

RESOLUTION NO. 2017-34

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA APPROVING A MEMORANDUM OF AGREEMENT TO TERMINATE THE 2010 AGREEMENT ON THE MARINA-SALINAS MULTIMODAL CORRIDOR, AND; APPROVING A 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, TRANSPORTATION AGENCY FOR MONTEREY COUNTY, AND THE COUNTY OF MONTEREY TO ESTABLISH THE REVISED ALIGNMENT FOR THE MARINA-SALINAS MULTI-MODAL CORRIDOR TRANSIT ON THE FORMER FORT ORD, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF AGREEMENT ON BEHALF OF THE CITY COUNCIL SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, at the regular meeting of June 13, 1997, the Fort Ord Reuse Authority (FORA) Board adopted the Fort Ord Reuse Plan; and

WHEREAS, the Fort Ord Reuse Plan proposes the Multi-modal Corridor as one of the main routes connecting Highway 1 and Marina to Salinas; and

WHEREAS, beginning in 2006, stakeholders and members of FORA began discussing realignment of the multi-modal corridor to reduce habitat impacts and pass through more intensive developments to encourage increased ridership; and

WHEREAS, it was determined that a Memorandum of Agreement should be executed by the stakeholders in order to authorize the realignment; and

WHEREAS, the initial Memorandum of Agreement was executed by the City of Marina and other interested parties on November 2nd, 2010; and

WHEREAS, since that time, stakeholders have requested that the alignment be reevaluated which led to an analysis of alternative alignments by the Transportation Agency for Monterey County (TAMC) that included input from stakeholder meetings and community workshops; and

WHEREAS, the analysis and community input resulted in the second realignment of the Marina-Salinas Multi-Modal Corridor (Attachment 1); and

WHEREAS, the TAMC Board adopted Resolution 2015-15 (Attachment determining that the multi-modal corridor is within the scope of the 2014 Monterey County Regional Transportation Plan's Environmental Impact Report which was certified by the Association of Monterey Bay Area Governments; and

WHEREAS, the second realignment of the multi-modal corridor requires a new Memorandum of Agreement to replace the November 2nd, 2010 agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve a Memorandum of Agreement to terminate the November 2nd, 2010 agreement on the Marina-Salinas Multimodal Corridor (Attachment 2); and
2. Approve a 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 (Attachment 3); and
3. Authorize the City Manager to execute the agreements on behalf of the City Council subject to final review and approval by the City Attorney

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 4th day of April 2017, by the following vote:

AYES: COUNCIL MEMBERS: Morton, O'Connell, Brown, Delgado

NOES: COUNCIL MEMBERS: Amadeo

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

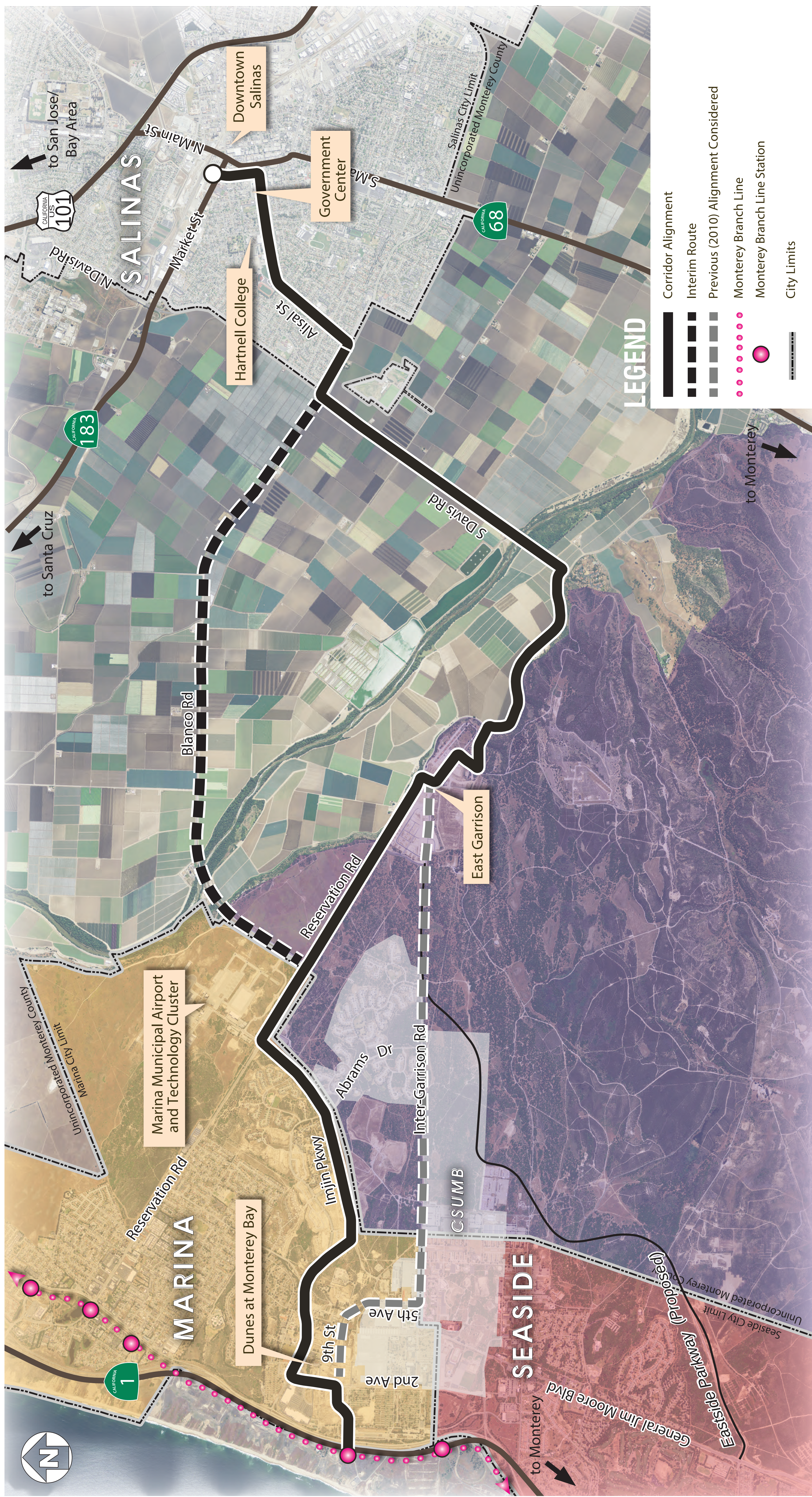
ATTEST:

