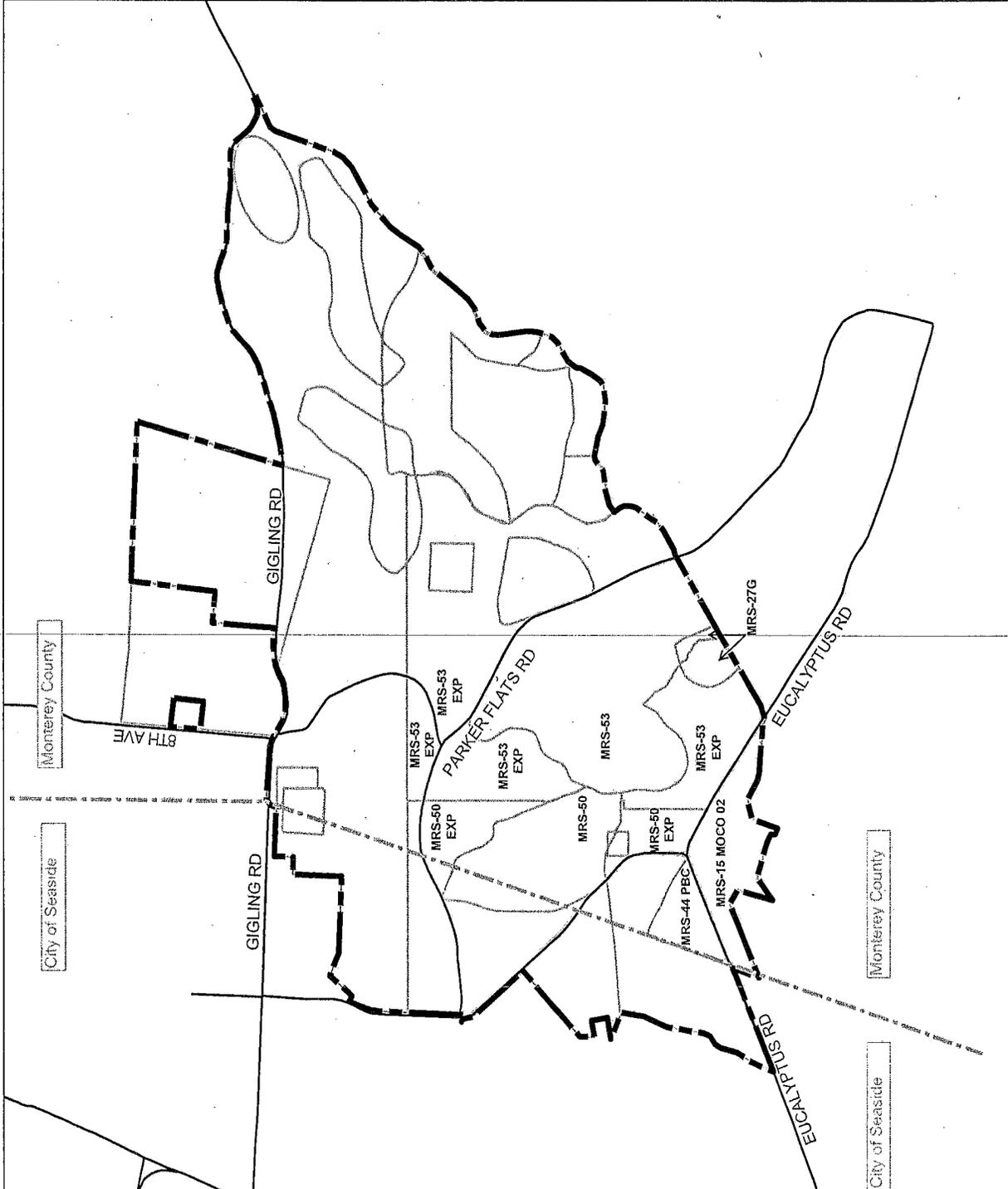
**Legend**

-  Major Road
-  Munitions Response Site
-  Parker Flats MRA



**Parker Flats Munitions Response Area**  
**Munitions Response Sites**  
**Monterey Peninsula College**  
 Monterey County, California

