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

Agreement No.: A-11001;

- a. Conduct a public hearing and receive public comments regarding a Freeway Agreement with Caltrans;
- b. Approve a Freeway Agreement with Caltrans for the construction of the Prunedale Improvement Project;
- c. Authorize the Chair to execute a Freeway Agreement; and
- d. Direct the Public Works Director 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. Conducts a public hearing and receives public comments regarding a Freeway Agreement with Caltrans;
- b. Approves a Freeway Agreement with Caltrans for the construction of the Prunedale Improvement Project;
- c. Authorizes the Chair to execute the Freeway Agreement; and
- d. Directs the Public Works Director to submit the fully endorsed Freeway Agreement to the County Recorder for filing.

PASSED AND ADOPTED on this 28th day of August 2007, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Potter
NOES: None
ABSENT: Supervisor Smith

I, Lew C. Bauman, 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 Minute Book 73, for a meeting on August 28, 2007.

Dated: August 29, 2007

Lew C. Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California.

By

Darlene Drain, Deputy

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DO NOT REMOVE

Hwy 101

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING:	August 28, 2007 – 1:30 p.m.	AGENDA NO:
SUBJECT:	a. Conduct a public hearing and receive public comments regarding a Freeway Agreement with Caltrans; b. Approve a Freeway Agreement with Caltrans for the construction of the Prunedale Improvement Project; c. Authorize the Chair to execute the Freeway Agreement; and d. Direct the Public Works Director to submit the fully endorsed Freeway Agreement to the County Recorder for filing.	
DEPARTMENT:	RMA - Public Works	

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Conduct a public hearing and receive public comments regarding the Freeway Agreement with Caltrans;
- b. Approve a Freeway Agreement with Caltrans for the construction of the Prunedale Improvement Project (PIP);
- c. Authorize the Chair to execute the Freeway Agreement; and
- d. Direct the Public Works Director to submit the fully endorsed Freeway Agreement to the County Recorder for filing.

SUMMARY/DISCUSSION:

This hearing was set by Board action of July 10, 2007, and it has been properly noticed. The State of California, Department of Transportation, in conjunction with the Transportation Agency for Monterey County and the County, is preparing final plans to construct safety and operational improvements on State Highway Route 101 in North Monterey County. This project, referred to as the Prunedale Improvement Project (PIP), will construct a segment of four-lane freeway, two new interchanges, a new undercrossing and overcrossing, modifications to an existing interchange, various local road improvements, and a concrete median barrier at locations throughout the project limits.

Section 100.2 of the Streets and Highways Code requires Caltrans to enter into an agreement with the County prior to constructing access modifications to County roads. The Streets and Highways Code, Section 100.22, also requires that the Board conduct a public hearing on the subject prior to entering into the agreement contemplated by Section 100.2.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved the Freeway Agreement as to form.

FINANCING:

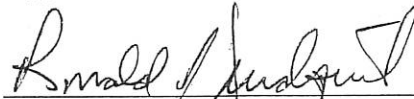
The proposed project is funded entirely by funds derived from the State Transportation Improvement Program and the Interregional Transportation Improvement Program. Approval of this Agreement will have no impact to the Road Fund or the General Fund.

Prepared by:



Enrique M. Saavedra, P.E.
Senior Civil Engineer

Approved by:



Ronald J. Lundquist, P.E.
Public Works Director

Dated: August 22, 2007

Attachments: Board Order; Agreement; Affidavit of Posting, Location Map

05-Mon-101- PM R91.6 /101.3 (KP R147.4/163.0)
In the County of Monterey between 0.3 Mile (0.5 Km)
North of Boronda Road and San Benito County Line

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this 28TH day of AUGUST, 2007, 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, STATE and COUNTY have entered into a Freeway Agreement dated November 29, 1966, relating to that portion of State Highway Route 101 from west city limits of Salinas to 0.25 mile north of Espinosa Road; and

WHEREAS, a Resolution of Change was approved by COUNTY on May 15, 1973, to eliminate certain turning movements at Espinosa Road; and

WHEREAS, STATE and COUNTY have entered into a Freeway Agreement dated December 11, 1990, relating to that portion of State Highway Route 101 from 0.1 mile north of Espinosa Road to San Benito County Line; and

WHEREAS, STATE and COUNTY have entered into a Freeway Agreement dated June 1, 1999, relating to that portion of State Highway Route 101 from 0.4 mile (0.7 Km) south of San Miguel Canyon Road to 0.1 mile (0.2 Km) north of San Miguel Canyon Road; 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 November 29, 1966 from 0.3 mile (0.5 Km) north of Boronda Road to 0.25 miles (0.4 Km) north of Espinosa Road.
2. This Agreement supersedes in its entirety said Freeway Agreement dated December 11, 1990.
3. This Agreement supersedes in its entirety said Freeway Agreement dated June 1, 1999.
4. 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 this reference.

5. STATE shall, in construction of the freeway and at STATE'S expense, make such changes affecting COUNTY roads in accordance with the plan map attached hereto marked Exhibit A.

6. STATE agrees to acquire all necessary right of way as may be required for construction, reconstruction, or alteration of COUNTY roads, frontage roads, and other local roads, and COUNTY hereby authorizes STATE to acquire in its behalf all such necessary right of way.

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

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

9. This Agreement may be modified at any time by the mutual consent of the parties hereto, as may become necessary for the best accomplishment, through STATE and COUNTY cooperation, 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

WILL KEMPTON
Director of Transportation

By

for MARK LEJA
Chief Design Engineer

APPROVED AS TO FORM:

Attorney (State)

THE COUNTY OF MONTEREY
By

Chair

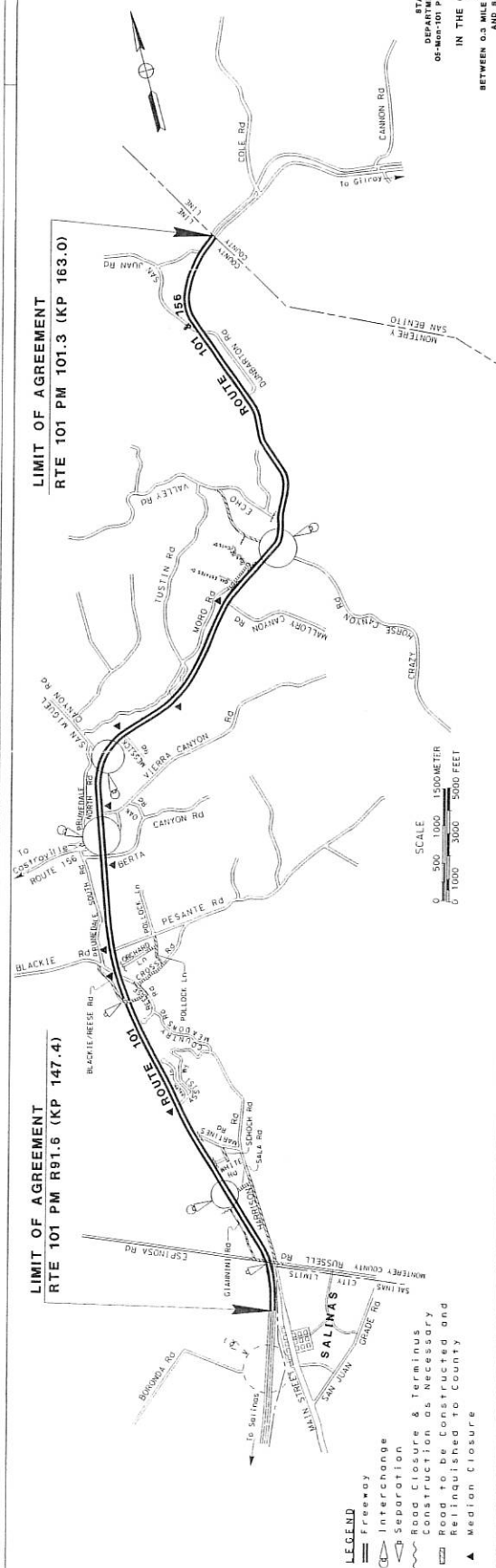
Monterey County Board of Supervisors

APPROVED AS TO FORM:

Attorney (County)

6/11/07

EXHIBIT A



STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
OS-Mon-101 PM R91.6/101.3 (KPI47.4/163.0)
FREEWAY
IN THE COUNTY OF MONTEREY
ON ROUTE 101
BETWEEN 0.3 MILE 10.5 KM NORTH OF BORONDA ROAD
AND SAN BENITO COUNTY LINE

N MONTEREY CO. PM R91.6/101.3 (KPI47.4/163.0)