

Department of the Army

RIGHT-OF-ENTRY

FOR

ENVIRONMENTAL ASSESSMENT AND RESPONSE

The undersigned, herein called the "Owner," in consideration for the mutual benefits of the work described below, hereby grants the UNITED STATES OF AMERICA, hereinafter called the "Government," a right-of-entry upon the Properties located in the State of California, County of Monterey and containing the monitoring wells, treatment plant, and associated piping shown on "Exhibit A" also known as Corp of Engineers identification numbers:

<u>Description</u>	<u>Parcel Number</u>	<u>Coord X</u>	<u>Coord Y</u>
MW-33-A	032142008000	5745864	2141539
MW-BW-40-A	032222013000	5744227	2142359
OUI-OFFSITE GWTS AND PIPING	175011037000		

Coordinate system: California State Plane, Zone 4. U.S. Feet, North American Datum: NAD 83

1. The Owner hereby grants to the Government an irrevocable and assignable right to enter in, on, over and across the land as shown on "Exhibit A," for a period not to exceed one year, beginning with the date of the signing of this instrument, and terminating with the earlier of the completion of the removal or the filing of a notice of termination in the local land records by the representative of the United States in charge of the Fort Ord Well Demolition and OUI Treatment Plants Decommissioning Project, for the use by the United States, its representatives, agents, and contractors, and assigns, as work areas for monitoring well removal including the right to control traffic, store, move and remove equipment and supplies, and erect and remove temporary structures on the land and perform any other such work which may be necessary and incident to the public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowner(s), their heirs, executors, administrators, successors and assigns, all such right, title, interest, and privilege as may be used and enjoyed without interfering with or abridging the rights and right-of-entry hereby acquired.
2. The Owner also grants the right to enter and exit over and across any other lands of the Owner as necessary to use the described lands for the purposes listed above.
3. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the

Government at any time within a reasonable period after the expiration of this permit of right-of-entry.

4. If any action of the Government's employees or agents in the exercise of this right-of-entry result in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

5. The land affected by this permit of right-of-entry is located in the County of Monterey, State of California and is described as follows: City of Marina

WITNESS MY HAND AND SEAL this _____ day of _____ 2014.

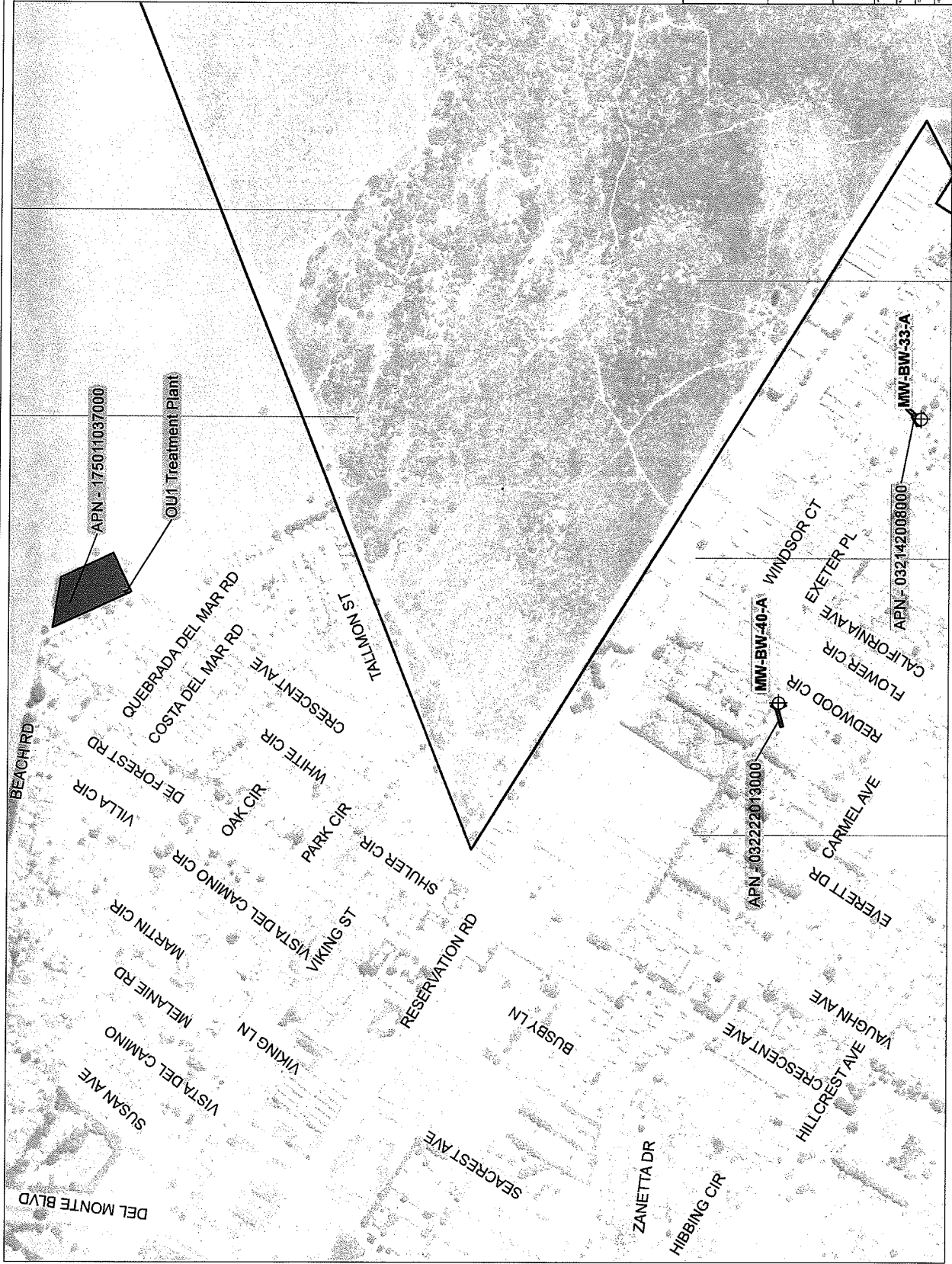
Brian Lee, Interim General Manager
Marina Coast Water District

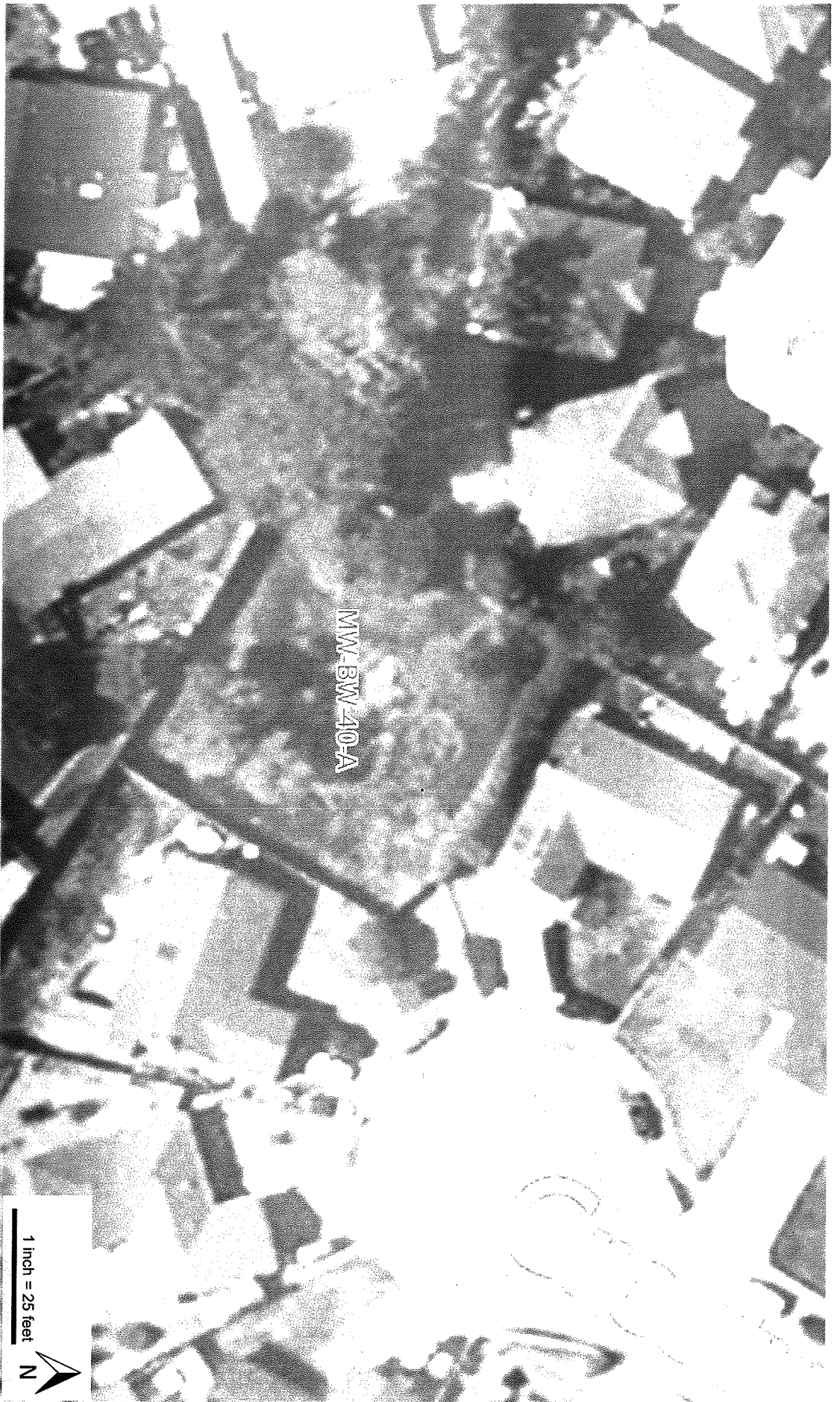
UNITED STATES OF AMERICA

By: _____
Sharon Caine
Chief, Real Estate Division
U.S. Army Engineer District, Sacramento

Date: _____

DATE	3/28/2014	UNIVERSITY OF CALIF.
NAME	3/28/2014	Fort Ord Database
DATE	2012	16,287
NAME	Carry A. Sieber@uic.edu, army.mil	
NAME	Exhibit A - MCWD.mxd	





MW-BW-40-A

1 inch = 25 feet



Exhibit "A"
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Marina Coast Water District



Exhibit "A"
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