Exhibit B1

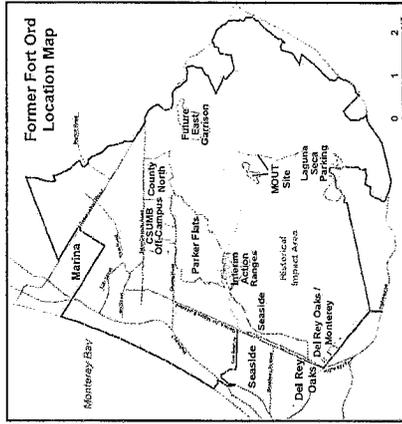


**EXHIBIT B2**

**Interim Action Ranges Munitions Response Area, Munitions Response Site, Monterey Peninsula College**

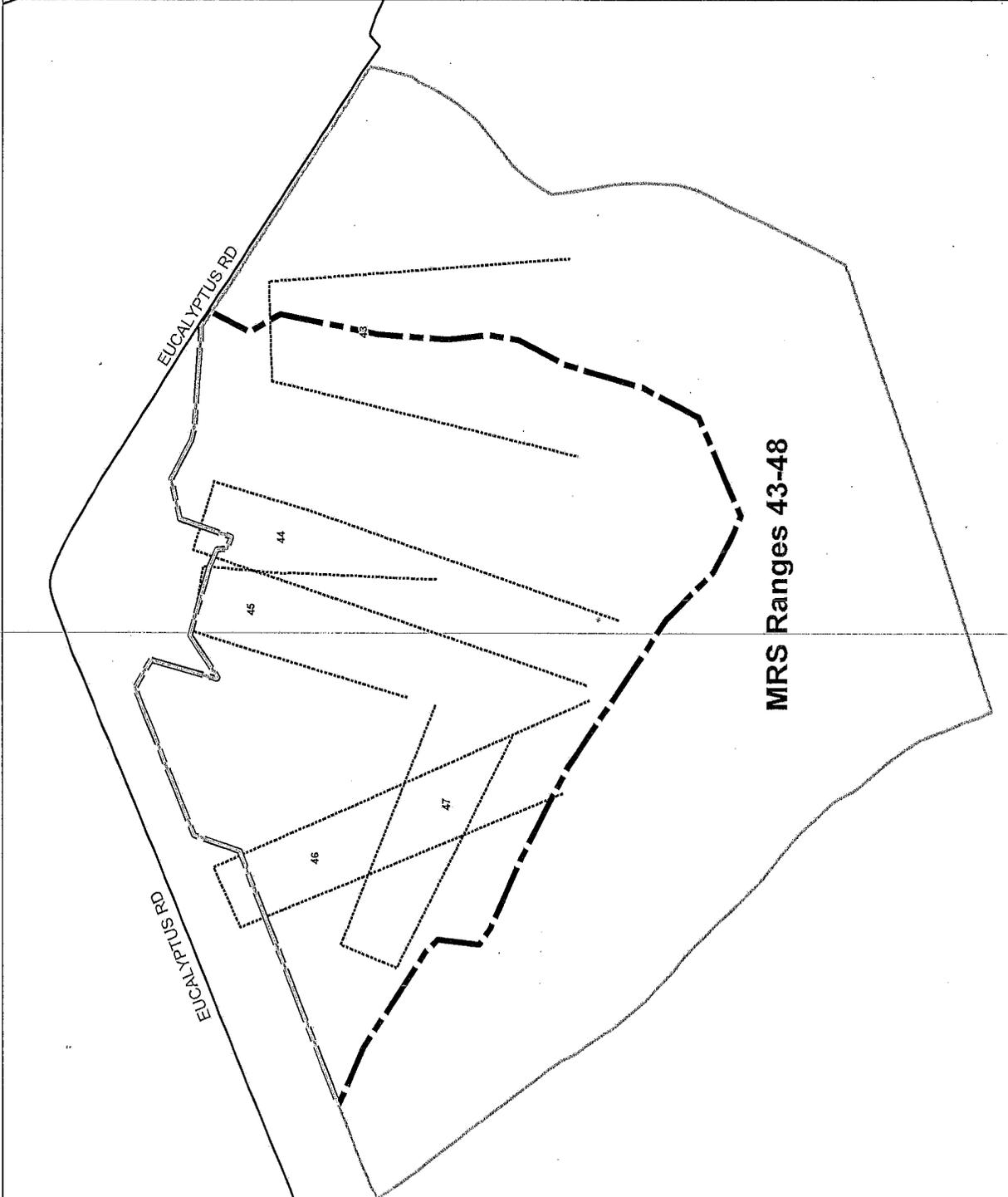
**Legend**

-  Interim Action Ranges MRA
-  Munitions Response Site
-  Firing Range
-  Major Road



**Interim Action Ranges MRA**  
**Munitions Response Site**  
**Monterey Peninsula College**  
 Monterey County, California

