

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

Resolution No. 11-101

Certify that the Board has reviewed and considered the information in the )  
Mitigated Negative Declaration previously adopted by Caltrans for the State )  
Route 101 @ San Juan Road Interchange Project, and makes necessary )  
findings related thereto; )

WHEREAS, the California Department of Transportation (Caltrans), in cooperation with the Transportation Agency of Monterey County, and the Council of San Benito County Governments propose to make safety and operational improvements along U.S. Route 101 at the Monterey/San Benito county line known as the State Route 101 @ San Juan Road Interchange Project ("Project"); and

WHEREAS, in 2009 Caltrans prepared an Initial Study/Mitigated Negative Declaration Environmental Assessment (IS/MND) for the Project:

WHEREAS, on December 7, 2009, Caltrans adopted a Mitigated Negative Declaration for the State Route 101 @ San Juan Road Interchange Project; and

WHEREAS, the mitigation measures identified in the Mitigated Negative Declaration summarized in Appendix D of the IS/MND will reduce the potential effects on the environment to insignificance; and

WHEREAS, none of the mitigation measures identified in the IS/MND require any action of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby:

- a. Found that the above recitals are true and correct; and
- b. Certified that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously adopted by Caltrans on December 7, 2009 for the State Route 101 @ San Juan Road Interchange Project and finds it consistent with the spirit and intent of the California Environmental Quality Act; and
- c. Found, based upon the whole record, that the Project will not have a significant effect on the environment because changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects of the Project, as described in the Caltrans Initial Study with Mitigated Negative Declaration dated December 7, 2009; and
- d. Found that the Project would not have a significant effect on environment for the following reasons:
  1. The project would have no effect on archeological or historic architectural resources, educational facilities, public services, housing, publicly owned parks, wildlife refuges, recreational areas, employment or the economy.
  2. The project would not have a significant impact on noise.
  3. The project would have no significant effect on residences, businesses, or farmland.

4. The project would have no significant effect on local geology, soils, mineral resources, paleontological resources, transportation and traffic, public services or utility and service systems.
- e. Found that the Project would have no significant effect on water quality, visual resources, endangered species, wetlands, riparian areas, air quality or climate change because the following mitigation measures would reduce potential effects to insignificance:
  1. Potential effects to water quality from storm water runoff would be minimized through pollution prevention storm water beat management practices and construction impact provisions. Potential effects to water quality from storm water runoff would be mitigated by erosion control measures in conjunction with Caltrans landscape architecture provisions and riparian and wetland minimization/mitigation measures in conjunction with Caltrans biology provisions.
  2. Effects to visual resources would be minimized/mitigated through materials and aesthetic treatments, landscaping and erosion control, grading practices and structural provisions.
  3. Effects to wetlands, riparian areas, endangered or threatened animal or plant species would be minimized/mitigated by implementation of the measures specified in the Biological Opinion rendered by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Any mitigation that would not be feasible onsite would be undertaken as part of the Elkhorn Slough Early Mitigation Plan.
  4. Dust resulting from construction activities would be controlled by compliance with local air district regulations and soil exceeding aerial deposited lead concentrations would be removed before construction.
  5. The project would comply with Assembly Bill 32 on climate change in that it would reduce greenhouse gases by reducing traffic idling at congested intersections, reduce vehicle miles traveled and increase carbon sequestration with a re-vegetation program that includes native and drought-tolerant vegetation.
- f. Found that the above determinations by the Board of Supervisors reflects its independent judgment and analysis; and

PASSED AND ADOPTED on this 12<sup>th</sup> day of April 2011, upon motion of Supervisor Calcagno, seconded by Supervisor Salinas by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on April 12, 2011.

Dated: April 18, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By   
Deputy

## FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this 12<sup>th</sup> day of APRIL, 2011, by and between the STATE OF CALIFORNIA acting by and through the Department of Transportation (herein referred to as "STATE"), and the County of Monterey (herein referred to as "COUNTY"),

WITNESSETH:

WHEREAS, the highway described above has been declared to be a freeway by Resolution of the California Highway Commission on July 19, 1945; and

WHEREAS, an alternate highway location in Monterey County from Espinosa Road through San Benito County to the Santa Clara County Line was adopted and declared a freeway by Resolution of the California Highway Commission on June 24, 1964; and

WHEREAS, STATE and COUNTY have entered into a Freeway Agreement dated August 28, 2007, relating to that portion of State Highway Route 101 from 0.2 miles north of Boronda Road and the San Benito County Line; and

WHEREAS, a revised plan map for such freeway has been prepared showing the proposed plan of the STATE as it affects roads of the COUNTY; and

WHEREAS, it is the mutual desire of the parties hereto to enter into a new Freeway Agreement in accordance with the revised plan of said freeway;

NOW, THEREFORE, IT IS AGREED:

1. This Agreement supersedes that portion of said Freeway Agreement dated August 28, 2007 from 1.3 miles south of the San Benito County Line to the San Benito County Line.
2. COUNTY agrees and consents to the closing of COUNTY roads, relocation of COUNTY roads, construction of frontage roads and other local roads, and other construction affecting COUNTY roads, all as shown on the plan map attached hereto, marked Exhibit A, and made a part hereof by reference.
3. The obligations of STATE and COUNTY with respect to the funding and construction of the freeway project will always be dealt with in separate Cooperative Agreement(s) between the parties, and any amendments thereto, or Encroachment Permits issued to COUNTY. The parties responsible for the construction of the freeway shall make any changes affecting COUNTY roads only in accordance with the plan map attached hereto, marked Exhibit A.

4. The obligations of STATE and COUNTY with respect to the acquisition of the rights of way required for the construction, reconstruction, or alteration of the freeway and COUNTY roads, frontage roads, and other local roads will always be dealt with in separate Cooperative Agreement(s) between the parties, and any amendments thereto, or Encroachment Permits issued to COUNTY.

5. It is understood between the parties that the rights of way may be acquired in sections or units, and that both as to the acquisition of rights of way and the construction of the freeway project, the obligations of STATE and COUNTY hereunder shall be carried out at such time and for such unit or units of the project as funds are budgeted and made lawfully available for such expenditures.

6. COUNTY will accept control and maintenance over each of the relocated or reconstructed COUNTY roads, any frontage roads, and other local roads constructed as part of the project, on receipt of written confirmation that the work thereon has been completed, except for any portion which is adopted by STATE as a part of the freeway proper. If acquired by STATE, COUNTY will accept title to the portions of such roads lying outside the freeway limits upon relinquishment by STATE.

7. This Agreement may be modified at any time by the mutual consent of the parties hereto, as needed to best accomplish, through STATE and COUNTY cooperation, the completion of the whole freeway project for the benefit of the people of the STATE and of the COUNTY.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers.

STATE OF CALIFORNIA  
Department of Transportation

CINDY McKIM  
Director of Transportation

By

  
TERRY L. ABBOTT  
Chief, Division of Design

THE COUNTY OF MONTEREY

By

  
Chairperson, Board of Supervisors

APPROVED AS TO FORM:

  
Attorney (State)

APPROVED AS TO FORM:


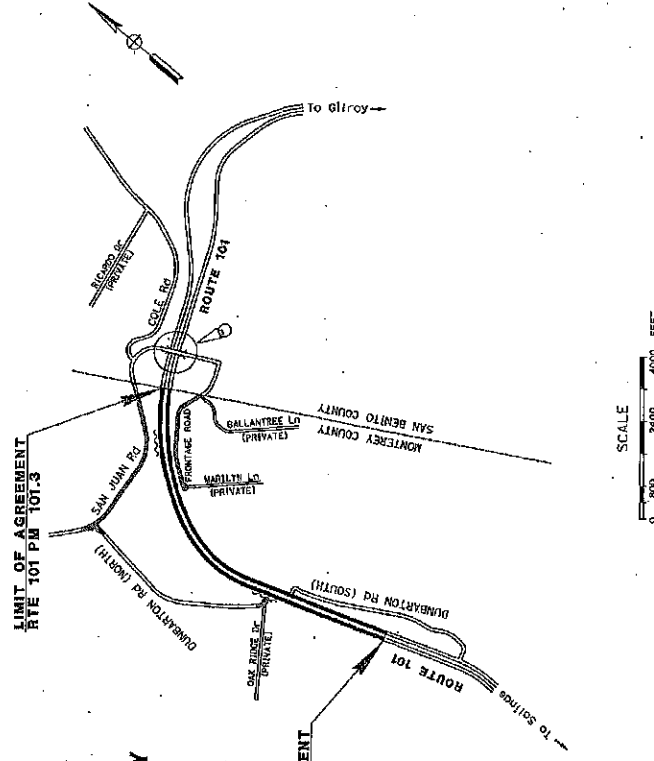
  
Attorney (County)  
Cynthia L. Hasson

EXHIBIT A

COUNTY OF SAN BENITO

STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 05-Mon-101 PM 100.0/101.3  
 FREEWAY  
 IN THE COUNTY OF MONTEREY  
 ON ROUTE 101  
 BETWEEN 1.3 MILE SOUTH OF SAN BENITO COUNTY LINE  
 AND SAN BENITO COUNTY LINE

IN MONTEREY CO., PM 100.0/101.3



COUNTY OF MONTEREY

LEGEND

- == FREEWAY
- INTERCHANGE
- ~ ROAD CLOSURE & TERMINUS CONSTRUCTION AS NECESSARY
- ▨ ROAD TO BE CONSTRUCTED, RECONSTRUCTED OR RELOCATED

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

- a. Conduct a Public Hearing and receive public comments to satisfy the provisions of Streets and Highways Code, Section 100.22 regarding a Freeway Agreement with Caltrans; )
- b. Consider the environmental affects as noted in the Mitigated Negative Declaration signed by Caltrans on December 7, 2009; )
- c. Consider adopting a resolution to certify that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously adopted by Caltrans for the State Route 101 @ San Juan Road Interchange Project, and making related findings thereto; )
- d. Approve a Freeway Agreement with Caltrans for the construction of the State Route 101 @ San Juan Road Interchange Project; )
- e. Authorize the Chair to execute the Freeway Agreement; and )
- f. Direct the Director of Public Works to submit the fully endorsed Freeway Agreement to the County Recorder for filing..... )

Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried by those members present, the Board hereby:

- a. Conducted a Public Hearing and received public comments to satisfy the provisions of Streets and Highways Code, Section 100.22 regarding a Freeway Agreement with Caltrans;
- b. Considered the environmental affects as noted in the Mitigated Negative Declaration signed by Caltrans on December 7, 2009;
- c. Adopted Resolution No. 11-101 to certify that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously adopted by Caltrans for the State Route 101 @ San Juan Road Interchange Project, and making related findings thereto;
- d. Approved a Freeway Agreement with Caltrans for the construction of the State Route 101 @ San Juan Road Interchange Project;
- e. Authorized the Chair to execute the Freeway Agreement; and
- f. Directed the Director of Public Works to submit the fully endorsed Freeway Agreement to the County Recorder for filing.

PASSED AND ADOPTED on this 12<sup>th</sup> day of April, 2011, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

April 12, 2011  
Board of Supervisors

S-5

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on April 12, 2011.

Dated: April 18, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy