

Monterey County Board of Supervisors

Board Order

168 West Alisal Street, 1st Floor Salinas, CA 93901 831,755,5066

Upon motion of Supervisor Parker, seconded by Supervisor Alejo and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 17-128 to:

- a. Certify that the Board of Supervisors has considered the previously certified Environmental Impact Report for the 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito, and Santa Cruz Counties;
- b. Approve and Authorize the Chair to execute the Agreement Terminating Memorandum of Agreement Concerning the Realignment of the Multi-Modal Corridor Transit on the Former Fort Ord; and
- c. Approve and Authorize the Chair to execute the new Memorandum of Agreement Concerning the Realignment of the Multi-Modal Corridor Transit on the Former Fort Ord.

PASSED AND ADOPTED this 9th day of May 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas Parker and Adams

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 80 for the meeting May 9, 2017.

Dated: May 10, 2017 File ID: RES 17-045 Gail T. Borkowski, Clerk of the Board of Supervisors County of Monterey, State of California

By Danie Hancock Deputy

Attachment B

AGREEMENT TERMINATING MEMORANDUM OF AGREEMENT AMONG AND BETWEEN

THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, MARINA REDEVELOPMENT AGENCY, CALIFORNIA STATE UNIVERSITY MONTEREY BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, GOLDEN GATE UNIVERSITY, MONTEREY SALINAS TRANSIT, TRANSPORTATION AGENCY FOR MONTEREY COUNTY, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE MULTI-MODAL CORRIDOR TRANSIT ON THE FORMER FORT ORD

THIS AGREEMENT is made and signed on this **22** day of **MARCH Q017**, **2016**; by and among the FORT ORD REUSE AUTHORITY ("FORA"), the CITY OF MARINA ("MARINA"), THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY ("MRA SUCCESSOR"), CALIFORNIA STATE UNIVERSITY MONTEREY BAY ("CSUMB"), UNIVERSITY OF CALIFORNIA SANTA CRUZ ("UCSC"), GOLDEN GATE UNIVERSITY ("GGU"), MONTEREY SALINAS TRANSIT DISTRICT (as successor to Monterey-Salinas Transit and hereinafter referred to as "MST"), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY ("TAMC"), THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY ("AGENCY") and the COUNTY OF MONTEREY ("COUNTY") (with FORA, MARINA, MRA SUCCESSOR, CSUMB, UCSC, GGU, MST, TAMC, AGENCY and COUNTY each being from time to time hereinafter referred to as a "Party", and together being from time to time collectively hereinafter referred to as the "Parties").

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report and a Fort Ord Base Reuse Plan (hereinafter referred to as the "BRP"). The BRP included the designation of a multi-modal transit corridor along the "Imjin Parkway/Blanco Road" corridor, as shown on Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as the "Transit Corridor"). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as the "Original Alignment") of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, along Reservation Road to Blanco Road, and then along Blanco Road to Salinas, as generally shown in Exhibit 1A.
- C. Problems arose with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands and impacts to agricultural operations.
- D. In 2010 the Parties identified and reviewed a proposed new alignment (the "2010 Alignment") to the Transit Corridor, as shown in Exhibit 1B. The Parties then entered into that Memorandum of Agreement dated November 2, 2010 (the "2010 Memorandum of Agreement"), a copy of which is attached hereto as Exhibit 1C.

- E. The 2010 Alignment avoided certain impacts, but raised others. Additionally, some of the development that was anticipated in 2010 has since failed to occur.
- F. Due to the desire of the Parties to reassess the 2010 Alignment, TAMC led the development of a Marina-Salinas Multi-Modal Corridor Conceptual Plan, which identified a new alignment (shown in Exhibit 2) based on input from the Parties, stakeholders and the public.
- G. On June 24, 2015, TAMC approved the Marina-Salinas Multi-Modal Corridor Plan and adopted Resolution 2015-15 (a copy of which is attached as <u>Exhibit 3</u>), determining that the Marina-Salinas Multi-Modal Corridor Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed by the Environmental Impact Report certified by the Association of Monterey Bay Area Governments and considered by TAMC in adopting its Resolution No. 2014-10.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

- 1. <u>Termination of 2010 Memorandum of Agreement</u>. The Parties hereby agree to terminate the 2010 Memorandum of Agreement, which shall hereafter be of no further force or effect.
- 2. <u>Counterparts</u>. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same complete instrument. The signature page of each counterpart may be detached from such counterpart and attached to a single document which shall for all purposes be treated as an original. Faxed, photocopied or e-mailed signatures shall be deemed originals for all purposes. This Agreement shall be effective as to each Party when that Party has executed and delivered a counterpart hereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date:	By:
	Executive Officer
	Michael A. Houlemard, Jr.
APPROVED AS TO FORM:	
By:	

CITY OF MARINA

Date:	By:
APPROVED AS TO FORM:	
By:	
THE SUCCESSOR AGENCY T	O THE MARINA REDEVELOPMENT AGENC
Date:	By:
APPROVED AS TO FORM:	
By:	
CALIFORNIA STA	TE UNIVERSITY MONTEREY BAY
Date:	By:
APPROVED AS TO FORM:	
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UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date:	By:
APPROVED AS TO FORM	:
By:	_
a Califo	GOLDEN GATE UNIVERSITY ornia nonprofit public benefit corporation
Date:	By:
APPROVED AS TO FORM	:
Ву:	
MONT	TEREY-SALINAS TRANSIT DISTRICT
Date:	By:
APPROVED AS TO FORM	:
Dece	

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date:	By:
APPROVED AS TO FORM:	
Ву:	
	O THE REDEVELOPMENT AGENCY DUNTY OF MONTEREY
Date:	Ву:
APPROVED AS TO FORM:	
Ву:	
COUNT	TY OF MONTEREY
Date: May 192017	By: Levey / Lun.
APPROVED AS TO FORM:	
By: Wendy S. Strinling Senior Denty County 519/17	P Corrasel

Attachment C

MEMORANDUM OF AGREEMENT AMONG AND BETWEEN

THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, CITY OF SALINAS, CALIFORNIA STATE UNIVERSITY MONTEREY BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, MONTEREY SALINAS TRANSIT DISTRICT, TRANSPORTATION AGENCY FOR MONTEREY COUNTY, AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE MULTI-MODAL CORRIDOR TRANSIT ON THE FORMER FORT ORD

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report and a Fort Ord Base Reuse Plan (hereinafter referred to as the "BRP"). The BRP included the designation of a multi-modal transit corridor along the "Imjin Parkway/Blanco Road" corridor, as shown in Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as the "Transit Corridor"). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as the "Original Alignment") of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, along Reservation Road to Blanco Road, and then along Blanco Road to Salinas, as generally shown in Exhibit 1A.
- C. Problems arose with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.
- D. In 2010 the Parties identified and reviewed a proposed new alignment (the "2010 Alignment") to the Transit Corridor, as shown in Exhibit 1B. The 2010 Alignment avoided certain impacts, but raised others. Additionally, some of the development that was anticipated in 2010 has since failed to occur.
- E. Due to the desire of the Parties to reassess the 2010 Alignment, TAMC led the development of a Marina-Salinas Multi-Modal Corridor Conceptual Plan, which identified a new alignment (shown in Exhibit 2) based on input from the Parties, stakeholders and the public.

F. On June 24, 2015, TAMC approved the Marina-Salinas Multi-Modal Corridor Plan (the "Plan") and adopted Resolution 2015-15 (a copy of which is attached as Exhibit 3), determining that the Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed by the Environmental Impact Report certified by the Association of Monterey Bay Area Governments and considered by TAMC in adopting its Resolution No. 2014-10.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

- 1. <u>Agreement to Cooperate</u>. The Parties agree to cooperate with each other to consider and integrate applicable provisions of the Plan in accordance with law and to incorporate the concepts and provisions of the Plan into their respective planning and design documents.
- 2. <u>Engineering and Design</u>. Each Party shall be responsible for its own engineering or design costs resulting from the integration of the Plan into its planning and design documents.
- 3. <u>Agreement to Grant Right of Way Reservations/Easements</u>. To the extent that land on which the Transit Corridor described in the Plan will be located is held by FORA, the Parties agree to permit the imposition of necessary easements and/or reservations of rights of way consistent with the Plan over such property by FORA in any conveyance.
- 4. Agreement to Release Conflicting Prior Right of Way Reservations and Easements. To the extent that right of way reservations or easements were placed on property previously conveyed but on which the Transit Corridor described in the Plan is no longer intended to be located, the Parties agree to take such action as is necessary and appropriate to release any easements or right of way reservations over such land which are not consistent with the alignment of the Transit Corridor as described in the Plan.
- 5. <u>Costs</u>. If any Party elects to incur costs or expenses with respect to the subject matter of this Agreement, then such Party shall be solely responsible for paying for those costs or expenses.
- 6. <u>Amendment by Written Recorded Instrument</u>. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by all of the Parties.
- 7. <u>Release and Mutual Indemnification</u>. Each Party hereto agrees to indemnify, defend and hold each other Party harmless from and against any loss, cost claim or damage directly related to such Party's actions or inactions under this Agreement.
- 8. <u>Governing Law</u>. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
- 9. <u>Entire Agreement</u>. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the Parties concerning the subject matter hereof.

- 10. <u>Interpretation</u>. This Agreement has been arrived at through negotiation and that no Party is to be deemed the Party which prepared this Agreement within the meaning of Civil Code Section 1654.
- 11. <u>Counterparts</u>. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same complete instrument. The signature page of each counterpart may be detached from such counterpart and attached to a single document which shall for all purposes be treated as an original. Faxed, photocopied or e-mailed signatures shall be deemed originals for all purposes. This Agreement shall be effective as to each Party when that Party has executed and delivered a counterpart hereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date:	By:	
APPROVED AS TO FORM:	Executive Officer Michael A. Houlemard, J	r.
By:		
	CITY OF MARINA	
Date:	By:	
APPROVED AS TO FORM:		
By:		

CITY OF SALINAS

Date:	By:
APPROVED AS TO FORM	I:
By:	_
CALIFOR	NIA STATE UNIVERSITY MONTEREY BAY
Date:	By:
APPROVED AS TO FORM	1 :
By:	_
UNIVE	ERSITY OF CALIFORNIA SANTA CRUZ
Date:	By:
APPROVED AS TO FORM	1 :
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MONTEREY-SALINAS TRANSIT DISTRICT

Date:	By:
APPROVED AS TO FORM:	
By:	
TRANSPORTATION AGEN	CY FOR MONTEREY COUNTY
Date:	By:
APPROVED AS TO FORM:	
By:	
COUNTY O	F MONTEREY
Date: May 10, 2017	By Lovey h' fair
APPROVED AS TO FORM:	
wendy S. Striming Senior Deputy Courty Court	nse l

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

Resolution No.: 17-128	
Terminate an MOA and agree to a new MOA relating to the	,
Multi-Modal Corridor on the former Fort Ord	,

WHEREAS, the Fort Ord Base Reuse Plan includes the designation of a multi-modal corridor along the "Imjin Parkway/Blanco Road" corridor;

WHEREAS, in 2010, the Fort Ord Reuse Authority (FORA), the County, and several other agencies entered into a Memorandum of Agreement Concerning the Realignment of the Multimodal Transit Corridor on the Former Fort Ord (2010 MOA) to agree to cooperate to process a new alignment (hereafter the "2010 alignment");

WHEREAS, due to the desire of the parties to the MOA to reassess the 2010 Alignment, the Transportation Agency of Monterey County (TAMC) led the development of a Marina-Salinas Multi-Modal Corridor Conceptual Plan, which identified a new alignment (hereafter "new alignment") based on input from the parties, stakeholders and the public;

WHEREAS, on June 25, 2014, TAMC approved the Monterey County Regional Transportation Plan (RTP) after considering the "Environmental Impact Report for the Metropolitan Transportation Plan/Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito and Santa Cruz Counties" (SCH#2013061052) (hereafter "EIR"), an EIR prepared and certified by the Association of Monterey Bay Area Governments (AMBAG);

WHEREAS, on June 24, 2015, TAMC approved the Marina-Salinas Multi-Modal Corridor Plan (the "Plan") and adopted Resolution 2015-15, finding that the Marina-Salinas Multi-Modal Corridor Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed by the EIR and no new environmental documentation was required for adoption of the Plan;

WHEREAS, TAMC has requested the parties to the existing MOA to terminate the and to approve a new Memorandum of Agreement Concerning the Realignment of the Multi-modal Corridor Transit (new MOA), in which the parties would agree to cooperate with each other to consider and integrate application provisions of the Marina-Salinas Multi-Modal Corridor Plan into their respective planning and design documents;

WHEREAS, the new alignment is shown in Exhibit 2 of the new MOA; and

WHEREAS, the Board of Supervisors has considered the EIR and finds that there have been no substantial changes to the project, no substantial changes in circumstances, and no new information of substantial importance that would require major revisions in the EIR due to the involvement of new significant environmental impacts or substantial increase in the severity of previously identified significant effects because the Multi-Modal Corridor Plan was identified and reviewed as part of the Regional Transportation Plan analyzed by the EIR. (TAMC Resol. No. 2015-15, attached as Exhibit 3 to the new MOA.) The MOA does not commit to funding or construction of any project, and individual projects would be subject to appropriate environmental review.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of Monterey County does hereby:

- 1. Find that the foregoing recitals are true and correct and incorporated by this reference;
- 2. Certify that the County has considered the previously certified EIR for the Metropolitan Transportation Plan/Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito and Santa Cruz Counties;
- 3. Approve and Authorize the Chair to execute the Agreement Terminating Memorandum of Agreement Concerning the Realignment of the Multi-Modal Corridor Transit on the Former Fort Ord; and
- 4. Approve and Authorize the Chair to execute the new Memorandum of Agreement Concerning the Realignment of the Multi-Modal Corridor Transit on the Former Fort Ord.

PASSED AND ADOPTED upon motion of Supervisor Parker, seconded by Supervisor Alejo and carried this 9th day of May 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

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 80 for the meeting on May 9, 2017.

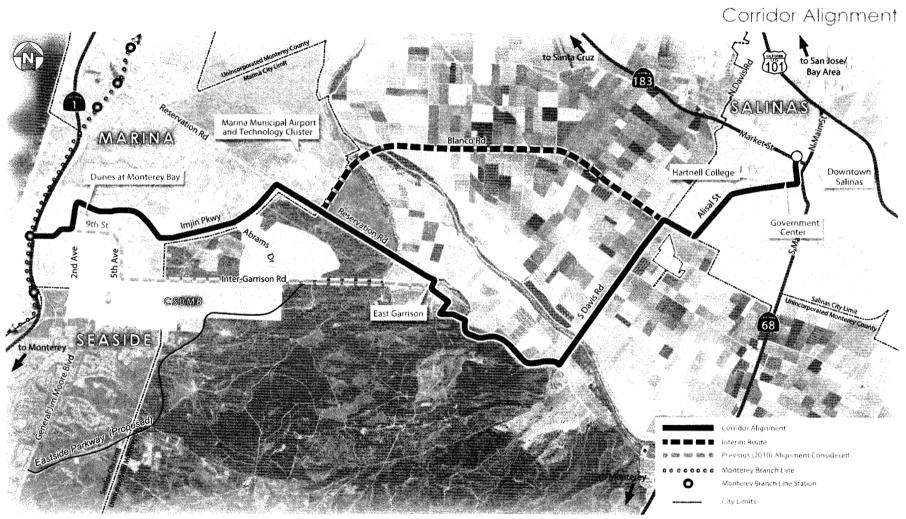
Dated: May 10, 2017 File Number: RES 17-045 Gail T. Borkowski, Clerk of the Board of Supervisors County of Monterey, State of California

By Denie Jarock

Exhibit 2

Marina-Salinas Multimodal Corridor Conceptual Plan





TAMC Kimley »Horn

Exhibit 3





55 8 Plaza Circle Salinas ICA 93981 2902 • For 1831 E 775 3902 • Water for well a little circle transplantage **RESOLUTION 2015-15**

RESOLUTION 2015-15 OF THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)

DETERMINING THAT THE MARINA-SALINAS MULTI-MODAL CORRIDOR PLAN IS WITHIN THE SCOPE OF THE 2014 MONTEREY COUNTY REGIONAL TRANSPORTATION PLAN WHICH WAS ANALYZED BY THE ENVIRONMENTAL IMPACT REPORT CERTIFIED BY THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS AND CONSIDERED BY TAMC IN ADOPTING RESOLUTION NO. 2014-10, AND ADOPTING THE MARINA-SALINAS MULTI-MODAL CORRIDOR PLAN

WHEREAS, the Transportation Agency for Monterey County is the state-designated Regional Transportation Planning Agency ("RTPA") for Monterey County; and

WHEREAS, on June 25, 2014, the Monterey County Regional Transportation Plan was approved by TAMC after review, consideration of, and adoption of findings for the program Environmental Impact Report ("EIR") (SCH# 2013061052) for the 2035 MTP/SCS, certified by the Association of Monterey Bay Area Governments ("AMBAG"), which EIR incorporates the Monterey County RTP, in compliance with CEQA; and

WHEREAS, TAMC acknowledged in Resolution No. 2014-10 that implementation of the RTP would result in significant environmental impacts, as identified in the Final EIR; and

WHEREAS, CEQA Findings were prepared in compliance with Public Resources Code §\$21081 and CEQA Guidelines Section §15091 for every significant impact of the 2014 Monterey County RTP identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding; and

WHEREAS, a Mitigation Monitoring and Reporting Program was prepared in compliance with Public Resources Code §21081.6 and CEQA Guidelines §15097 to ensure implementation of the mitigation measures identified in the Final EIR; and

WHEREAS, the Marina-Salinas Multi-Modal Corridor Plan was specifically identified and analyzed in the EIR which was the subject of TAMC Resolution 2014-10, including the Plan's associated roadway widening projects; and

WHEREAS, the Marina-Salinas Multi-Modal Corridor Plan acknowledges that further environmental review will be needed by the appropriate jurisdictions at the project-level to develop appropriate mitigation for individual projects.

NOW, THEREFORE, BE IT RESOLVED THAT: the Transportation Agency for Monterey County finds that the foregoing recitals are true and correct and incorporated by this reference; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that the matters contained in the Marina-Salinas Multi-Modal Corridor Plan are within the scope of, and have already been analyzed in, the Final EIR for the 2035 MTP/SCS, certified by AMBAG and approved by TAMC on June 25, 2014; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that, pursuant to CEQA Guidelines § 15162, no new effects could occur and no new mitigation measures would be required by reason of the adoption of the Marina-Salinas Multi-Modal Corridor Plan; and

BE IT FURTHER RESOLVED THAT no new environmental documentation is required for adoption of the Marina-Salinas Multi-Modal Corridor Plan.

ACCORDINGLY, the Marina-Salinas Multi-Modal Corridor Plan is hereby adopted.

PASSED AND ADOPTED by the Transportation Agency for Monterey County, State of California this 24th day of June 2015, by the following vote:

AYES:

- F. Armenta, J. Burnett, T. Bodem, A. Chavez, K. Craig, J. Edelen,
- J. Huerta, R. Huitt, J. Mohammadi, M. Orozco, K. Markey,
- J. Phillips, R. Rubio, S. Salinas and E. Smith

NOES:

ABSENT: B. Delgado, and B. Hendrickson

KIMBLEÝ CRAIG, CHÁIR

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTEST:

DEBRA L. HALE, EXECUTIVE DIRECTOR

TRANSPORTATION AGENCY FOR MONTEREY COUNTY