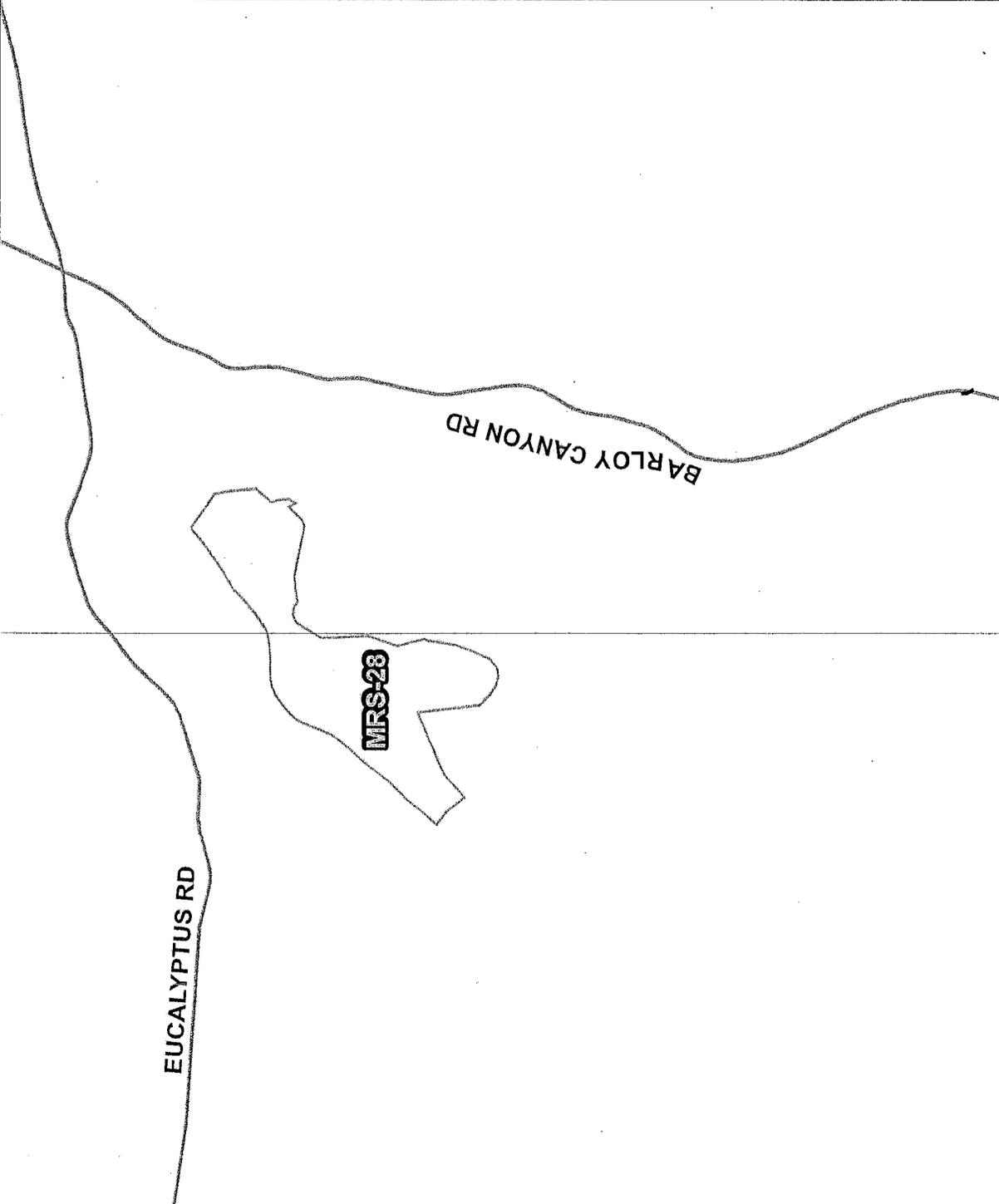
**Exhibit B2**



Monterey Peninsula College CRUP 2019 – Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2

**EXHIBIT B3**

**MOUT Site Munitions Response Area, Munitions Response Site, Monterey Peninsula  
College**



**Legend**

- Munitions Response Site
- Major Road

**Former Fort Ord Location Map**

The inset map shows the location of the MOUT Site within the larger Fort Ord area. Key locations include Monterey Bay, Marina, Del Rey Oaks / Monterey, Seaside / Seaside, Parker Flats, and various ranges and sites like MOUT Site, Laguna Park, and Del Rey Oaks / Monterey. A scale bar indicates 0, 800, and 1,600 feet.

**MOUT Site MRA**  
**Munitions Response Site**  
**Monterey Peninsula College**  
 Monterey County, California

**Exhibit B3**

**California, Department of Toxic Substance Control  
Covenant Restricting Use of Property  
Transmission Cover Letter  
2019**

---



Jared Blumenfeld  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



Gavin Newsom  
Governor

December 27, 2019

Mr. Stan Cook  
Fort Ord Reuse Authority  
920 2nd Avenue, Suite A  
Marina, California 93933



NOTARIZED SIGNATURE FOR COVENANT TO RESTRICT USE OF PROPERTY,  
ENVIRONMENTAL RESTRICTION, MONTEREY PENINSULA COLLEGE - MUNITIONS  
AND EXPLOSIVES OF CONCERN, FORT ORD REUSE AUTHORITY EARLY TRANSFER  
PARCELS, MONTEREY COUNTY, CALIFORNIA

Dear Mr. Cook:

The Department of Toxic Substances Control (DTSC) has prepared a notarized Covenant to Restrict Use of Property (CRUP) for the Monterey Peninsula College - Munitions and Explosives of Concern, Fort Ord Reuse Authority Early Transfer Parcels, County of Monterey, State of California. The CRUP removes a residential restriction from a portion of the parcel and is intended to replace in its entirety the Covenant and Agreement to Restrict Use of Property recorded May 8, 2009, as Instrument No. 2009028273 (the "Original Covenant").

Please sign the attached document and have a recorded version returned to my attention.

If you have any comments or questions, please contact Mr. Brett Leary via email at [Brett.Leary@dtsc.ca.gov](mailto:Brett.Leary@dtsc.ca.gov), or at (916) 255-4988.

Sincerely,

Charlie Ridenour  
Branch Chief  
Site Mitigation and Restoration Program

Attachment

cc: See next page.

Mr. Stan Cook  
December 27, 2019  
Page 2

cc: (Via email)

Mr. William Collins  
BRAC Environmental Coordinator  
Fort Ord Base Realignment and Closure Office  
[William.K.Collins.civ@mail.mil](mailto:William.K.Collins.civ@mail.mil)

Ms. Maeve Clancy  
Remedial Project Manager  
75 Hawthorne Street (SFD-8-3)  
San Francisco, California 94105  
[Clancy.Maeve@epa.gov](mailto:Clancy.Maeve@epa.gov)

Mr. Noel Shrum  
Unit Chief  
Military and Corrective Action Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826  
[Noel.Shrum@dtsc.ca.gov](mailto:Noel.Shrum@dtsc.ca.gov)

Mr. Brett Leary  
Project Manager  
Military and Corrective Action Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826  
[Brett.Leary@dtsc.ca.gov](mailto:Brett.Leary@dtsc.ca.gov)