Anita Sharp, Deputy City Clerk

Marina-Salinas Multimodal Corridor Conceptual Plan



Corridor Alignment



ATTACHMENT 2 TO STAFF REPORT



55-B Plaza Circle, Salinas, CA 93901-2902 • Tel: (831) 775-0903 • Website: www.tamcmonterey.org

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.

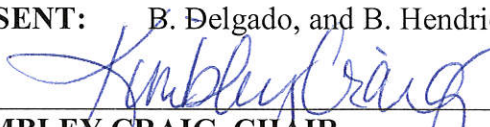
ACCORDINGLY, the Marina-Salinas Multi-Modal Corridor Plan is hereby adopted.

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

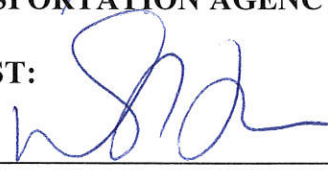
AYES: F. Armenta, J. Burnett, T. Bodem, A. Chavez, K. Craig, J. Edelen,
J. Huerta, R. Huitt, J. Mohammadi, M. Orozco, K. Markey,
J. Phillips, R. Rubio, S. Salinas and E. Smith

NOES:

ABSENT: B. Delgado, and B. Hendrickson



KIMBLEY CRAIG, CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTEST: 

DEBRA L. HALE, EXECUTIVE DIRECTOR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTACHMENT 3 TO STAFF REPORT

**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 ____ day of _____, 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 Exhibit 3), 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. Termination of 2010 Memorandum of Agreement. The Parties hereby agree to terminate the 2010 Memorandum of Agreement, which shall hereafter be of no further force or effect.

2. Counterparts. 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 TO THE MARINA REDEVELOPMENT AGENCY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MONTEREY-SALINAS TRANSIT DISTRICT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

**SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
OF THE COUNTY OF MONTEREY**

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

**EXHIBIT 1C
TO ATTACHMENTS 3**



**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 TRANSIT CORRIDOR ON THE FORMER FORT ORD**

THIS AGREEMENT is made and signed on this 2nd day of November, 2010, by and among the FORT ORD REUSE AUTHORITY (hereinafter referred to as "FORA"), the CITY OF MARINA (hereinafter referred to as "CITY"), the MARINA REDEVELOPMENT AGENCY (hereinafter referred to as "MRA") CALIFORNIA STATE UNIVERSITY MONTEREY BAY (hereinafter referred to as "CSUMB"), UNIVERSITY OF CALIFORNIA SANTA CRUZ ("UCSC"), GOLDEN GATE UNIVERSITY (hereinafter referred to as "GGU"), MONTEREY SALINAS TRANSIT (hereinafter referred to as "MST" and which will be succeeded by the Monterey-Salinas Transit District effective July 1, 2010), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (hereinafter referred to as "TAMC"), THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (hereinafter referred to as "AGENCY") and the COUNTY OF MONTEREY (hereinafter referred to as "COUNTY") (with FORA, City, MRA, CSUMB, UCSC, GGU, MST, TAMC, Agency and County each being from time to time hereinafter referred to as "Party", and together being from time to time collectively hereinafter referred to as "Parties").

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report (hereinafter referred to as "FEIR") and a Fort Ord Base Reuse Plan (hereinafter referred to as "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 "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 "Original Alignment") of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, and then along Blanco Road to Salinas, as shown generally in Exhibit 1.
- C. Problems have arisen with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.
- D. The Parties have identified and reviewed a proposed new alignment ("New Alignment") to the Transit Corridor, as shown in Exhibit 2, and it appears that the New Alignment provides the same benefit to the regional transportation network as the Original Alignment and avoids potential impacts to habitat-related lands and to agricultural operations.

E. Property has been conveyed by FORA to various jurisdictions with right of way reservations based upon the Original Alignment. A list of the parcels conveyed with such reservations is attached as Exhibit 3.

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

1. FORA Board Consider Re-Designation of Transit Corridor

The Parties, excepting FORA, hereby agree to recommend rescission of the Original Transit Corridor Alignment and designation of the New Transit Corridor Alignment. It is acknowledged that this re-designation will require at least the following steps:

1.1 Agreement to Cooperate. The jurisdictions agree to cooperate with each other to process the proposed re-designation of the Transit Corridor from the Original Alignment to the New Alignment on the following conditions: (i) the New Alignment will require certain improvements to be performed on the southerly side of 3rd Street, which would only impact Property owned by CSUMB and will not encroach on GGU property and (ii) the Parties shall not be required to incur any costs or expenses in so cooperating with each other.

1.2 Engineering and Design. The COUNTY and CITY, at their respective costs, have prepared preliminary designs for that portion of the New Alignment that will extend through their respective boundaries, for the New Alignment to be approved.

1.3 Agreement to Grant Right of Way Reservations. Those Parties who will receive or have received land over which the New Alignment will extend agree to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement. It is intended that any actual conveyance of right of way easements or fee ownership would occur by separate agreement(s) at a later date. The COUNTY will not grant any right of way reservation at this time that would diminish its development potential by allowing a triangle interchange at the intersection of Intergarrison Road, Eastside Parkway and Schoonover Road, but may elect to grant a right of way or other form of easement to MST at a later date. The Parties agree that none of GGU's property (i.e., parcel APN 031-101-019) and none of UC's property (i.e., parcel APN 031-101-018) will be taken in connection with the proposed New Alignment, and therefore no easements or right of way reservations will be requested of, nor imposed upon, GGU or UC.

