

ORDINANCE NO. 861

**AN ORDINANCE REPEALING AND SUPERCEDING ORDINANCE NO. 843, "AN ORDINANCE AUTHORIZING THE GRANT OF A SLOPE AND TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF MONTEREY AND AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT" AND AUTHORIZING THE GRANT OF A SLOPE AND TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF MONTEREY AND AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT**

**WHEREAS**, on June 9, 2004 the Board of Directors of the Monterey Peninsula Airport District adopted Ordinance No. 843 authorizing the grant of a slope and temporary construction easement to the City of Monterey and authorizing the execution of a deed of easement, and

**WHEREAS**, the State of California Department of Transportation (Caltrans) has required the City of Monterey to incorporate design changes in regards to the slope easement that was previously approved on June 9, 2004 as follows: Exhibit "A" Legal Description, Parcel A - (Slope Easement) Paragraph 3 will change from "A strip of land five (5) feet in width, the southerly line of which is described..." to "A strip of land ten (10) feet in width, the southerly line of which is described...", and Paragraph 7 will change from "Containing an area of 3,067 square feet, more or less." to "Containing an area of 6,085 square feet, more or less.", and

**WHEREAS**, the Board of Directors of the Monterey Peninsula Airport District finds it to be in the public interest to avoid further unnecessary delay of this project, and allow the City of Monterey to incorporate these design changes as required by the State of California Department of Transportation,

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT DO ORDAIN AS FOLLOWS:**

**SECTION I:** Ordinance No. 843, An Ordinance Authorizing the Grant of a Slope and Temporary Construction Easement to the City of Monterey and Authorizing the Execution of a Deed of Easement is hereby repealed, and


**SECTION II:** That the Monterey Peninsula Airport District grant an easement to the City of Monterey, a California municipality, for the purpose of slope stabilization and construction related thereto and over that certain real property adjacent to State Highway 68 and comprising a portion of the Tarp's Restaurant leasehold (which purpose and property are more fully described in that document entitled "Easement," a copy of which is on file in the office of the District Secretary).

**SECTION III:** That the Chair or Acting Chair of the Board of Directors is hereby authorized and directed to execute and deliver the original of the above-referenced Deed of Easement and the Secretary or Acting Secretary of the District is hereby authorized and directed to affix thereto the official seal of the District.

PASSED TO PRINT BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA  
AIRPORT DISTRICT: This 9<sup>h</sup> day of March 2005, by the following roll call  
vote:

**AYES:**           **DIRECTORS:**       McIntosh, Searle, Vice Chair Foy  
**NOES:**           **DIRECTORS:**       None  
**ABSENT:**       **DIRECTORS:**       Petrak, Chair Phoebus

Signed this 11<sup>th</sup> day of March 2005

  
Barbara Sadler, District Secretary

A T T E S T

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