

For Jim Reuling

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

EASEMENT POLICY

The following shall be the Easement Policy of the Board of Directors of the Agency. This Policy shall be applied when any adjoining landowner seeks a right of way easement over Agency owned real property at Lake Nacimiento and Lake San Antonio.

1. A landowner may apply to the Agency for a right of way easement over adjoining Agency real property at either Lake Nacimiento or Lake San Antonio. Each application shall be signed and filed with the Agency's Right of Way Agent and shall include a brief description of what is requested, including the location and distance of the requested easement, the reasons for the request, what effect the easement would have on reservoir operations, what effect the request would have on other landowners and/or water users and such other information as the Agency deems necessary.
2. Upon filing of such application, a hearing to consider the application shall be scheduled before the Agency's Personnel and Administration Committee no sooner than 45 days and no later than 6 months after the date of filing of the application. The Agency shall then notify all affected landowners and water users by mail indicating the nature of the request and the date and time of the hearing. Such notice shall be mailed no later than 14 days preceding the date of the hearing. Copies of all pertinent information shall also be provided to each member of the Personnel and Administration Committee.
3. The Personnel and Administration Committee shall consider each application on a case by case basis and will make a decision to recommend the approval or denial of the requested easement based on the following considerations, as well as any additional considerations it shall deem pertinent for each case:
 - a. the effect on the water supply of the reservoirs;
 - b. the effect on the water quality of the reservoirs;
 - c. the effect on population density in and around the reservoirs;
 - d. the physical impact on the property to be accessed and surrounding Agency property;
 - e. the maintenance of the proposed easement and the costs of such maintenance;
 - f. the Agency's costs in administering the proposed easement;

- g. the effect on the market value of the property to be accessed; and
- h. whether the applicant has a right to the proposed easement by implied conveyance, necessity, prescription or other legal means.

4. If the Personnel and Administration Committee makes a preliminary finding that the proposed easement should be granted, it shall determine the appropriate compensation, if any, to be paid to the Agency by the applicant for the right of way. Said compensation shall reflect the market value of the property to be accessed and the costs to be incurred by the Agency in administering and/or maintaining the easement. The Committee shall also identify any other conditions to the granting of the easement that it deems necessary or appropriate.

5. Following consideration of the application, the Personnel and Administration Committee shall make a recommendation to the Agency's Board of Directors. The Board of Directors shall then review the considerations in paragraph 3 above and may receive any additional information deemed pertinent in making its final recommendation regarding the application. The decision of the Board of Directors shall be by resolution.

6. The decision of the Board of Directors shall in the form of a recommendation to the Board of Supervisors of the Agency. The Board of Supervisors shall make its final decision on the application in conformity with the above standards.