
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY


LOCAL AGENCY FORMATION COMMISSION
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Kate McKenna, AICP
Executive Officer

MEMORANDUM

DATE: December 19, 2022

TO: Chair and Members of the Formation Commission

FROM: Kate McKenna, AICP, Executive Officer 

SUBJECT: Supplemental memorandum #2 transmitting additional correspondence received regarding December 19, 2022 LAFCO Meeting Agenda Item No. 2 – City of Soledad Miramonte proposal (LAFCO File #20-01) – continued from the regular December 5, 2022 LAFCO meeting

Our office received a letter from the property owner's law firm Moncrief & Hart this afternoon. This additional correspondence is attached to this memorandum.

PAUL W. MONCRIEF
L. PAUL HART
DENNIS J. LEWIS
KOREN R. MCWILLIAMS
JOHN H. BRILLIAN

MONCRIEF & HART

A PROFESSIONAL CORPORATION

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December 19, 2022

File No. 6377.039

VIA EMAIL & U. S. MAIL

Mr. Brent Slama
City Manager
City of Soledad
248 Main Street
Soledad, CA 93960
BSlama@cityofsoledad.com

RE: Miramonte Agricultural Mitigation

Dear Mr. Slama:


To follow up on my letter of December 8, 2022 and in further response to the LAFCO board's request for more information regarding the agricultural mitigation requirements relating to the Miramonte project, HMBY proposes to provide a bond in the full amount of the cost of the first phase of development for the conservation easement cost or in-lieu fees. We calculate that cost to be approximately \$1.5 million and will pay for a bond in that amount to ensure compliance with the MOU between the City and County. I am in discussions with Alliant Insurance Company to underwrite the bond. The bond will cost my client funds that cannot be recovered, but my client is willing to purchase the bond to show its commitment to comply with the MOU.

The bond should provide certainty for LAFCO regarding compliance with the provisions of the MOU such that agricultural mitigation easements will be secured, or that the in-lieu fees will be paid. As we have stated, my client believes that the preservation of Salinas Valley farmland is an important component of the development. It is also the case that the development cannot proceed without adherence to the conditions of the MOU between the City and County which provides for either the conservation easement or payment of the in-lieu fee. There is no deviating from that requirement. Nonetheless, my client is willing to spend additional funds in good faith.

Thank you for your attention to this matter. If you have any questions or comments, please do not hesitate to contact me. I look forward to hearing from you.

Very truly yours,

MONCRIEF & HART, PC


Paul W. Moncrief

PWM/sld

cc: Brian Swanson, bswanson@cityofsoledad.com