1.4 Agreement to Release Right of Way Reservations/Easements. FORA agrees, upon adoption of the re-designation of the alignment of the Transit Corridor, to release any right of way reservations or easements with respect to the Original Alignment of the Transportation Corridor, as such Original Alignment is modified by the New Alignment.

1.5 Agreement to consider designation of the New Transit Corridor Alignment. Upon formal agreement by the Parties to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement by the Parties, FORA agrees to consider the recommended designation of the New Transit

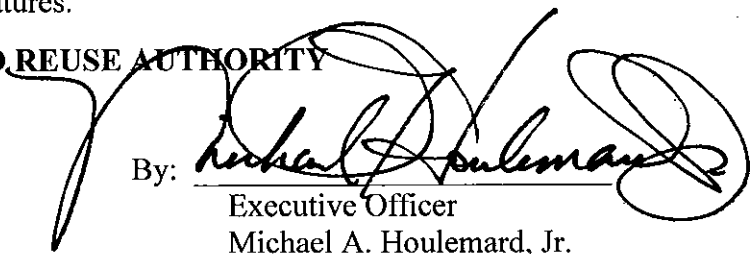
Corridor Alignment and rescission of the Original Transit Corridor Alignment at its next scheduled Board of Directors meeting. If the recommended designation of the New Transit Corridor Alignment is approved, FORA shall include the New Transit Corridor Alignment in any revision to the Base Reuse Plan.

2. Costs. As stated in section 1.1 of this agreement, the parties shall not be required to incur any costs or expenses in cooperating with each other. Should any Party elect 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.
3. Amendment by Written Recorded Instrument. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by the parties.
4. Indemnity and Hold Harmless. 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.
5. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
6. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the parties hereto concerning the subject matter hereof.
7. Interpretation. It is agreed and understood by the parties hereto that 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.
8. Authority. Each signatory to this Agreement certifies that he or she has the lawful authority to execute this Agreement for and on behalf of the Party named herein.
9. Term. This Agreement will expire on December 31, 2025. This term may not be extended absent separate negotiations and a separate fully executed written agreement.

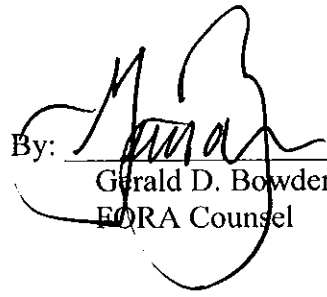
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: 11 Oct 2010

By: 

Executive Officer
Michael A. Houlemard, Jr.

By: 

Gerald D. Bowden, Esq.
FOIRA Counsel

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MARINA REDEVELOPMENT AGENCY

Date: _____

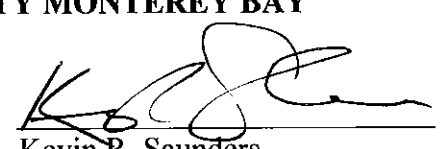
By: _____

APPROVED AS TO FORM:

By: _____

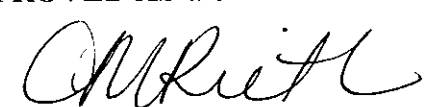
CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: 8/31/10

By: 

Kevin R. Saunders,
Interim Vice President for
Administration and Finance

APPROVED AS TO FORM:

By: 

Carrie Rieth, CSU Attorney

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

FORT ORD REUSE AUTHORITY

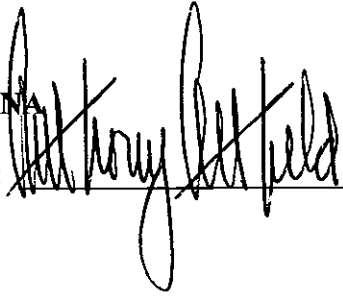
Date: _____

By: _____
Executive Officer
Michael A. Houlemard, Jr.

By: _____
Gerald D. Bowden, Esq.
FORA Counsel

CITY OF MARINA

Date: 11.2.10

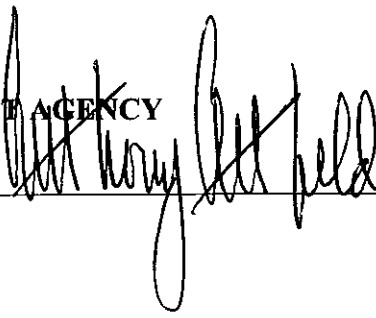
By: 

APPROVED AS TO FORM:

By: 

MARINA REDEVELOPMENT AGENCY

Date: 11.2.10

By: 

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

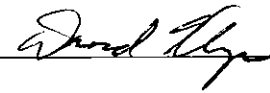
By: _____
James E. Main, Vice President for
Administration and Finance

APPROVED AS TO FORM:

By: _____
Carrie Rieth, CSU Attorney

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: 3/17/00

By: 

APPROVED AS TO FORM:

By: 

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: 9/23/10

By: Robert D. Hite

Its: V.P. and CFO

APPROVED AS TO FORM:

By: R D Hite

MONTEREY SALINAS TRANSIT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: 8/23/2010

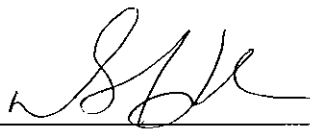
By: Cone G. Sady

APPROVED AS TO FORM:

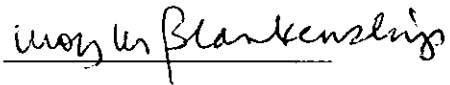
By: [Signature]

TRANSPORATION AGENCY FOR MONTEREY COUNTY

Date: 8/20/10

By: 

APPROVED AS TO FORM:

By: 

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORATION AGENCY FOR MONTEREY COUNTY

Date: _____

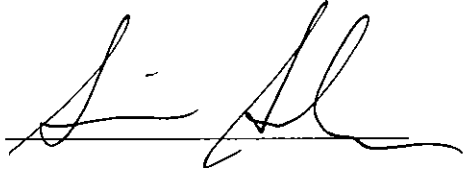
By: _____

APPROVED AS TO FORM:

By: _____

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: 3/12/12

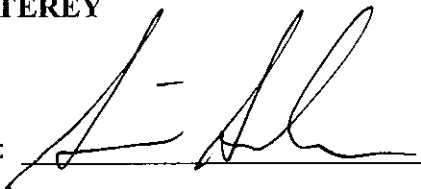
By: 

APPROVED AS TO FORM:

By: Lay Reeman
Deputy Agency Counsel

COUNTY OF MONTEREY

Date: 3/12/10

By: 

APPROVED AS TO FORM:

By: Lay Reeman
Deputy County Counsel



EXHIBIT A

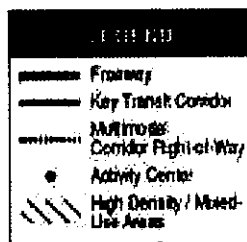
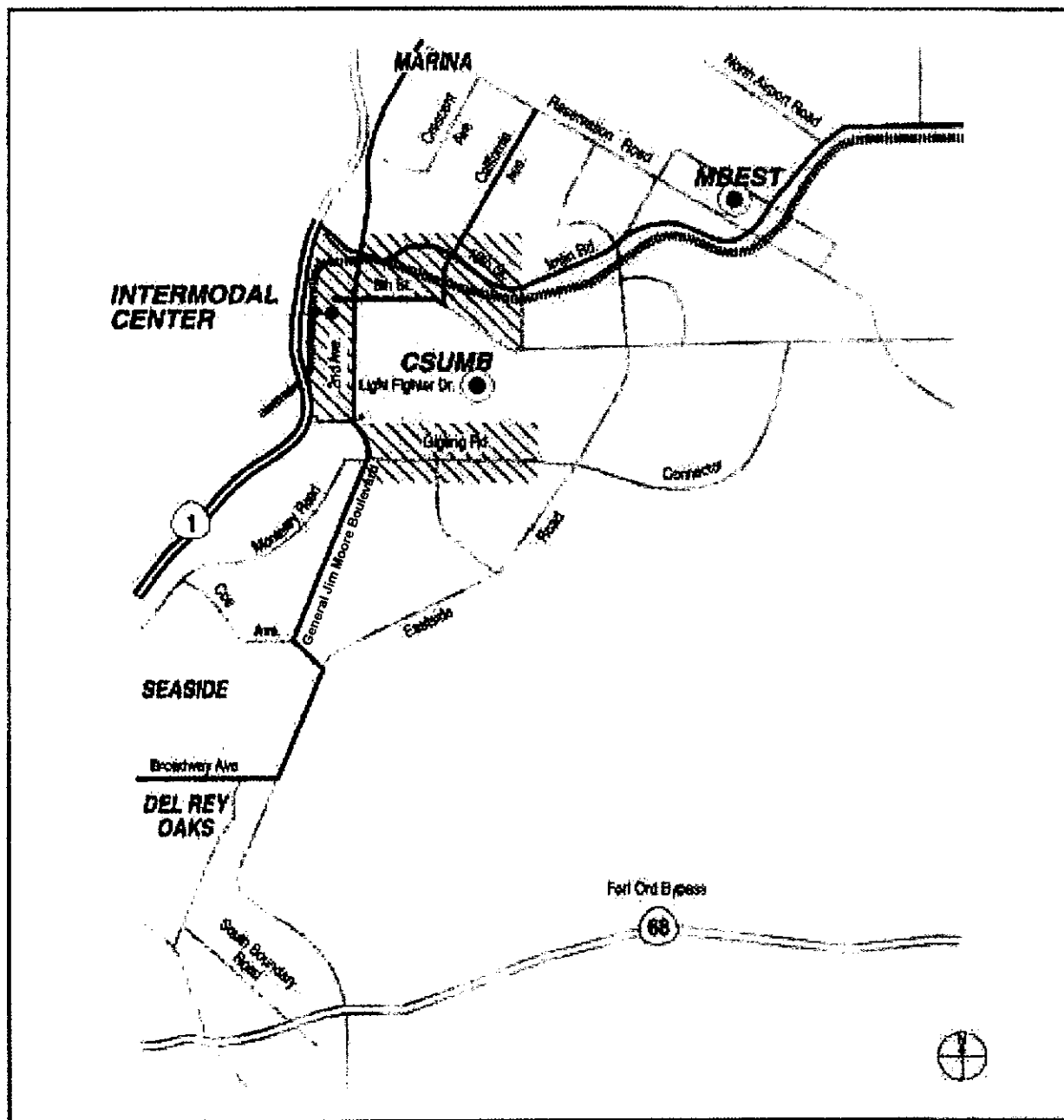
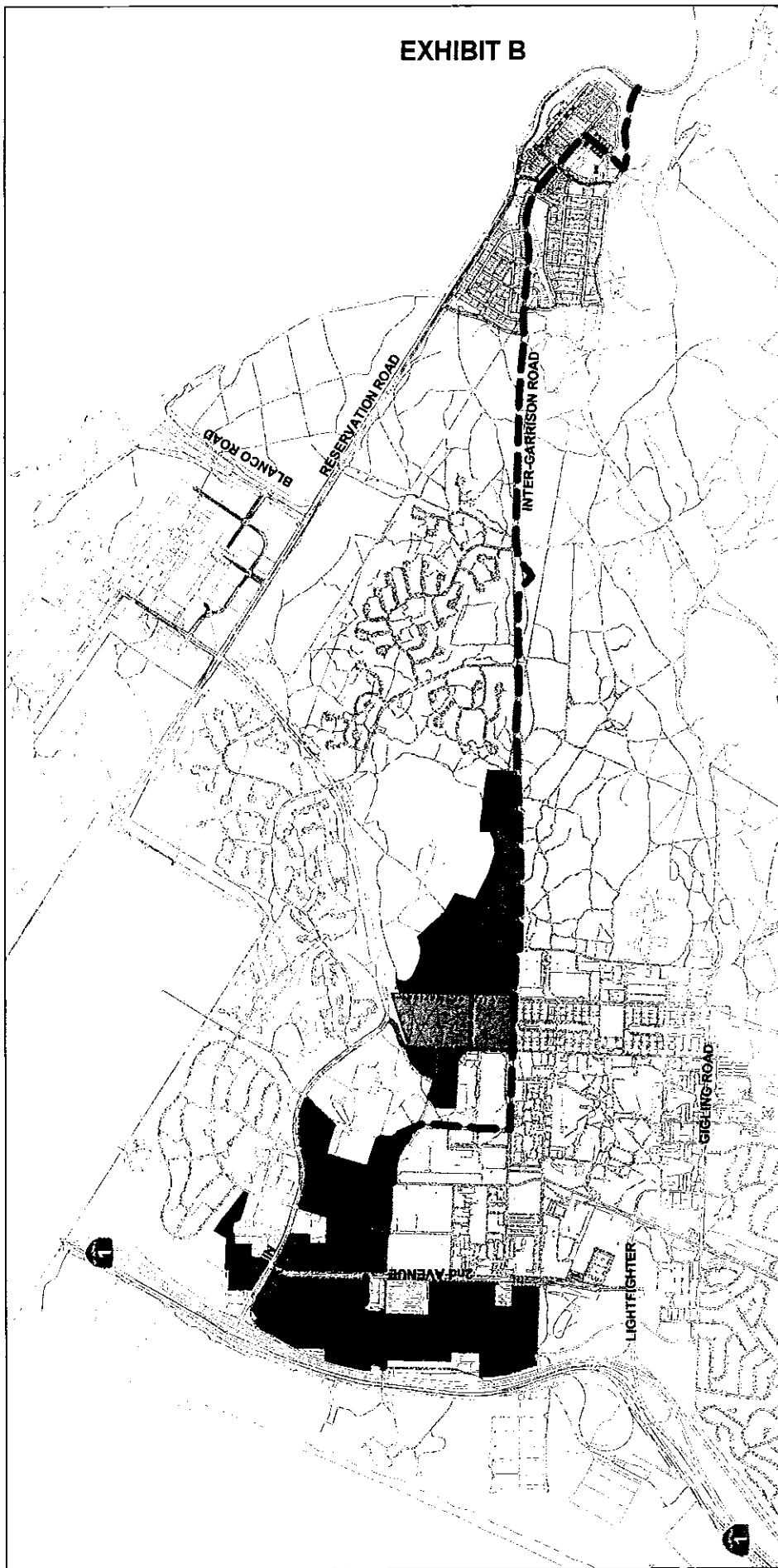


Figure 4.2-5
Transit Activity Centers and Corridors

EXHIBIT B



FORT ORD REUSE AUTHORITY MULTI-MODAL CORRIDOR ALIGNMENT

Proposed Multi-Modal
Corridor Alignment

The Dunes of
Marina Bay
(Marina)

Golden Gate
University

U.C. Development
Parcel

C.S.U.M.B.
Property

City of Marina
Property

Whispering Oaks
Development (County)

Whispering Oaks
Habitat Conservation

Whispering Oaks
MST Transit Parcel

WE WHITSON ENGINEERS
5859 Blue Lakeshore Lane • Suite 105 • Monterey, CA 93940
831 648-5225 • Fax 831 373-5065
CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

September 24, 2009

EXHIBIT C

Exhibit 3	
Army Corps of Engineers Parcel	Jurisdiction
L2.1	City of Marina
L20.16.1	City of Marina
L20.16.2	City of Marina
L20.16.3	City of Marina
E2b.3.2	City of Marina
E2b.2.3	City of Marina
E2b.1.4	City of Marina
E2d.2	City of Marina
L5.9.1.2	City of Marina
L5.9.2	City of Marina
E2c.4.4	City of Marina
E2c.4.3	City of Marina
S2.5.1.1	City of Marina
S2.5.1.2	Monterey County
E4.6.1	City of Marina
E4.6.2	Monterey County
E4.7.1	City of Marina
E4.7.2	Monterey County
S2.3.2.2	Monterey County
S2.3.1.2	Monterey County
S2.3.2.3	Monterey County
L20.10.1.1	Monterey County
L20.11.1	Monterey County
L20.11.2	City of Marina

ATTACHMENT 4 TO STAFF REPORT

**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**

THIS MEMORANDUM OF AGREEMENT (this “Agreement”) is made and signed on this ____ day of _____, 2016, by and among the FORT ORD REUSE AUTHORITY (“FORA”), the CITY OF MARINA (“MARINA”), the CITY OF SALINAS (“SALINAS”), CALIFORNIA STATE UNIVERSITY MONTEREY BAY (“CSUMB”), UNIVERSITY OF CALIFORNIA SANTA CRUZ (“UCSC”), MONTEREY SALINAS TRANSIT DISTRICT (“MST”), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (“TAMC”), and the COUNTY OF MONTEREY (“COUNTY”) (with FORA, MARINA, SALINAS, CSUMB, UCSC, MST, TAMC, 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 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. Agreement to Cooperate. 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. Engineering and Design. 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. Agreement to Grant Right of Way Reservations/Easements. 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. Costs. 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. Amendment by Written Recorded Instrument. 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. Release and Mutual Indemnification. 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. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
9. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the Parties concerning the subject matter hereof.

10. Interpretation. 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. Counterparts. 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: _____

CITY OF SALINAS

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MONTEREY-SALINAS TRANSIT DISTRICT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

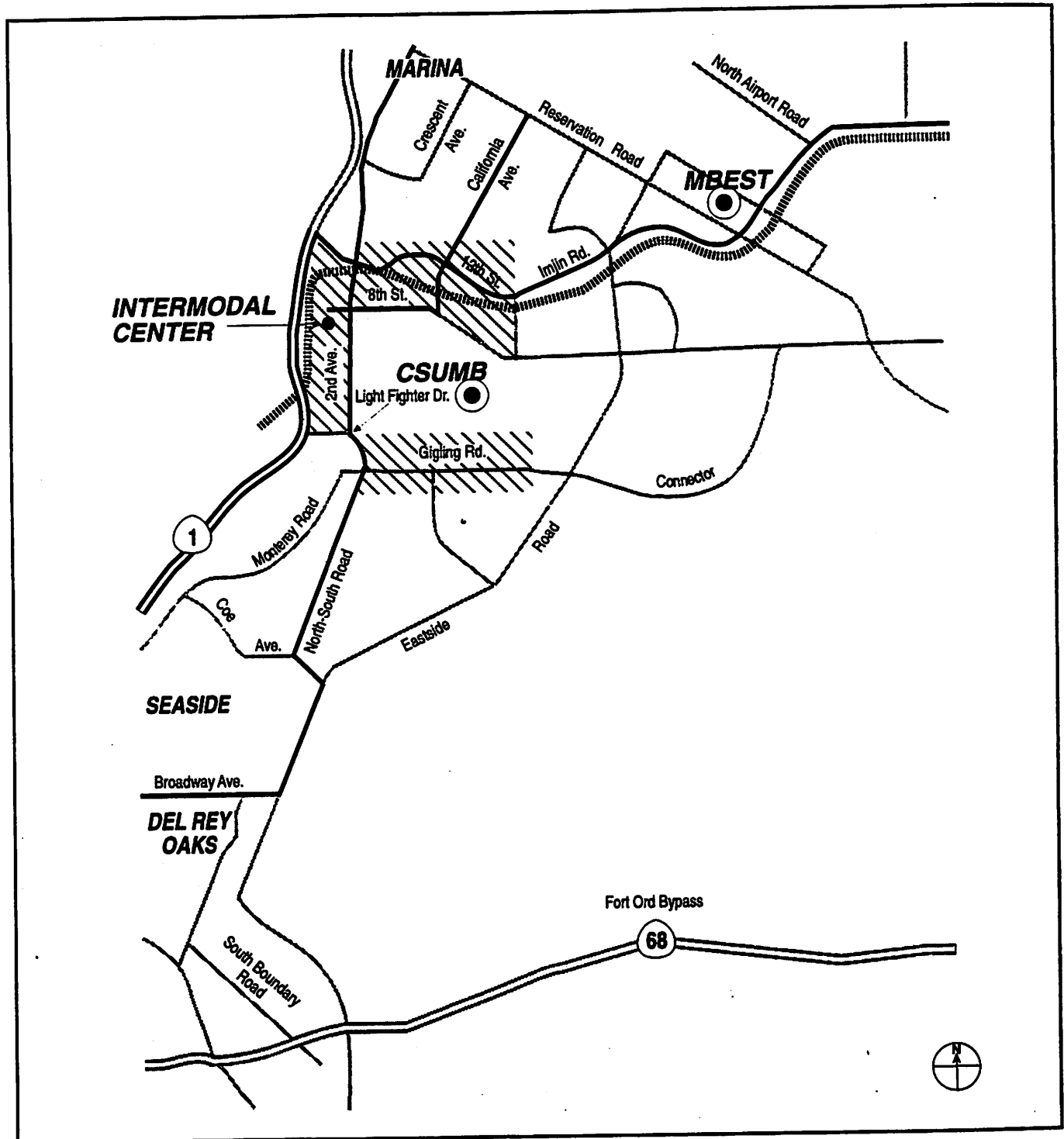
COUNTY OF MONTEREY

Date: _____

By: _____

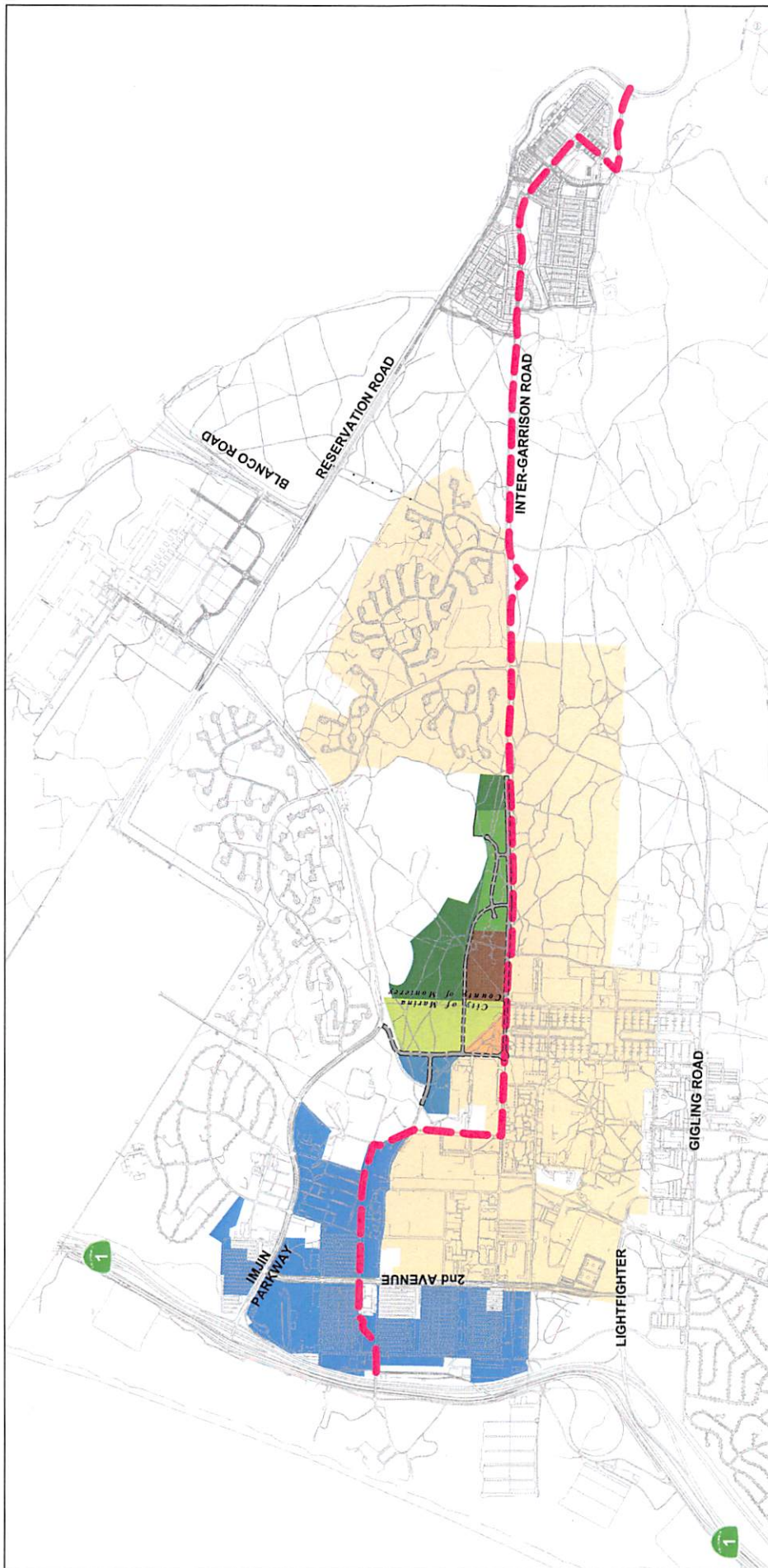
APPROVED AS TO FORM:

By: _____



DRAFT
Figure 4.2-5
Transit Activity Centers and Corridors

EXHIBIT 1B



FORT ORD REUSE AUTHORITY MULTI-MODAL CORRIDOR ALIGNMENT

Proposed Multi-Modal
Corridor Alignment

The Dunes of
Monterey Bay
(Marina)

U.C. Development
Parcel

Whispering Oaks
Development (County)

Golden Gate
University

C.S.U.M.B.
Property

Whispering Oaks
Habitat Conservation

City of Marina
Property

Whispering Oaks
MST Transit Parcel

September 24, 2009

WE WHITSON ENGINEERS
9699 Blue Larkspur Lane • Suite 105 • Monterey, CA 93940
831 649-5225 • Fax 831 373-5065
CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

Marina-Salinas Multimodal Corridor Conceptual Plan



Corridor Alignment

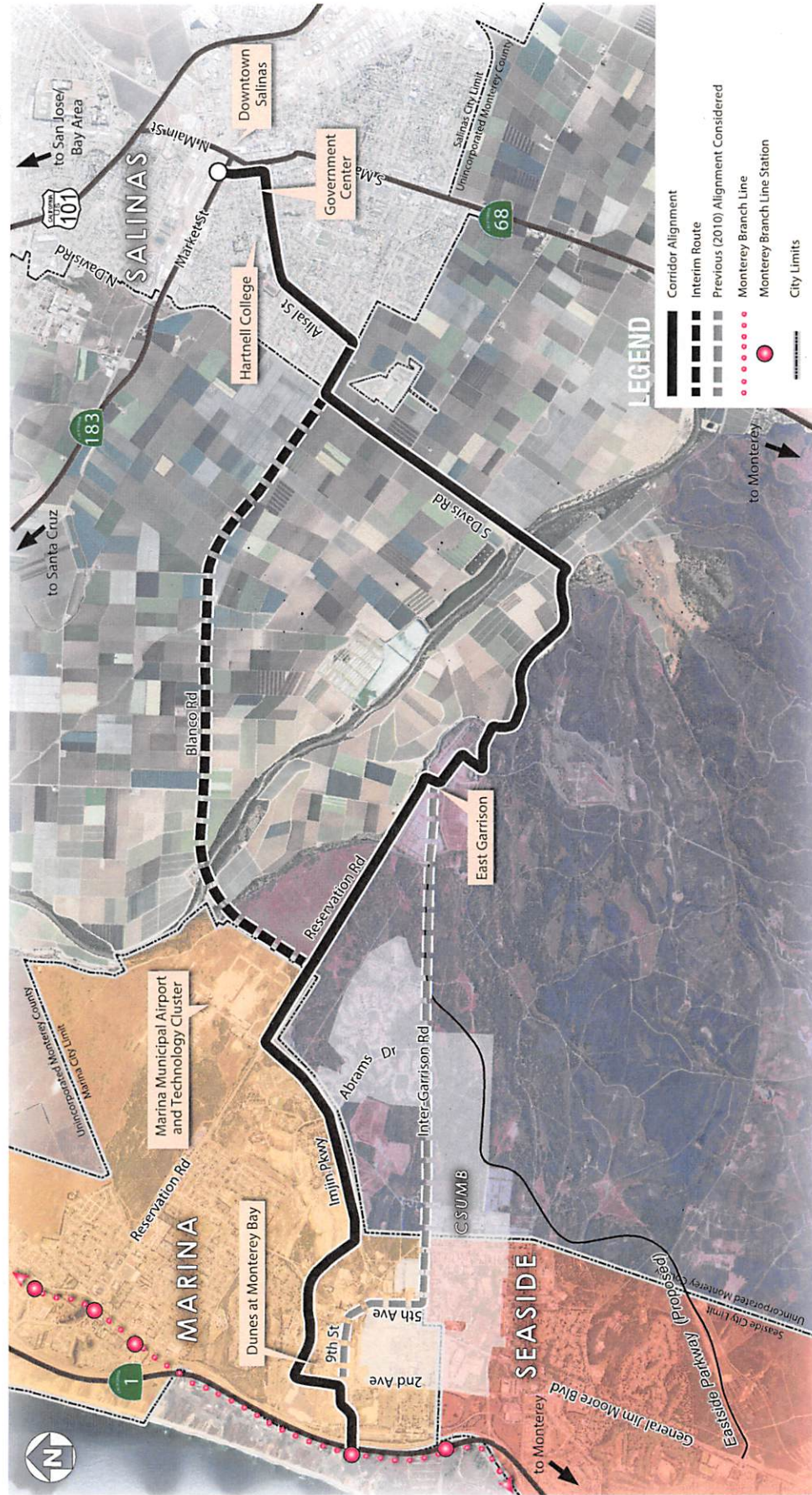
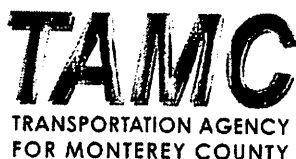


EXHIBIT 2

**EXHIBIT 4 TO
ATTACHMENT 4**



55-B Plaza Circle, Salinas, CA 93901-2902 • Tel: (831) 775-0903 • Website: www.tamcmonterey.org

**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.

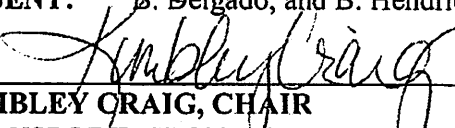
ACCORDINGLY, the Marina-Salinas Multi-Modal Corridor Plan is hereby adopted.

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

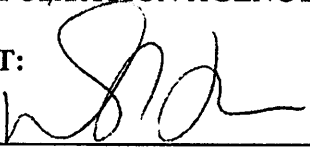
NOES:

ABSENT: B. Delgado, and B. Hendrickson



KIMBLEY CRAIG, CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTEST:



DEBRA L. HALE, EXECUTIVE DIRECTOR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
April 4, 2017

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2017-, APPROVING A MEMORANDUM OF AGREEMENT TO TERMINATE THE 2010 AGREEMENT ON THE MARINA-SALINAS MULTIMODAL CORRIDOR, AND; APPROVING A 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, TRANSPORTATION AGENCY FOR MONTEREY COUNTY, AND THE COUNTY OF MONTEREY TO ESTABLISH THE REVISED ALIGNMENT FOR THE MARINA-SALINAS MULTI-MODAL CORRIDOR TRANSIT ON THE FORMER FORT ORD, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF AGREEMENT ON BEHALF OF THE CITY COUNCIL SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

REQUEST:

It is requested that the City Council:

1. Adopting Resolution No. 2017-, approve the Memorandum of Agreement to terminate the November 2nd, 2010 agreement on the Marina-Salinas Multi-modal Corridor, and;
2. Approving the Memorandum of Agreement among and between Fort Ord Reuse Authority, City of Marina, City of Salinas, California State University Monterey Bay, University of California Santa Cruz, Monterey Salinas Transit, Transportation Agency for Monterey County and County of Monterey to establish the revised alignment for the Marina-Salinas Multi-modal Corridor Transit on the former Fort Ord, and;
3. Authorizing the City Manager to execute the agreements on behalf of the City Council subject to final review and approval by the City Attorney.

BACKGROUND:

The 1997 Base Reuse Plan for the former Fort Ord established an objective to “Promote intermodal connections that address the transportation needs for the former Fort Ord.” The Base Reuse Plan included the first proposed transit corridor and transit activity centers.

Beginning around February 2006, the stakeholders and members of the Fort Ord Reuse Authority began discussing the potential of realigning the multi-modal corridor to minimize impacts to natural habitat and route the corridor through intensive developments to increase ridership. The stakeholders developed an alternative alignment for the multi-modal corridor that was memorialized in the November 2nd, 2010 Memorandum of Agreement.

Since the first realignment of the planned multi-modal corridor, several stakeholders requested that the alignment be reevaluated. The Transportation Agency for Monterey County TAMC prepared an alternative alignment after input through stakeholder meetings and community workshops (“ATTACHMENT 1”).

The second realignment of the multi-modal corridor was presented to City Council on June 3rd, 2014. City Council approved Resolution 2014-58 which identified the 9th Street /2nd Avenue/Imjin Parkway as the preferred alignment which is reflected in the proposed new Memorandum of Agreement.

The TAMC Board adopted Resolution 2015-15 determining that the planned corridor is within the scope of the 2014 Monterey County Regional Transportation Plan's Environmental Impact Report certified by the Association of Monterey Bay Area Governments (**"ATTACHMENT 2"**). Further project level environmental review will need to be performed to develop environmental disclosure and potential environmental impacts as projects are developed to implement the multi-modal corridor.

ANALYSIS:

It was determined that a Memorandum of Agreement should be executed by the stakeholders in order to authorize the second realignment. Agreeing to terminate the previous November 2nd, 2010 Memorandum of Agreement (**"ATTACHMENT 3"**) will need to be concurrent with entering into the new Memorandum of Agreement. The new Memorandum of Agreement is currently being authorized by all of the stakeholders' boards and councils (**"ATTACHMENT 4"**).

Entering into the new Memorandum of Agreement confirms the preferred alignment of the multi-modal corridor and allows staff to begin planning to integrate aspects of the alignment into the City's documents and efforts.

FISCAL IMPACT:

Entering into a Memorandum of Agreement confirms the planned alignment of the multi-modal corridor but does not commit the City of Marina to funding or construction at this time. Implementation of the full multi-modal corridor is estimated to cost \$169,798,000 with phases implemented over the next 15-20 years. Staff will continue to work with TAMC to secure outside grant funding.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina