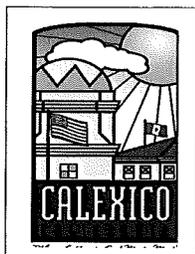


**AGENDA
ITEM**

11



AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager

PREPARED BY: Nick Fenley, Acting City Manager
Carlos Campos, Interim City Attorney

SUBJECT: Resolution of the City Council of the City of Calexico Authorizing the Acting City Manager to Execute a Right-of-Way Contract and Certificates of Acceptance for the City's Acquisition of Fee Simple Interests, a Permanent Slope Easement Interest, and a Temporary Construction Easement Interest in a Portion of Assessor's Parcel Numbers 058-400-046, 058-400-047, and 058-400-023, for the Cesar Chavez Boulevard Improvement Project

=====

Recommendation:

Adoption of Resolution of the City Council of the City of Calexico authorizing the Acting City Manager to execute a Right of Way Contract with Perry Allen Earley, Trustee of the 2009 Earley Family Trust dated August 3, 2009 ("Owner") in order to acquire fee simple interests, a permanent slope easement interest, and a temporary construction easement interest in a portion of real property located at 420 Cesar Chavez Boulevard, in the City of Calexico, Imperial County, California, and known as a portion of Assessor's Parcel Numbers 058-400-046, 058-400-047, and 058-400-023 ("Subject Property"), and to execute Certificates of Acceptance on its behalf as provided by Government Code section 27281.

Background:

Government Code section 40404 authorizes the City to acquire real property to construct public streets within the City. Pursuant to Resolution No. 2015-42, approved and adopted on August 18, 2015, the City Council previously authorized the City of Calexico ("City") to acquire the Subject Property for the Cesar Chavez Boulevard Improvement Project ("Project").

The City's independent appraiser valued the property interests at \$9,700 as of February 18, 2015. On October 13, 2015, the City filed a complaint in eminent domain against the Owner of the Subject Property, but the City has



since reached a settlement of this matter with the Owner for the amount of \$21,200.

Government Code section 27281 allows the City Council to authorize an officer or agent on its behalf to execute a Certificate of Acceptance to accept ownership of a property interest by the City.

Discussion & Analysis:

For public projects, the City acquires and accepts real property interests in order to construct and later maintain public improvements. The property interests that are acquired necessitate acceptance by the City Council or an authorized agent prior to recordation with the County Recorder. The City Council may authorize an officer or agent, in this instance, the Acting City Manager, to accept the property interests on its behalf. This procedure is provided for in Government Code section 27281, which states that: "A public corporation or governmental agency, by a general resolution, may authorize one or more officers or agents to accept and consent to such deeds or grants." The adoption of a resolution authorizing the Acting City Manager to execute Certificates of Acceptance will expedite the recordation of the interests to be acquired on behalf of the City.

Fiscal Impact:

The City had the Subject Property appraised for purposes of its Government Code section 7267.2 offer to the Owner. The City's independent appraiser valued the Subject Property at \$9,700 as of February 18, 2015. The City has reached a settlement of this matter with the Owner for the total amount of \$21,200.

Coordinated With:

Bender Rosenthal and Best Best & Krieger LLP

Attachment:

1. Resolution of the City Council of the City of Calexico Authorizing the Acting City Manager to Execute a Right-of-Way Contract and Certificates of Acceptance for the City's Acquisition of Fee Simple Interests, a Permanent Slope Easement Interest, and a Temporary Construction Easement Interest in a Portion of Assessor's Parcel Numbers 058-400-046, 058-400-047, and 058-400-023, for the Cesar Chavez Boulevard Improvement Project

ATTACHMENT 1

RESOLUTION NO. 2015-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE A RIGHT OF WAY CONTRACT AND CERTIFICATES OF ACCEPTANCE FOR THE CITY'S ACQUISITION OF FEE SIMPLE INTERESTS, A PERMANENT SLOPE EASEMENT INTEREST, AND A TEMPORARY CONSTRUCTION EASEMENT INTEREST IN A PORTION OF ASSESSOR'S PARCEL NUMBERS 058-400-046, 058-400-047, AND 058-400-023, FOR THE CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT

WHEREAS, the City is authorized to acquire property to construct public streets within the City of Calexico pursuant to Government Code section 40404; and

WHEREAS, pursuant to Resolution No. 2015-42, approved and adopted on August 18, 2015, the City Council previously authorized the City of Calexico ("City") to acquire fee simple interests, a permanent slope easement interest, and a temporary construction easement interest in a portion of real property located at 420 Cesar Chavez Boulevard, in the City of Calexico, Imperial County, California, and known as a portion of Assessor's Parcel Numbers 058-400-046, 058-400-047, and 058-400-023 ("Subject Property"), for the Cesar Chavez Boulevard Improvement Project; and

WHEREAS, Perry Allen Earley, Trustee of the 2009 Earley Family Trust dated August 3, 2009 ("Owner") is the owner of the Subject Property; and

WHEREAS, on February 18, 2015, the City's independent appraiser valued the Subject Property at \$9,700; and

WHEREAS, on October 13, 2015, the City filed a complaint in eminent domain against the Owner of the Subject Property, but the City subsequently reached a settlement of this matter with the Owner for the amount of \$21,200; and

WHEREAS, Government Code section 27281 requires a city to execute a Certificate of Acceptance for the recordation of any interest being accepted by the City; and

WHEREAS, Government Code section 27281 allows a City Council to adopt a Resolution authorizing the execution of Certificates of Acceptance on its behalf; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Calexico hereby consents to the City's execution of the Right Of Way Contract with the Owner to acquire the Subject Property for the Project, a copy of which is attached hereto as **Exhibit A**, as well as the City's execution and recordation of Certificates of Acceptance for the fee simple interests, permanent slope easement interest, and temporary construction easement interest, attached hereto as **Exhibits B, C, and D** respectively, in accordance with Government Code section 27281.

PASSED, APPROVED AND ADOPTED this _____ day of December, 2015.

Joong S. Kim, Mayor

Attest:

Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

Carlos L. Campos, Interim City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2015-_____ was duly passed, approved and adopted by the City Council at its regular meeting held on the 1st day of December, 2015, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, Deputy City Clerk

EXHIBIT A

RIGHT OF WAY CONTRACT

APN: 058-400-023,046,047

District	County	Route	P.M. (KP)	E. A.	Program	Fed. Ref.	Name	Parcel
	Imperial						Perry Allen Earley, Trustee	13 & 14

Calexico _____, California

_____, 2015

PERRY ALLEN EARLEY, TRUSTEE of the
 2009 EARLEY FAMILY TRUST DATED
 AUGUST 3, 2009

Grantor

RIGHT OF WAY CONTRACT

Documents in the form of a Grant Deed, Permanent Slope Easement and Temporary Construction Easement to the City of Calexico covering the property as described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof, have been executed and delivered to the City of Calexico.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve the City of Calexico of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- (B) City of Calexico requires said property described in Exhibit "A" for roadway purposes, a public use for which City of Calexico has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and City of Calexico is compelled to acquire the property.
- (C) Both Grantor and City of Calexico recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.
2. City of Calexico shall:
 - (A) Pay the undersigned Grantor the sum of \$21,200.00 for the property or interest conveyed by above documents when title to said property vests in the City of Calexico free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded) and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions and reservations of record, or contained in the above-referenced document.
 - c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.

RIGHT OF WAY CONTRACT

- (B) Pay all escrow and recording fees incurred in this transaction, and if title insurance is desired by the City of Calexico, the premium charged therefore. Said escrow and recording charges shall not, however, include documentary transfer tax. This transaction will be handled through an escrow with Stewart Title Company of California, Escrow No. 01180-137290, located at 8950 Cal Center Drive, Bldg. 3, Suite 100, Sacramento, CA 95928.
 - (C) Have the authority to deduct and pay from the amount shown on Clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien at the close of escrow.
 - (D) At no expense to grantor, and at the time of project construction, Secure the site with temporary fencing if there is a need to take down the grantor's fencing.
 - (E) Keep Grantor's driveway open at all times. If for any reason, driveway must be temporarily closed, give Grantor twenty-four (24) hours notice prior to closure and provide alternate access during any such closure.
3. Permission is hereby granted the City of Calexico or its authorized agent to enter on grantor's land, where necessary, to complete work as described above in Clause 2(D) of this contract.
 4. It is understood and agreed by and between the parties hereto that included in the amount payable under Clause 2 above is a damage payment in full to compensate grantor for the expense of performing the following work: reestablish 170 LF of chain link fencing topped with 3-strand barbed wire and one 20-foot, 6-foot high chain link sliding gate.
 5. Any monies payable under this contract up to and including the total amount of unpaid principal and interest on note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said trust deed(s) or mortgage(s), shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(ies) entitled thereunder; said mortgagee(s) or beneficiary(ies) to furnish grantor with good and sufficient receipt showing said monies credited against the indebtedness secured by said mortgage(s) or deed(s) of trust.
 6. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the City of Calexico, including the right to remove and dispose of improvements, shall commence upon the execution of this contract by the City of Calexico, and that the amount shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any, from said date.
 7. It is understood and agreed by and between the parties hereto that included in the amount payable under Clause 2(A) above is payment in full to compensate grantor for the following improvements: 170 LF of chain link fencing topped with 3-strand barbed wire; 20-foot, 6-foot high chain link sliding gate; 300 SF concrete apron; one-cemented barrier post; and 15 LF of 3-foot high concrete block wall.
 8. Grantor warrants that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and the grantor agrees to hold the City of Calexico harmless and reimburse the City of Calexico for any and all of its losses and expenses occasioned by reason of any lease of said property held by any tenant of grantor for a period exceeding one month. Grantor acknowledges that a quitclaim deed will be required from any lessee that has a lease term exceeding one month. Said quitclaim deeds are to be provided to Title by Grantor, prior to the close of escrow.
 9. It is understood and agreed by and between the parties hereto that payment as provided in clause 2(A) includes, but is not limited to, payment for any and all damages, and any and all damages which may accrue to the Grantor's remaining property by reason of its severance from the property conveyed herein and the construction and use of the proposed roadway project, including, but not limited to, any expense which Grantor may incur in restoring the utility of their remaining property.

No Obligation Other Than Those Set Forth Herein Will Be Recognized

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-046

THAT PORTION OF LOT 1-C, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, INCLUDED WITHIN PARCEL 3 OF CERTIFICATE OF COMPLIANCE PM 58-040-025 RECORDED APRIL 12, 1988 AS INSTRUMENT NO. 88-05840 IN BOOK 1601, PAGE 459 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1-A OF SAID RIVER TRACT; THENCE ALONG THE WESTERLY LINES OF SAID LOT 1-A, LOT 1-B, AND SAID LOT 1-C SOUTH 00°25'08" EAST 531.66 FEET TO THE NORTHERLY CORNER OF THAT LAND CONVEYED TO THE CITY OF CALEXICO BY DEED RECORDED OCTOBER 26, 1978 IN BOOK 1424, PAGE 583 OF OFFICIAL RECORDS AND THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 79°03'04" WEST; THENCE ALONG THE EASTERLY LINE OF SAID LAND CONVEYED TO THE CITY OF CALEXICO SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°41'55" A DISTANCE OF 58.68 FEET TO THE SOUTHWEST CORNER OF PARCEL 2 OF SAID CERTIFICATE OF COMPLIANCE, SAID POINT BEING THE **TRUE POINT OF BEGINNING**,

1. THENCE LEAVING SAID EASTERLY LINE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 NORTH 89°30'51" EAST 1.96 FEET TO THE BEGINNING OF A NON-TANGENT 506.00-FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 75°19'21" WEST;
2. THENCE LEAVING SAID SOUTHERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°37'03" A DISTANCE OF 76.10 FEET TO THE WESTERLY LINE OF SAID PARCEL 3, BEING THE EASTERLY LINE OF SAID LAND CONVEYED TO THE CITY OF CALEXICO, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 65°54'04" WEST;
3. THENCE ALONG SAID EASTERLY LINE, BEING THE WESTERLY LINE OF SAID PARCEL 3 NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 7°27'05" A DISTANCE OF 76.73 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 62 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-046

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE
BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY
DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE Michael A. Havener 4-02-2015
MICHAEL A. HAVENER DATE
PLS 7354

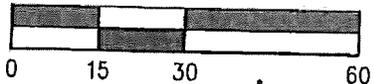


EXHIBIT "B"

WEST FIFTH ST.



MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



CESAR CHAVEZ BLVD.

LOT 1-A

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

APN 058-400-046 EXCEPTION NOTES:
1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS,
LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED
IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

S 79°03'04" W(R)

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

PAR. 2
C.O.C. PM-58-040-025

T.P.O.B.
SW COR. OF PARCEL 2 OF
CERTIFICATE OF COMPLIANCE
PM-58-040-025 REC. 4/12/88
AS INSTRUMENT NO. 88-05840 IN
BK. 1601, PG. 459 O.R.

N 89°30'51" E
1.96'
S 75°19'21" W(R)

APN 058-400-046
POR. LOT 1-C
RIVER TRACT
FM 1-32

GRANTED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

PAR. 3
C.O.C. PM-58-040-025

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	5°41'55"	590.00'	58.68'
C2	8°37'03"	506.00'	76.10'
C3	7°27'05"	590.00'	76.73'

LEGEND

FEE ACQUISITION
AREA = 62 SQ. FT.,
MORE OR LESS

T.P.O.B. TRUE POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

S 65°54'04" W(R)

EXISTING
RIGHT-OF-WAY

LOT 3

SHEET 1 OF 1 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-046 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	SCALE 1" = 30'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-02-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-047

THOSE PORTIONS OF LOTS 3 AND 4, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1-A OF SAID RIVER TRACT; THENCE ALONG THE WESTERLY LINES OF SAID LOT 1-A, LOT 1-B, AND SAID LOT 1-C SOUTH 00°25'08" EAST 531.66 FEET TO THE NORTHERLY CORNER OF THAT LAND CONVEYED TO THE CITY OF CALEXICO BY DEED RECORDED OCTOBER 26, 1978 IN BOOK 1424, PAGE 583 OF OFFICIAL RECORDS AND THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 79°03'04" WEST; THENCE ALONG THE EASTERLY LINE OF SAID LAND CONVEYED TO THE CITY OF CALEXICO SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°48'21" A DISTANCE OF 234.84 FEET TO THE BEGINNING OF A NON-TANGENT 506.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 55°26'28" WEST, AND THE **TRUE POINT OF BEGINNING**;

1. THENCE LEAVING SAID EASTERLY LINE OF THAT LAND CONVEYED TO THE CITY OF CALEXICO SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6°53'37" A DISTANCE OF 60.88 FEET;
2. THENCE SOUTH 41°27'09" EAST 125.86 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4;
3. THENCE ALONG THE SOUTHWEST LINE OF SAID LOT 4 AND CONTINUING ALONG SAID EASTERLY LINE OF THAT LAND CONVEYED TO THE CITY OF CALEXICO NORTH 42°22'36" WEST 97.62 FEET TO THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 47°34'52" WEST;
4. THENCE CONTINUING ALONG SAID EASTERLY LINE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°39'50" A DISTANCE OF 89.22 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 158 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-047

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

S 00°25'08" E
531.66'

WEST FIFTH ST.

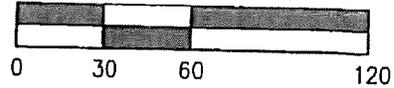
MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

LOT 1-A

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

S 79°03'04" W(R)

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.



EXISTING RIGHT-OF-WAY

CESAR CHAVEZ BLVD.

CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

POR. LOT 1-C
RIVER TRACT
FM 1-32

APN 058-400-047 & 058-400-023 EXCEPTION NOTES:

1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS,
LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED
IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

PAR. 3

C.O.C. PM-58-040-025

SOUTHERN PACIFIC R.R.



EXISTING
RIGHT-OF-WAY

T.P.O.B.
FEE

LOT 3

NOTE: SEE SHEET 2 FOR TABULATED
CURVE DATA.

APN 058-400-047

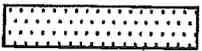
FEE ACQUISITION

LOT 4

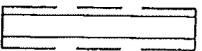
LEGEND



FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

RIVER TRACT
FM 1-32

APN 058-400-023

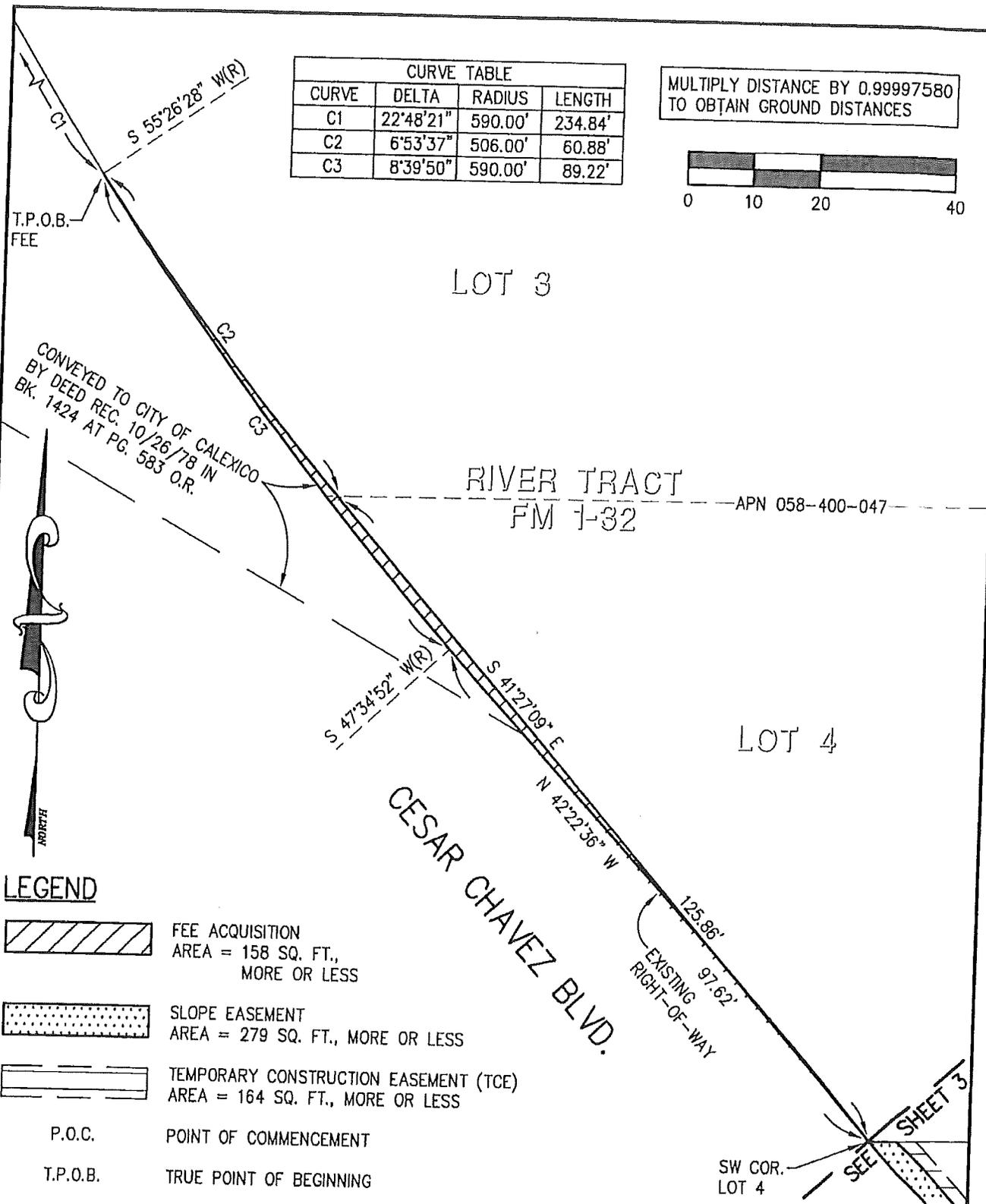
SLOPE EASEMENT

TCE

POR.
LOT 5

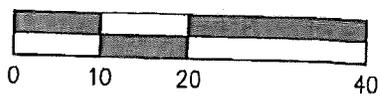
SHEET 1 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO	1" = 60'		
DRAWN BY: KA	DATE: 12-30-14			CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23	DOC. NO.
CHECKED BY: MH	DATE: 4-6-15				DWG. NO.
APPROVED BY:	DATE:			THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	22°48'21"	590.00'	234.84'
C2	6°53'37"	506.00'	60.88'
C3	8°39'50"	590.00'	89.22'

MULTIPLY DISTANCE BY 0.99997580 TO OBTAIN GROUND DISTANCES



CONVEYED TO CITY OF CALEXICO BY DEED REC. 10/26/78 IN BK. 1424 AT PG. 583 O.R.



LEGEND

-  FEE ACQUISITION
AREA = 158 SQ. FT., MORE OR LESS
-  SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 20'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

SEE SHEET 2

LOT 4

APN 058-400-047

RIVER TRACT
FM 1-32

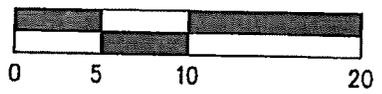
POR.
LOT 5

APN 058-400-023

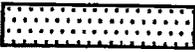
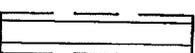
66.09'

CESAR CHAVEZ BLVD.

EXISTING
RIGHT-OF-WAY



LEGEND

-  SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

SHEET 3 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 10'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT "A"
SLOPE EASEMENT
APN 058-400-023

THAT PORTION OF THE NORTHERLY 66.09 FEET OF LOT 5, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWESTERLY 3.15 FEET, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY 66.09 FEET OF LOT 5. THE SIDELINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED SO AS TO TERMINATE IN THE NORTH LINE AND SOUTH LINE OF SAID NORTHERLY 66.09 FEET OF LOT 5.

AREA = 279 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

S 00°25'08" E
531.66'

WEST FIFTH ST.

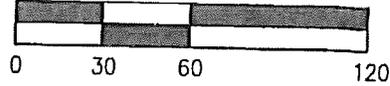
MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

LOT 1-A

S 79°03'04" W(R)

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.



CESAR CHAVEZ BLVD.

EXISTING RIGHT-OF-WAY

CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

POR. LOT 1-C
RIVER TRACT
FM 1-32

APN 058-400-047 & 058-400-023 EXCEPTION NOTES:
1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS,
LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED
IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

PAR. 3

C.O.C. PM-58-040-025

SOUTHERN PACIFIC R.R.



EXISTING RIGHT-OF-WAY

T.P.O.B.
FEE

LOT 3

NOTE: SEE SHEET 2 FOR TABULATED
CURVE DATA.

APN 058-400-047

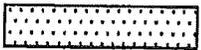
FEE ACQUISITION

LOT 4

LEGEND



FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

EXISTING RIGHT-OF-WAY

RIVER TRACT
FM 1-32

APN 058-400-023

SLOPE EASEMENT

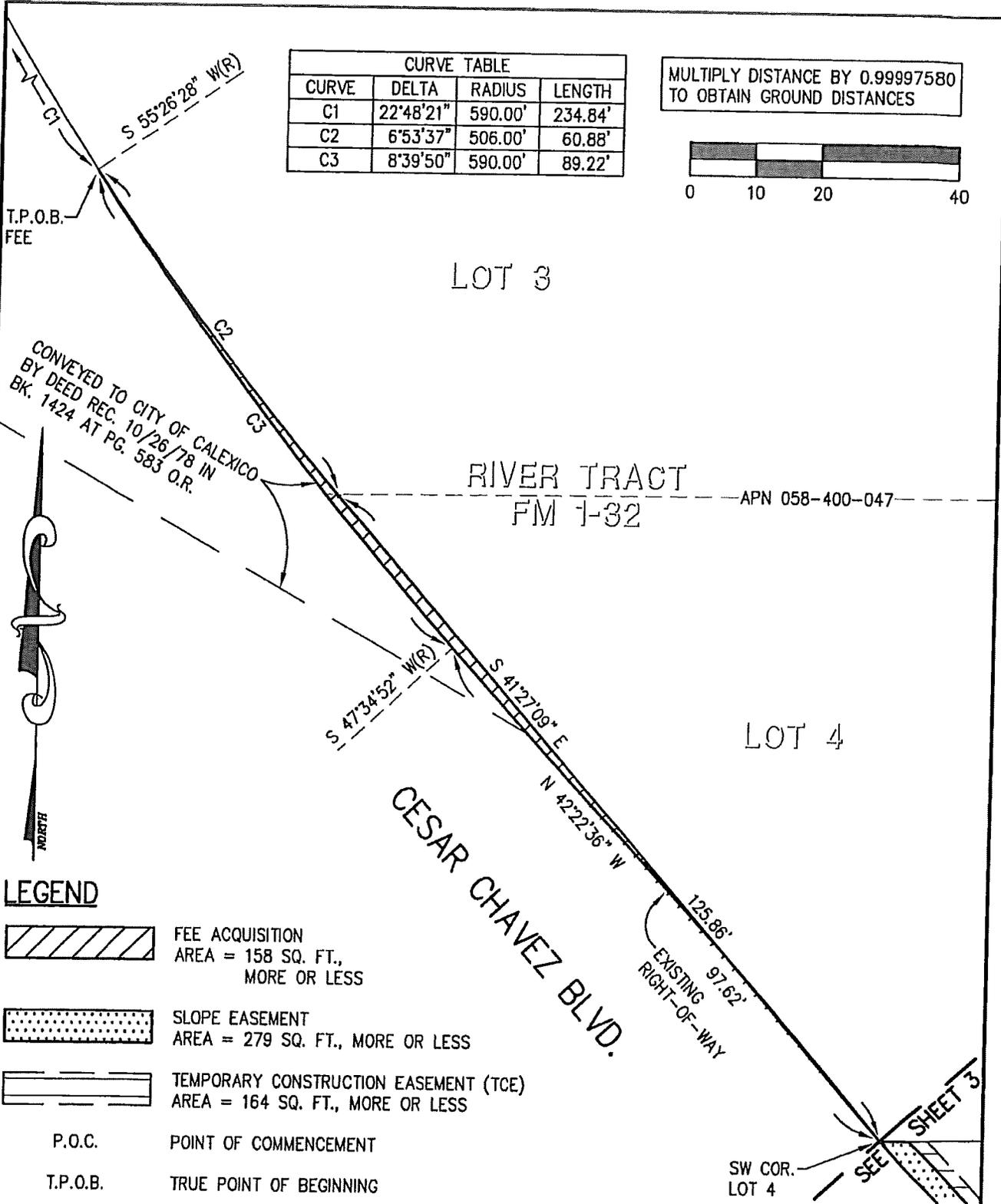
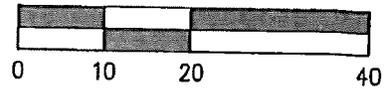
TCE POR.
LOT 5

SHEET 1 OF 3 SHEETS

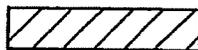
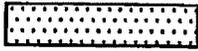
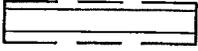
REVISED BY:	DATE:	CITY OF CALEXICO	1" = 60'		
DRAWN BY: KA	DATE: 12-30-14			CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT	DOC. NO.
CHECKED BY: MH	DATE: 4-6-15			APN 058-400-047 & 058-400-23	DWG. NO.
APPROVED BY:	DATE:			THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	22°48'21"	590.00'	234.84'
C2	6°53'37"	506.00'	60.88'
C3	8°39'50"	590.00'	89.22'

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



LEGEND

-  FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS
-  SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

SHEET 2 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 20'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

SEE SHEET 2

LOT 4

APN 058-400-047

RIVER TRACT
FM 1-32

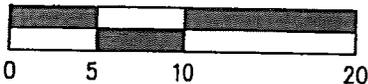
POR.
LOT 5

APN 058-400-023

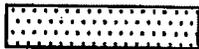
66.09'

CESAR CHAVEZ BLVD.

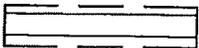
EXISTING
RIGHT-OF-WAY



LEGEND



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

SHEET 3 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 10'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
APN 058-400-023

THAT PORTION OF THE NORTHERLY 66.09 FEET OF LOT 5, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHEASTERLY 1.85 FEET OF THE SOUTHWESTERLY 5.00 FEET, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY 66.09 FEET OF LOT 5. THE SIDELINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED SO AS TO TERMINATE IN THE NORTH LINE AND SOUTH LINE OF SAID NORTHERLY 66.09 FEET OF LOT 5.

AREA = 164 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

S 00°25'08" E
531.66'

WEST FIFTH ST.

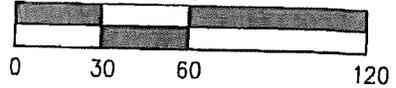
MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

LOT 1-A

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

S 79°03'04" W(R)

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.



EXISTING RIGHT-OF-WAY

CESAR CHAVEZ BLVD.

CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

POR, LOT 1-C
RIVER TRACT
FM 1-32

SOUTHERN PACIFIC R.R.

APN 058-400-047 & 058-400-023 EXCEPTION NOTES:

1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

PAR. 3

C.O.C. PM-58-040-025

EXISTING RIGHT-OF-WAY



LOT 3

NOTE: SEE SHEET 2 FOR TABULATED
CURVE DATA.

T.P.O.B.
FEE

APN 058-400-047

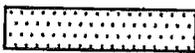
FEE ACQUISITION

LOT 4

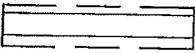
LEGEND



FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

RIVER TRACT
FM 1-32

APN 058-400-023

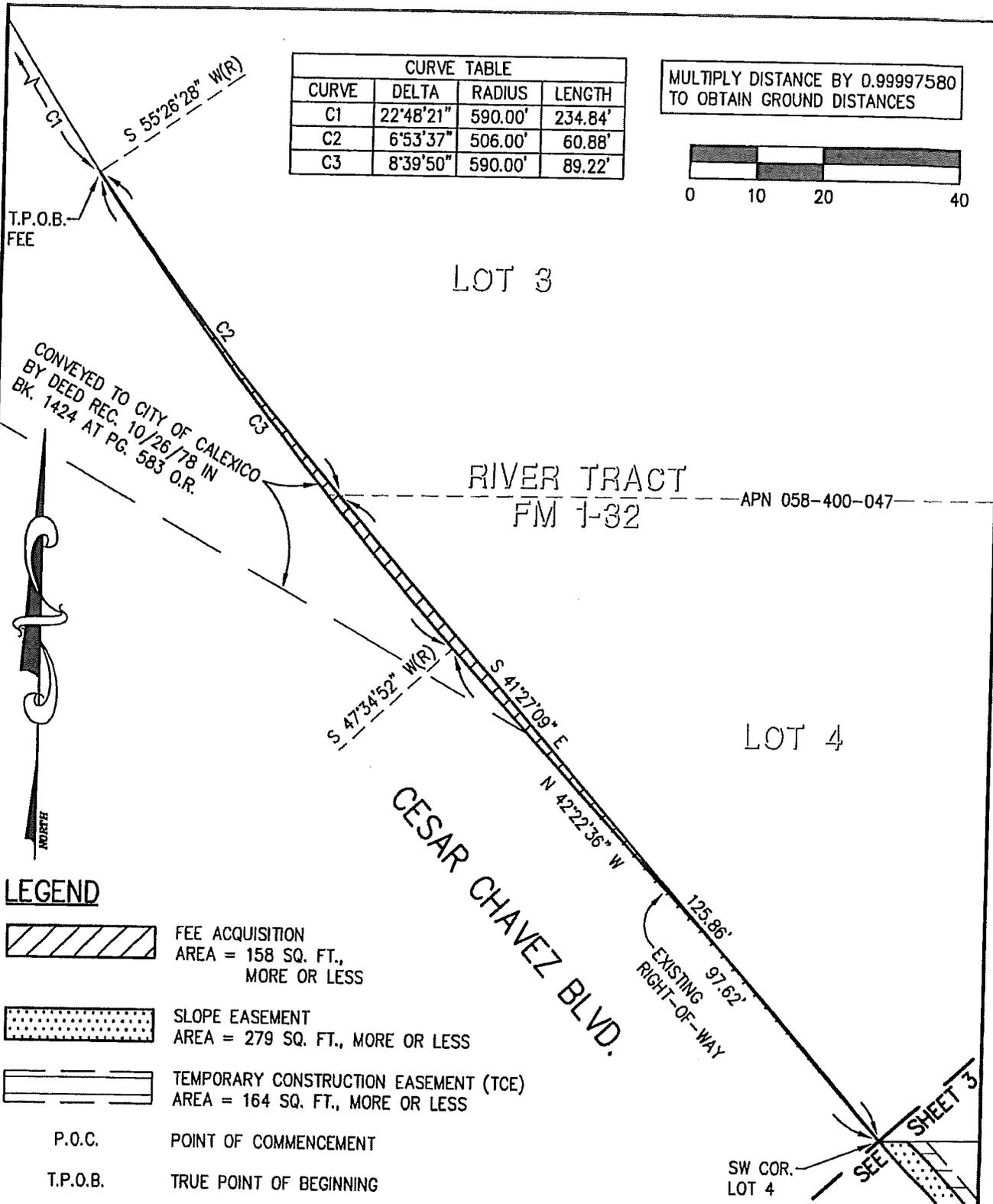
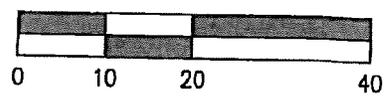
SLOPE EASEMENT TCE POR,
LOT 5

SHEET 1 OF 3 SHEETS

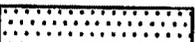
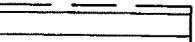
REVISED BY:	DATE:	CITY OF CALEXICO	1" = 60'	
DRAWN BY: KA	DATE: 12-30-14		CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT	DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		APN 058-400-047 & 058-400-23	DWG. NO.
APPROVED BY:	DATE:		THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	22°48'21"	590.00'	234.84'
C2	6°53'37"	506.00'	60.88'
C3	8°39'50"	590.00'	89.22'

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

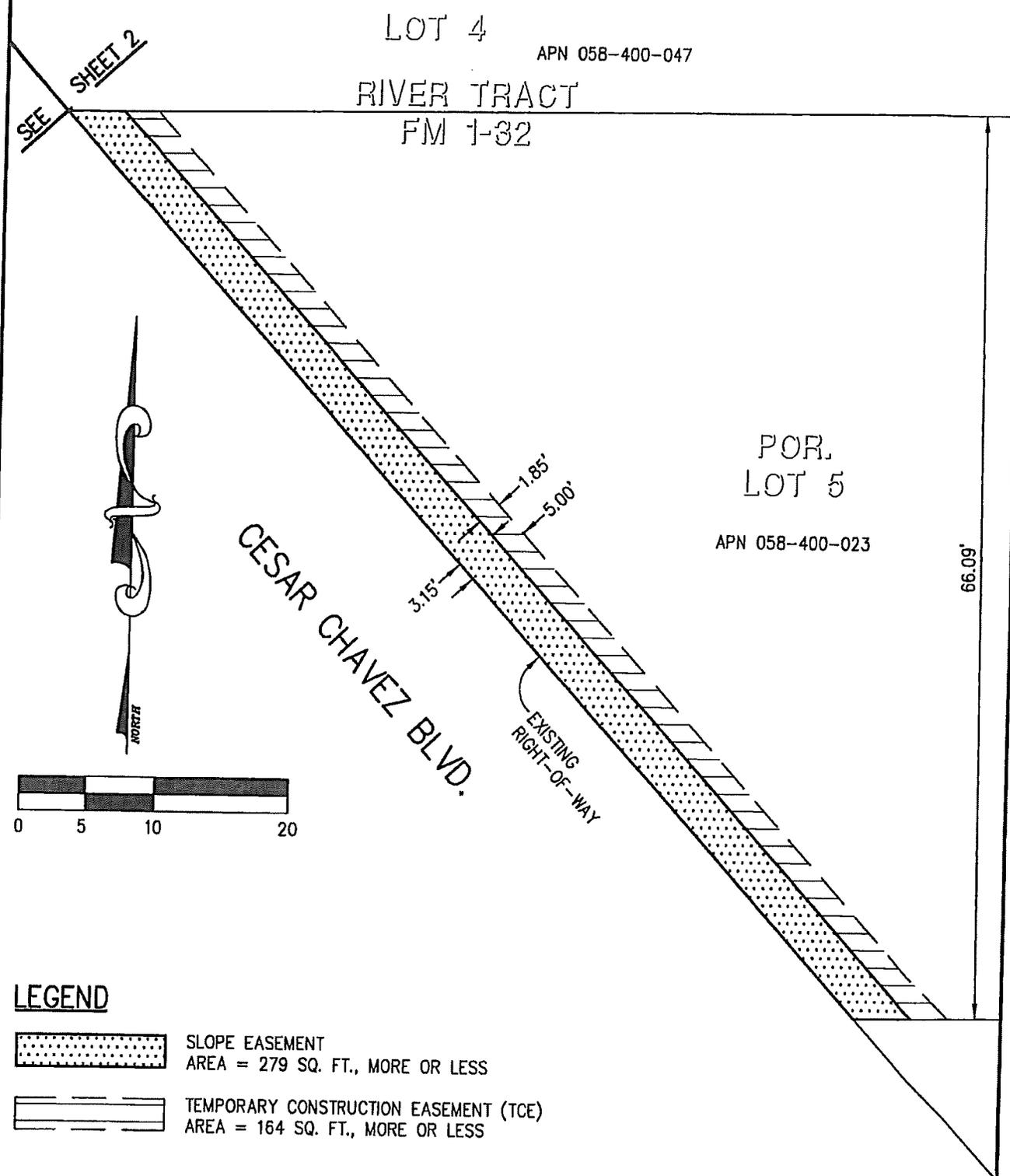


LEGEND

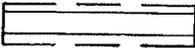
-  FEE ACQUISITION
AREA = 158 SQ. FT., MORE OR LESS
-  SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

SHEET 2 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 20'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		



LEGEND

-  SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

SHEET 3 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 10'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT B

Recorded at the request of
City of Calexico

When Recorded Mail to:
Public Works Director
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Space above this line for Recorder's Use

This document is recorded for the benefit of the City of Calexico and is therefore exempt from the payment of a recording fee pursuant to Government Code Section 27383 or filing fee pursuant to Government Code Section 6103, and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

PROJECT SECTION

COUNTY CODE

13 & 14
PARCEL #

058-400-046, 047
APN

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, PERRY ALLEN EARLEY, TRUSTEE OF THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009, ("GRANTOR") hereby grants to City of Calexico ("GRANTEE"), its successors and assigns, all that real property, or interest therein, situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE A PART HEREOF.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ___ day of _____, 2015

GRANTOR:

2009 EARLEY FAMILY TRUST DATED
AUGUST 3, 2009

By: _____
Perry Allen Earley, Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____,
Name and Title of Officer

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)
Signature of Notary Public

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-046

THAT PORTION OF LOT 1-C, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, INCLUDED WITHIN PARCEL 3 OF CERTIFICATE OF COMPLIANCE PM 58-040-025 RECORDED APRIL 12, 1988 AS INSTRUMENT NO. 88-05840 IN BOOK 1601, PAGE 459 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1-A OF SAID RIVER TRACT; THENCE ALONG THE WESTERLY LINES OF SAID LOT 1-A, LOT 1-B, AND SAID LOT 1-C SOUTH 00°25'08" EAST 531.66 FEET TO THE NORTHERLY CORNER OF THAT LAND CONVEYED TO THE CITY OF CALEXICO BY DEED RECORDED OCTOBER 26, 1978 IN BOOK 1424, PAGE 583 OF OFFICIAL RECORDS AND THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 79°03'04" WEST; THENCE ALONG THE EASTERLY LINE OF SAID LAND CONVEYED TO THE CITY OF CALEXICO SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°41'55" A DISTANCE OF 58.68 FEET TO THE SOUTHWEST CORNER OF PARCEL 2 OF SAID CERTIFICATE OF COMPLIANCE, SAID POINT BEING THE **TRUE POINT OF BEGINNING**,

1. THENCE LEAVING SAID EASTERLY LINE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 NORTH 89°30'51" EAST 1.96 FEET TO THE BEGINNING OF A NON-TANGENT 506.00-FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 75°19'21" WEST;
2. THENCE LEAVING SAID SOUTHERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°37'03" A DISTANCE OF 76.10 FEET TO THE WESTERLY LINE OF SAID PARCEL 3, BEING THE EASTERLY LINE OF SAID LAND CONVEYED TO THE CITY OF CALEXICO, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 65°54'04" WEST;
3. THENCE ALONG SAID EASTERLY LINE, BEING THE WESTERLY LINE OF SAID PARCEL 3 NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 7°27'05" A DISTANCE OF 76.73 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 62 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-046

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE
BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY
DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

SIGNATURE Michael A. Havener 4-02-2015
MICHAEL A. HAVENER DATE
PLS 7354

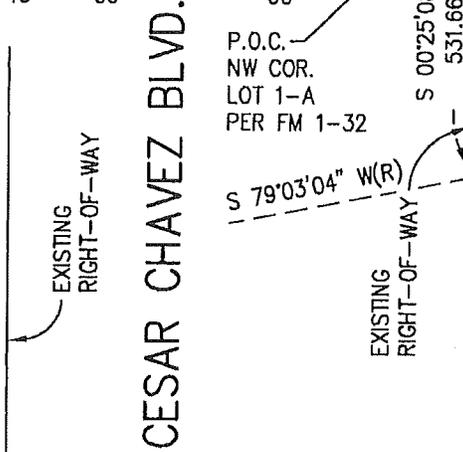
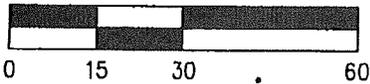


EXHIBIT "B"

WEST FIFTH ST.



MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



APN 058-400-046 EXCEPTION NOTES:
1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS, LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

PAR. 2
C.O.C. PM-58-040-025

T.P.O.B.
SW COR. OF PARCEL 2 OF
CERTIFICATE OF COMPLIANCE
PM-58-040-025 REC. 4/12/88
AS INSTRUMENT NO. 88-05840 IN
BK. 1601, PG. 459 O.R.

GRANTED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

APN 058-400-046
POR. LOT 1-C
RIVER TRACT
FM 1-32

PAR. 3
C.O.C. PM-58-040-025

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	5°41'55"	590.00'	58.68'
C2	8°37'03"	506.00'	76.10'
C3	7°27'05"	590.00'	76.73'

LEGEND

FEE ACQUISITION
AREA = 62 SQ. FT.,
MORE OR LESS

T.P.O.B. TRUE POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

LOT 3
SHEET 1 OF 1 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-046 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	SCALE 1" = 30'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-02-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-047

THOSE PORTIONS OF LOTS 3 AND 4, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1-A OF SAID RIVER TRACT; THENCE ALONG THE WESTERLY LINES OF SAID LOT 1-A, LOT 1-B, AND SAID LOT 1-C SOUTH $00^{\circ}25'08''$ EAST 531.66 FEET TO THE NORTHERLY CORNER OF THAT LAND CONVEYED TO THE CITY OF CALEXICO BY DEED RECORDED OCTOBER 26, 1978 IN BOOK 1424, PAGE 583 OF OFFICIAL RECORDS AND THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH $79^{\circ}03'04''$ WEST; THENCE ALONG THE EASTERLY LINE OF SAID LAND CONVEYED TO THE CITY OF CALEXICO SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $22^{\circ}48'21''$ A DISTANCE OF 234.84 FEET TO THE BEGINNING OF A NON-TANGENT 506.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH $55^{\circ}26'28''$ WEST, AND THE **TRUE POINT OF BEGINNING**;

1. THENCE LEAVING SAID EASTERLY LINE OF THAT LAND CONVEYED TO THE CITY OF CALEXICO SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $6^{\circ}53'37''$ A DISTANCE OF 60.88 FEET;
2. THENCE SOUTH $41^{\circ}27'09''$ EAST 125.86 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4;
3. THENCE ALONG THE SOUTHWEST LINE OF SAID LOT 4 AND CONTINUING ALONG SAID EASTERLY LINE OF THAT LAND CONVEYED TO THE CITY OF CALEXICO NORTH $42^{\circ}22'36''$ WEST 97.62 FEET TO THE BEGINNING OF A NON-TANGENT 590.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH $47^{\circ}34'52''$ WEST;
4. THENCE CONTINUING ALONG SAID EASTERLY LINE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $8^{\circ}39'50''$ A DISTANCE OF 89.22 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA = 158 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 0.99997580 TO OBTAIN GROUND DISTANCES.

EXHIBIT "A"
FEE ACQUISITION
APN 058-400-047

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

S 00°25'08" E
531.66'

WEST FIFTH ST.

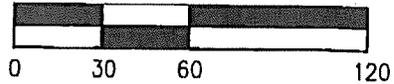
MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

LOT 1-A

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

S 79°03'04" W(R)

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.



EXISTING RIGHT-OF-WAY

CESAR CHAVEZ BLVD.

CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

POR. LOT 1-C
RIVER TRACT
FM 1-32

SOUTHERN PACIFIC R.R.

APN 058-400-047 & 058-400-023 EXCEPTION NOTES:
1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS,
LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED
IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

PAR. 3

C.O.C. PM-58-040-025

EXISTING
RIGHT-OF-WAY

T.P.O.B.
FEE

LOT 3

NOTE: SEE SHEET 2 FOR TABULATED
CURVE DATA.

APN 058-400-047

FEE ACQUISITION

LOT 4

RIVER TRACT

FM 1-32

APN 058-400-023

SLOPE EASEMENT

TCE POR.

LOT 5

EXISTING RIGHT-
OF-WAY



LEGEND



FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

P.O.C. POINT OF COMMENCEMENT

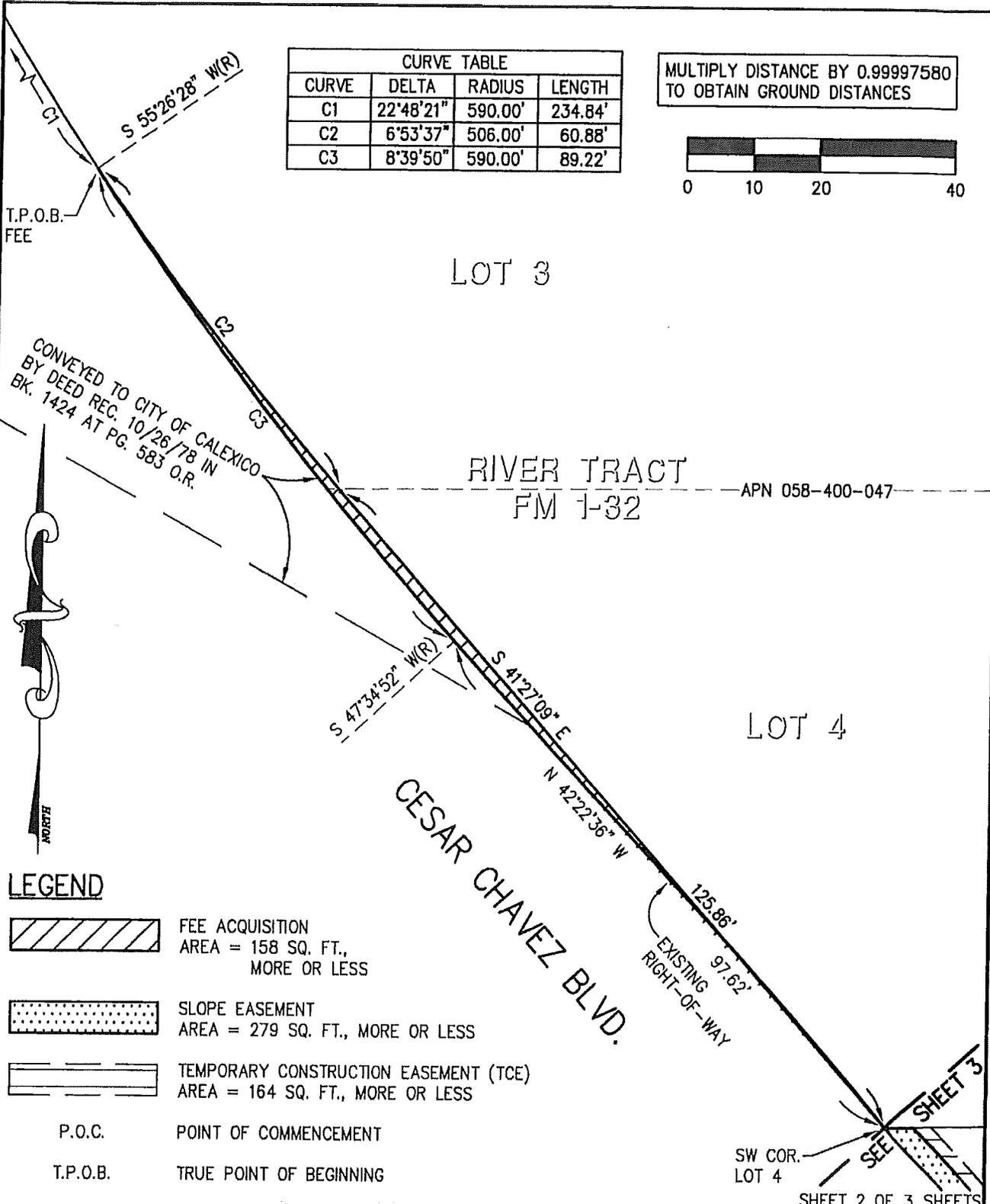
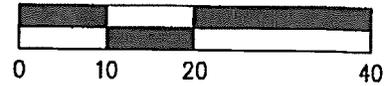
T.P.O.B. TRUE POINT OF BEGINNING

SHEET 1 OF 3 SHEETS

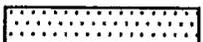
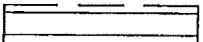
REVISED BY:	DATE:	CITY OF CALEXICO	1" = 60'	
DRAWN BY: KA	DATE: 12-30-14		CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT	DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		APN 058-400-047 & 058-400-23	DWG. NO.
APPROVED BY:	DATE:		THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	22°48'21"	590.00'	234.84'
C2	6°53'37"	506.00'	60.88'
C3	8°39'50"	590.00'	89.22'

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



LEGEND

-  FEE ACQUISITION
AREA = 158 SQ. FT., MORE OR LESS
-  SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 20'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

LOT 4

APN 058-400-047

RIVER TRACT
FM 1-32

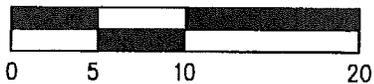
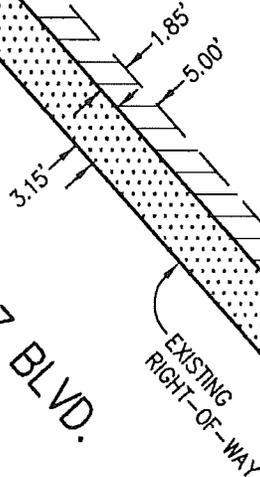
SEE SHEET 2

POR.
LOT 5

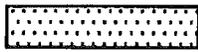
APN 058-400-023

66.00'

CESAR CHAVEZ BLVD.



LEGEND



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

SHEET 3 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 10'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT C

Recorded at the request of
City of Calexico

When Recorded Mail to:
Public Works Director
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Space above this line for Recorder's Use

This document is recorded for the benefit of the City of Calexico and is therefore exempt from the payment of a recording fee pursuant to Government Code Section 27383 or filing fee pursuant to Government Code Section 6103, and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

		14	058-400-023
PROJECT/SECTION	COUNTY CODE	PARCEL #	APN(S)

EASEMENT DEED

(SLOPE)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, PERRY ALLEN EARLEY, TRUSTEE OF THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009, ("GRANTOR") hereby grants to City of Calexico ("GRANTEE"), its successors and assigns, an exclusive permanent Slope Easement in, upon, under, over, through, across and along that Real Property situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE A PART HEREOF.

TOGETHER WITH the right to enter upon said Real Property and to use equipment and material thereon by agents and employees of said GRANTEE whenever necessary for the purpose of constructing, reconstructing, maintaining, repairing, reconfiguring, changing the grade of, changing the size of, adding to, or removing, using, inspecting, operating or repairing from time to time said Slope;

GRANTOR, for the GRANTOR and the GRANTOR'S successors and assigns, hereby waives any claims for any and all damages to GRANTOR'S remaining property contiguous to the property hereby conveyed by reason of the location, construction, reconstruction, landscaping, maintenance and uses described herein of said slope.

PROJECT SECTION COUNTY CODE 13 & 14 058-400-023
PARCEL # APN(s)

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ___ day of _____, 2015

GRANTOR(s)

2009 EARLEY FAMILY TRUST DATED
AUGUST 3, 2009

By: _____
Perry Allen Earley, Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____ before me, _____,
Name and Title of Officer

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)
Signature of Notary Public

EXHIBIT "A"
SLOPE EASEMENT
APN 058-400-023

THAT PORTION OF THE NORTHERLY 66.09 FEET OF LOT 5, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWESTERLY 3.15 FEET, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY 66.09 FEET OF LOT 5. THE SIDELINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED SO AS TO TERMINATE IN THE NORTH LINE AND SOUTH LINE OF SAID NORTHERLY 66.09 FEET OF LOT 5.

AREA = 279 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

S 00°25'08" E
531.66'

WEST FIFTH ST.

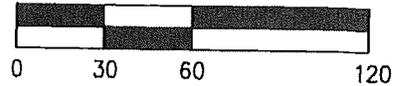
MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

LOT 1-A

S 79°03'04" W(R)

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.



POR. LOT 1-C
RIVER TRACT
FM 1-32

APN 058-400-047 & 058-400-023 EXCEPTION NOTES:
1. RIGHTS OR CLAIMS OF EASEMENTS FOR CANALS, DRAINS,
LATERALS, IRRIGATION PIPELINES AND GATES NOT INCLUDED
IN THE PUBLIC RECORD. (NO SPECIFIC LOCATION)

PAR. 3

C.O.C. PM-58-040-025

SOUTHERN PACIFIC R.R.

CESAR CHAVEZ BLVD.

CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

EXISTING RIGHT-OF-WAY

EXISTING
RIGHT-OF-WAY

T.P.O.B.
FEE

LOT 3

NOTE: SEE SHEET 2 FOR TABULATED
CURVE DATA.

APN 058-400-047

FEE ACQUISITION

LOT 4

RIVER TRACT
FM 1-32

APN 058-400-023

SLOPE EASEMENT
TCE POR.
LOT 5

SHEET 1 OF 3 SHEETS



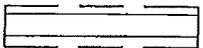
LEGEND



FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

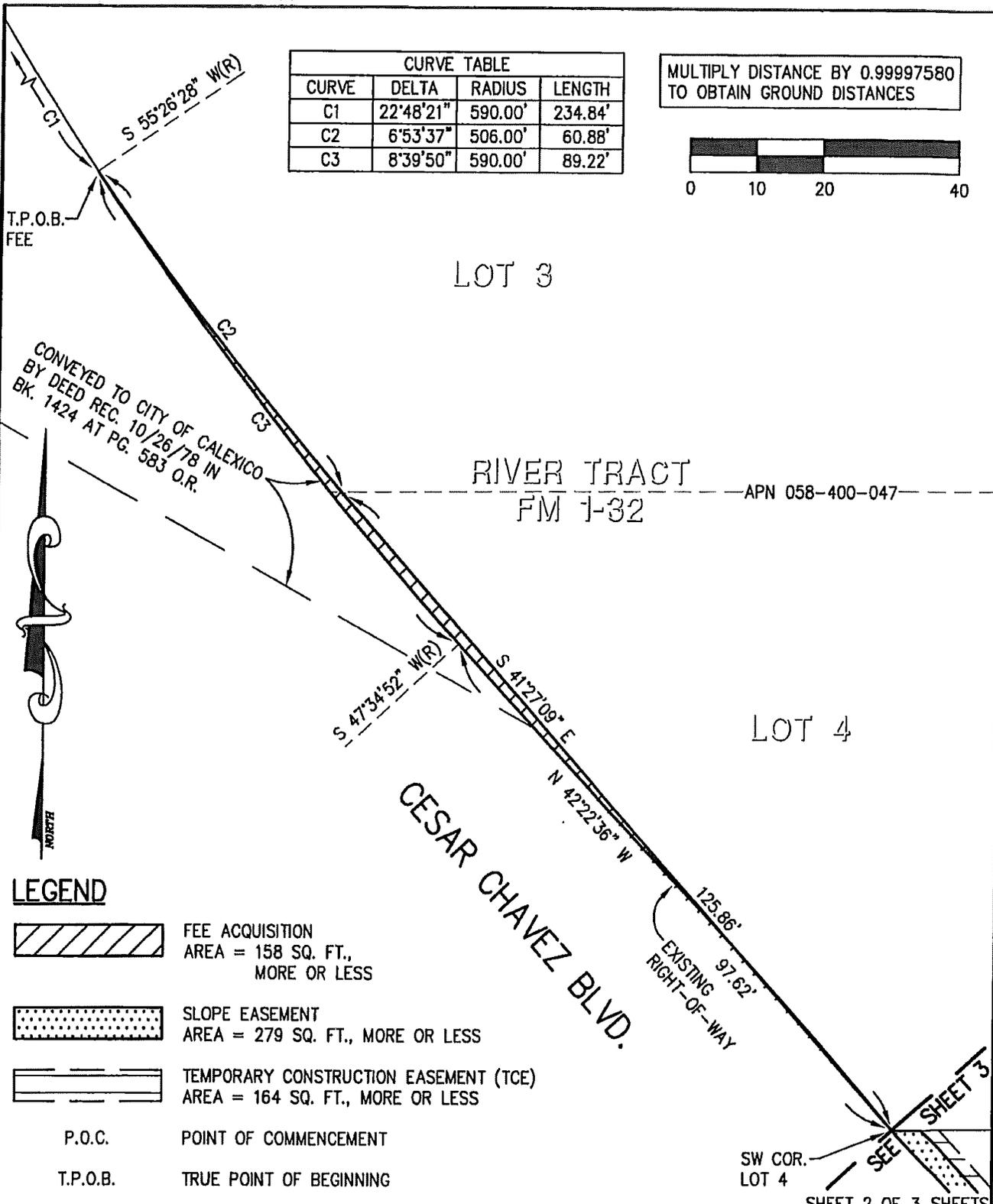
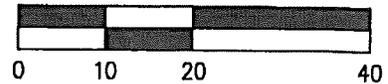
P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

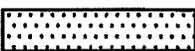
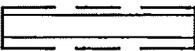
REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 60'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	22°48'21"	590.00'	234.84'
C2	6°53'37"	506.00'	60.88'
C3	8°39'50"	590.00'	89.22'

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



LEGEND

-  FEE ACQUISITION
AREA = 158 SQ. FT., MORE OR LESS
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AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 20'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

SHEET 2 OF 3 SHEETS

LOT 4

APN 058-400-047

RIVER TRACT
FM 1-32

POR.
LOT 5

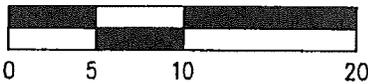
APN 058-400-023

66.09'

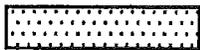
SEE SHEET 2

CESAR CHAVEZ BLVD.

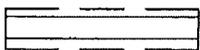
EXISTING
RIGHT-OF-WAY



LEGEND



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

SHEET 3 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 10'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

EXHIBIT D

TEMPORARY CONSTRUCTION EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged PERRY ALLEN EARLEY, TRUSTEE OF THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009, ("GRANTOR") hereby grants to City of Calexico ("GRANTEE"), its successors and assigns, a temporary construction easement over, upon and across all that real property, or interest therein, situated in the City of Calexico, County of Imperial, State of California, more particularly described and shown as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF.

This Temporary Construction Easement shall be for the purpose of construction activities related to the **City of Calexico Cesar Chavez Improvement Project** including, but not limited to use for ingress and egress, parking of vehicles and all other activities whatsoever in nature incidental to ingress and egress for the construction of the specified project.

This Temporary Construction Easement shall be for a period not to exceed twelve (12) months, commencing upon Grantor's receipt of written Notice of Commencement of Construction from Grantee. Grantor agrees that upon the expiration of the TCE, Grantee has the option to extend the term of the TCE as to the entire TCE area, or any portion thereof. The rate for the extended use of the TCE area shall be \$0.0336 per square foot per month. Grantee shall provide Owner with notice of its intent to extend the term of the TCE at least thirty (30) days prior to the expiration of the TCE.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ____ day of _____, 2015

GRANTOR(s)

2009 EARLEY FAMILY TRUST DATED
AUGUST 3, 2009

By: _____
Perry Allen Earley, Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____,
Name and Title of Officer

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)
Signature of Notary Public

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
APN 058-400-023

THAT PORTION OF THE NORTHERLY 66.09 FEET OF LOT 5, RIVER TRACT, CITY OF CALEXICO, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 32 OF FINAL MAPS RECORDED MARCH 26, 1953 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHEASTERLY 1.85 FEET OF THE SOUTHWESTERLY 5.00 FEET, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY 66.09 FEET OF LOT 5. THE SIDELINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED SO AS TO TERMINATE IN THE NORTH LINE AND SOUTH LINE OF SAID NORTHERLY 66.09 FEET OF LOT 5.

AREA = 164 SQUARE FEET, MORE OR LESS

SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

SIGNATURE Michael A. Havener 4-6-2015
MICHAEL A. HAVENER DATE
PLS 7354



EXHIBIT "B"

S 00°25'08" E
531.66'

WEST FIFTH ST.

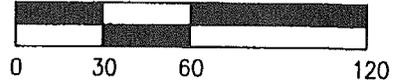
MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES

LOT 1-A

P.O.C.
NW COR.
LOT 1-A
PER FM 1-32

S 79°03'04" W(R)

N'LY COR. OF THAT LAND
CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.



EXISTING RIGHT-OF-WAY

CE SAR CHAVEZ BLVD.

CONVEYED TO CITY OF CALEXICO
BY DEED REC. 10/26/78 IN
BK. 1424 AT PG. 583 O.R.

POR. LOT 1-C
RIVER TRACT
FM 1-32

APN 058-400-047 & 058-400-023 EXCEPTION NOTES:
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SOUTHERN PACIFIC R.R.

PAR. 3

C.O.C. PM-58-040-025

EXISTING
RIGHT-OF-WAY



T.P.O.B.
FEE

LOT 3

NOTE: SEE SHEET 2 FOR TABULATED
CURVE DATA.

APN 058-400-047

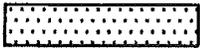
FEE ACQUISITION

LOT 4

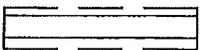
LEGEND



FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

EXISTING RIGHT-
OF-WAY

RIVER TRACT
FM 1-32

APN 058-400-023

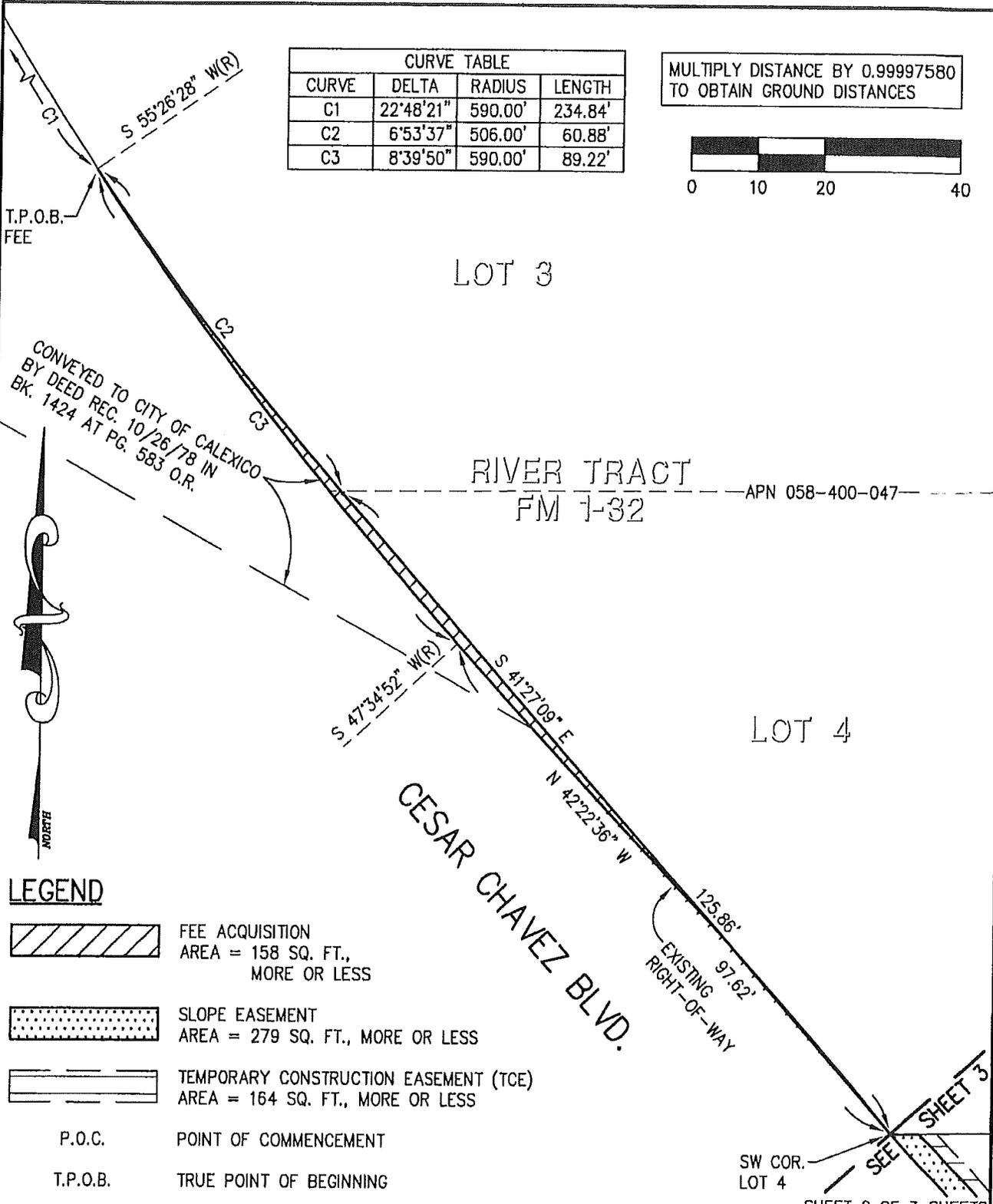
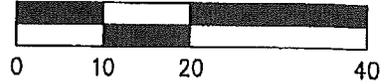
SLOPE EASEMENT
TCE POR.
LOT 5

SHEET 1 OF 3 SHEETS

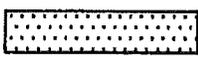
REVISED BY:	DATE:	CITY OF CALEXICO	1" = 60'	
DRAWN BY: KA	DATE: 12-30-14		CE SAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT	DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		APN 058-400-047 & 058-400-23	DWG. NO.
APPROVED BY:	DATE:		THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	22°48'21"	590.00'	234.84'
C2	6°53'37"	506.00'	60.88'
C3	8°39'50"	590.00'	89.22'

MULTIPLY DISTANCE BY 0.99997580
TO OBTAIN GROUND DISTANCES



LEGEND

-  FEE ACQUISITION
AREA = 158 SQ. FT.,
MORE OR LESS
-  SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

SHEET 2 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 20'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

LOT 4

APN 058-400-047

RIVER TRACT
FM 1-32

SEE SHEET 2

POR.
LOT 5

APN 058-400-023

66.09'

CESAR CHAVEZ BLVD.

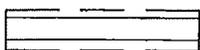
EXISTING
RIGHT-OF-WAY



LEGEND



SLOPE EASEMENT
AREA = 279 SQ. FT., MORE OR LESS



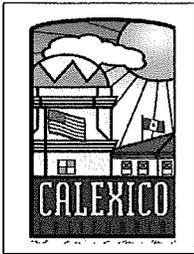
TEMPORARY CONSTRUCTION EASEMENT (TCE)
AREA = 164 SQ. FT., MORE OR LESS

SHEET 3 OF 3 SHEETS

REVISED BY:	DATE:	CITY OF CALEXICO CESAR CHAVEZ BOULEVARD IMPROVEMENT PROJECT APN 058-400-047 & 058-400-23 THE 2009 EARLEY FAMILY TRUST DATED AUGUST 3, 2009	1" = 10'
DRAWN BY: KA	DATE: 12-30-14		DOC. NO.
CHECKED BY: MH	DATE: 4-6-15		DWG. NO.
APPROVED BY:	DATE:		

**AGENDA
ITEM**

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AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Gabriela T. Garcia, Deputy City Clerk 

SUBJECT: Second Reading Adoption of Ordinance No. 1166 of the City Council of the City of Calexico Repealing Ordinance No. 1144 and Amending Section 2.02.110 and Chapter 2.07 of the Calexico Municipal City Code Regarding the Appointment Process and Duties of the City Clerk.

=====

Recommendation:

Approve the second reading and adoption of draft Ordinance No. 1166 repealing Ordinance No. 1144 and amending Section 2.02.110 and Chapter 2.07 of the Calexico Municipal City Code regarding the appointment process and duties of the City Clerk.

Background:

In October 2, 2015, the City Council adopt Ordinance No. 1144 amending Section 2.092110 of Chapter 2.02 of the Calexico Municipal Code and adding Chapter 2.07 to the Calexico Municipal Code regarding the appointment process and duties of the City Clerk. This ordinance granted the City Manager the authority to appoint the City Clerk as well as to remove, promote and demote the City Clerk.

Discussion & Analysis:

Last month, Mayor Kim has requested that the City Council consider repealing Ordinance No. 1144 and amend Section 2.02110 and Chapter 2.07 of the Calexico Municipal Code regarding the appointment process and duties of the City Clerk. On November 17, 2015 the attached ordinance was introduced and approved by the City Council which provides the City Clerk shall be appointed by the City Council and shall serve at the pleasure of the City Council.

Fiscal Impact:

None.

Coordinated With:

City Attorney.

Attachments:

1. Draft Ordinance.

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ORDINANCE NO. 1166

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO REPEALING ORDINANCE NO. 1144 AND AMENDING SECTION 2.02.110 AND CHAPTER 2.07 OF THE CALEXICO MUNICIPAL CITY CODE REGARDING THE APPOINTMENT PROCESS AND DUTIES OF THE CITY CLERK

WHEREAS, On October 2, 2012, the City Council of the City of Calexico adopted Ordinance No. 1144 amending Section 2.02.110 of Chapter 2.02 of the Calexico Municipal Code and adding Chapter 2.07 to the Calexico Municipal Code regarding the appointment process and duties of the City Clerk; and

WHEREAS, Ordinance No. 1144 grants the City Manager the authority to appoint the City Clerk, as well as to remove, promote and demote the City Clerk; and

WHEREAS, the City Council now desires to amend the Calexico Municipal Code regarding the appointment process and duties of the City clerk as described in this ordinance

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Section 2.02.110 of the Calexico Municipal Code is hereby amended to read as follows:

“2.02.110 - Powers of appointment.

It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, except the city clerk and city attorney.”

SECTION TWO. Chapter 2.07 – “City Clerk” of the Calexico Municipal Code is hereby amended in its entirety to read as follows:

“Chapter 2.07- CITY CLERK

Sections:

2.07.010 - Appointment of city clerk.

2.07.020 - Duties.

2.07.010 – Appointment of city clerk.

The city clerk shall be appointed by the city council and shall serve at the will and pleasure of the city council and may be dismissed without cause. Prior to appointment of the city clerk by the city council, a committee consisting of the city manager and two members of the city council may be appointed by the city council to evaluate the applicants and make a recommendation on the appointment. Subject to the approval of

the city council, the city manager may execute a written contract with the city clerk describing the conditions of his/her appointment.

2.07.020 - Duties.

Except as otherwise provided in this code, the city clerk shall perform the duties prescribed by the general laws and statutes of the state pertaining to duties of city clerks. In addition thereto, the city clerk shall perform such other duties not in conflict with her/his mandatory duties, as prescribed in a city job description, or which the city council may from time to time assign.”

SECTION THREE: This Ordinance was introduced on November 3, 2015.

SECTION FOUR: This Ordinance shall become effective thirty days following its passage and adoption.

SECTION FIVE: The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

PASSED AND ADOPTED this 1st day of December 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joong S. Kim, Mayor

ATTEST:

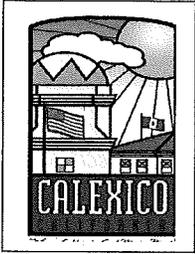
Gabriela T. Garcia, Deputy City Clerk

APPROVED AS TO FORM:

Carlos Campos, Interim City Attorney

**AGENDA
ITEM**

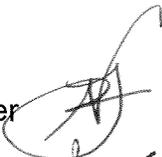
13



AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Rosalind Guerrero, Grants Manager 

SUBJECT: Public Hearing to Determine Whether there exists a Majority Protest to Levying the Calendar Year 2016 Assessment for the Calexico Business Improvement District.
a) Adopt Resolution assessing the levy for the Calexico Business Improvement District for calendar year 2016.

=====

Recommendation:

1. Hold a public hearing to determine whether there exists a majority protest to levying the calendar year 2016 assessment for the Calexico Business Improvement District.
2. If no majority protest is determined, adopt a Resolution to Levy an Assessment for the Business Improvement District for calendar year 2016.

Background:

In February of 2000, the Calexico City Council established the Calexico Business Improvement District (BID) by the adoption of Ordinance No. 990 which provided for the levying of an assessment. In 2009, the Calexico City Council appointed a BID advisory board.

Pursuant to Streets and Highways Code Section 36500 - 36537, an annual report is attached which outlines the activities in 2015 and estimates revenues for the calendar year 2016. The Annual Report recommends the assessment be continued for calendar year 2016. The assessments may only be used for the promotion, marketing and advertising of professional and retail businesses located in the BID.

Discussion & Analysis:

The City Council approved a Resolution of Intent, No. 2015-62, on November 17, 2015, to levy the BID assessment for calendar year 2016 and set a public hearing on December 1, 2016 to consider the levy. The Resolution of Intent and public hearing notice was advertised on November 19 and 26, 2015.

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Fiscal Impact:

The amount to be collected in assessments is estimated to be thirty six thousand dollars (\$36,000.00). The assessment is calculated on 360 business licenses at \$100.00 each. The total amount estimated to be available for BID activities in 2016 is sixty thousand dollars (\$60,000.00) which includes monies carried over from the prior year. BID assessment revenues are restricted for BID purposes.

Coordinated With:

BID Advisory Board on November 5, 2015 reviewed and approved the 2015 Annual Report and estimated revenue for calendar year 2016.

Attachments:

1. Report to the City Council prepared by the City of Calexico on behalf of the Calexico Business Improvement District, dated November 17, 2015.
2. Resolution of the City Council of the City of Calexico assessing the levy for the Calexico Business Improvement District for calendar year 2016.



REPORT TO THE CITY COUNCIL
CALEXICO BUSINESS IMPROVEMENT DISTRICT (BID)
ANNUAL REPORT - 2015

Prepared for:
Business Improvement District Advisory Committee

Prepared by:
City of Calexico
November 17, 2015

www.calexicobid.com

HISTORY

Ordinance No. 990 established the Calexico Business Improvement District (BID) in which an annual assessment is to be collected at the same time and manner as the Business Tax License fees.

Ordinance No. 990 established the fees and the boundary of the BID. Assessments were based on zones and the business category. The categories established under the Ordinance are general retailers, restaurants, non retailers/service providers, and state regulated companies and specifies fees to be collected.

Revenue collected is to defray the cost of services and programs which will benefit businesses in the area, including, but not limited to any of the following:

- The acquisition, construction, or maintenance of parking facilities for the benefit of the area;
- Decoration of any public place;
- Promotion of public events which are to take place on or in public places in the area;
- Furnishing of music in any public place in the area;
- The general promotion of business activities in the area.

In 2009, the City Council of the City of Calexico thru Resolution 09-82 established an annual fee of \$100.00.

The BID Advisory Committee appointed by the City Council meets on the 2nd Wednesday of each month and continue to accomplish promotional events and advertising. The events hosted by BID include advertising in print, radio, electronic boards, and television media and events held in the downtown area. Advertising provided by BID promotes all businesses within the zone boundaries.

The activities undertaken by BID for the calendar year 2015 included addressing concerns by downtown merchants and the attraction of shoppers over and above those that already shop in the BID areas. BID Advisory Board members goal is to identify the BID's "niche" and establish the area as a destination point.

BID Advisory Board members worked with city staff and Allied/Republic Waste to address the overflow of debris in trash containers because of the size of the container and the need for each business to have a container and not share with another business.

BID members expressed their concern regarding criminal activity in BID areas and the need to have a plan to address security issues. The Calexico Police Department was successful in arresting the alleged "burrowing thief" responsible for break-ins of several businesses.

BID members participated in the discussion of signs, banners, and flags as presented by the Calexico Planning Commission and city staff. Concerns on enforcement and fines were reviewed as BID businesses requested BID's support. Businesses expressed their concern the

city is discouraging businesses by targeting the signs, banners, and flags that promote the business.

Discussion was held on whether to include the Gran Plaza within BID boundaries. Availability of free parking at Gran Plaza was identified as being a disadvantage to downtown.

The 6th annual Car Show proved to be the best from prior years because of the BID's efforts to advertise and promote the event early and the contracting of an experienced coordinator that could dedicate full time to the event. The need to expand and allow more cars to show will be considered for future events. The Facebook page established for the car show brought in over 26,000 "likes".

BID members requested the City Finance Department provide sales tax comparisons for prior years that would help measure whether events and promotions held bring in sales taxes. Information from the Finance department via the sales tax consultant is pending.

Free parking for the months of July 2015 through the Labor Day holiday were approved by the City Council to encourage shopping during the summer months.

Summer and "back to school" 50/50 advertising campaign on print and television media supported local businesses in advertising at one-half (1/2) the regular cost.

Promotions for Black Friday, Christmas, and New Year's Day holidays allowed participation of businesses to advertise in print (including coupons), television, and electronic board announcements. There is no cost to the business as long as the business agrees to open early the morning hours of Black Friday.

RECOMMENDATIONS FOR CALENDAR YEAR 2016

BID Boundaries:

Recommendation to leave current boundaries as established by Ordinance No. 990.

BID Zones:

Recommendation to continue with Zone 1 and Zone 2, as shown on map.

BID Assessment Fees:

Recommendation to leave fee at \$100.00 to be collected for each business license issued within the zone boundaries for calendar year 2016.

The fees assessed will be collected and used for the following activities:

Marketing and promotional activities to include advertising, entertainment, and general promotion;

Maintenance and update of BID website (www.calexibid.com);

Decoration of any public place in the BID boundaries;

Assist the City in enforcing ordinances previously established.

Encourage businesses to voice their concerns to the members of the BID board and assist in resolving concerns expressed.

Fiscal Impact:

Estimated amount to be collected in the calendar year 2016 assessments is \$36,000.00. The assessment is calculated on three hundred sixty (360) business licenses to be paid at \$100.00 each.

The total amount estimated to be available for BID activities is \$60,000.00 for the calendar year 2016.

RESOLUTION OF INTENT

The BID Advisory Committee recommends the City Council adopt the Resolution accepting the annual BID report and the Council's intent to levy an annual assessment for the BID and hold a public hearing on December 1, 2015 or sooner to consider levying the assessment for January 1, 2016.

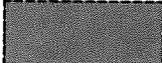
RECOMMENDATIONS

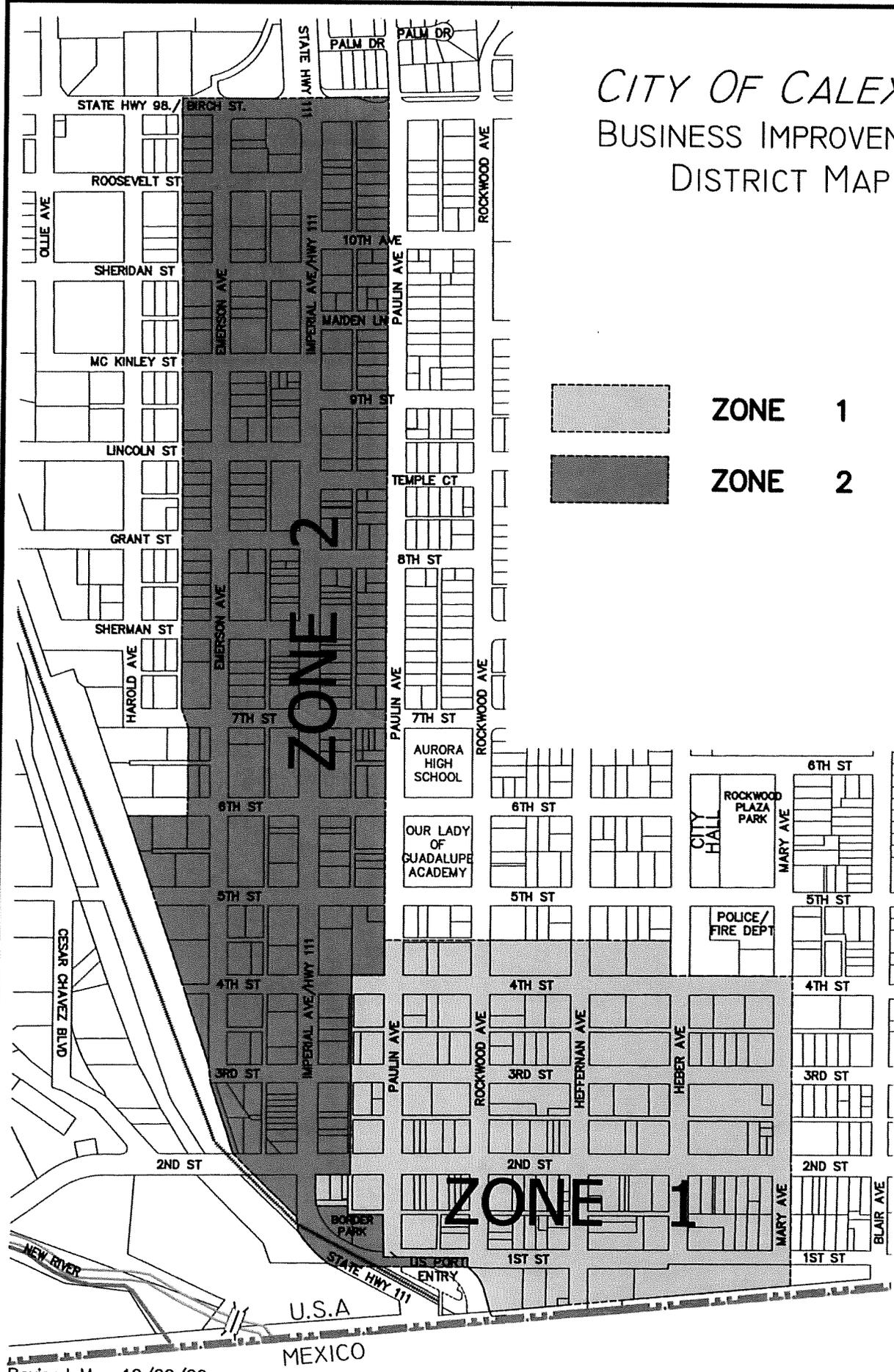
Adopt the Resolution of the City Council of the City of Calexico approving the 2015 Annual Report of the BID and declaring the Council's intention to levy an annual assessment for the BID for calendar year 2016 and hold a public hearing on December 1, 2015 or sooner to consider levying the assessment.

Attachments:

BID Zone Map

CITY OF CALEXICO BUSINESS IMPROVEMENT DISTRICT MAP

	ZONE 1
	ZONE 2



RESOLUTION NO. 2015-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO ASSESSING THE
LEVY FOR THE CALEXICO BUSINESS IMPROVEMENT DISTRICT FOR
CALENDAR YEAR 2016**

BE IT RESOLVED by the Council of the City of Calexico as follows:

WHEREAS, by Resolution No. 2015-62, adopted November 17, 2015, the City Council approved the 2015 Annual Report of the Calexico Business Improvement District, declared its intent to levy and collect an annual assessment for the Calexico Business Improvement District for calendar year 2016, and set a public hearing on the matter for December 1, 2015.

NOW, THEREFORE IT IS HEREBY RESOLVED that:

SECTION 1. The City Council conducted a public hearing to consider the levy of the proposed Calendar Year 2015 levy of assessments for the BID on December 1, 2015.

SECTION 2. The City gave notice of the public hearing by causing the resolution of intention, adopted by the City Council on November 17, 2015, to be published in a newspaper of general circulation in the city before the public hearing.

SECTION 3. At the public hearing, the City council heard and considered all protests against the Calendar Year 2016 levy of assessments for the Business Improvement District. The rules and procedures used in receiving and considering protests complied with those set forth in Streets and Highways Code section 36524, 26525, and 36534.

SECTION 4. The City Council has received and approved an annual report prepared by the City of Calexico on behalf of the Calexico Business Improvement District that includes a description of the activities to be provided in Calendar Year 2016. A full and detailed description of the improvements and activities to be provided in calendar year 2016 are set out in the report. Copies of the report are on file with the City Clerk.

SECTION 5. The City hereby levies and shall collect assessments for Calendar Year 2016 within the Calexico Business Improvement District, as described in City of Calexico Ordinance No. 990. The assessment shall be collected by the City from the business owners commencing January 1, 2016. Each and every business in the district shall pay an assessment of one hundred dollars (\$100.00) for the calendar year 2016.

SECTION 6. There is no change in the boundaries of the district as established and set forth in City of Calexico Ordinance No. 990.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Calexico at the regular meeting this 1st day of December 2015.

Joong S. Kim, Mayor

ATTEST

Gabriela T. Garcia, Deputy City Clerk

State of California)
City of Calexico) ss.
County of Imperial)

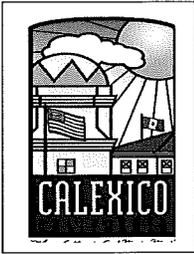
I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico do hereby certify that the foregoing Resolution No. 2015-___ was duly adopted by the Calexico City Council at a regular meeting thereof held on the 1st day of December 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gabriela T. Garcia, Deputy City Clerk

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AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Mayor and City Council

APPROVED BY: Nick Fenley, Acting City Manager 

PREPARED BY: Nick Fenley, Acting City Manager

SUBJECT: Public Hearing – New River Class I Bicycle Trail Project
(State Clearinghouse No. 2015101007)

a) Adoption of Resolution No. 2015-__ of the City Council of the City of Calexico approving and adopting the New River Class I Bicycle Trail Project Initial Study/Mitigated Negative Declaration (IS/MND) State Clearinghouse No. 2015101007.

=====

Recommendation:

Staff recommends that the City Council consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the New River Class I Bicycle Trail Project and approve the project with the adoption of the following resolution listed below:

1. Adoption of Resolution No. 2015-__ of the City Council of the City of Calexico approving and adopting the New River Class I Bicycle Trail Project Initial Study/Mitigated Negative Declaration (IS/MND) State Clearinghouse No. 2015101007.

Background:

Pursuant to Assembly Bill 1079, the California-Mexico Border Relations Council is required to create a strategic plan to study, monitor, remediate and enhance the New River's water quality to protect human health and develop a river parkway suitable for public use and enjoyment. In 2010, the California-Mexico Border Relations Council appointed the New River Technical Advisory Committee to oversee the development of the Strategic Plan and ensure community involvement. The proposed project is a component of the larger New River Improvement Project as outlined in the New River Improvement Project Strategic Plan (New River Improvement Project Technical Advisory Committee, 2010). As specified by AB 1079 and federal transportation funding legislation, a Class I bicycle path providing recreational opportunities has been proposed and initial funding has been provided by Caltrans and a match from California

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Proposition 84.

Discussion & Analysis:

The Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to analyze the environmental impacts of the eastern 2.4 mile portion of the proposed New River Bicycle Trail. The western portion of the New River Bicycle Trail is not part of the current project. The eastern portion of the New River Bicycle Trail is located immediately north of the New River and south of a residential development within the incorporated boundaries of the City of Calexico.

The IS/MND evaluates the potential environmental impacts associated with the designation of the proposed trail in the area as the New River Class I Bicycle Trail and the construction of various improvements along this eastern portion of the designated trail alignment. The proposed project consists of three primary components: 1) the construction and operation of a new Class I Bike Trail; 2) the improvement of parkways (e.g. landscaped overlooks) adjacent to the proposed bicycle pathway; and 3) a new bicycle/pedestrian bridge that would span over the New River.

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), an Initial Study (IS) was prepared which resulted in preparation of a Mitigated Negative Declaration (MND) for the New River Class I Bicycle Trail Project. The IS/MND evaluated the potential environmental impacts associated with project implementation and identified the mitigation measures that would reduce or avoid the project's significant adverse impacts on the environment. There will be no significant environmental effect from this project. Anything that could have been a significant impact will be reduced to less than significant because changes were made to the project. These are the mitigation measures that will be required of the City and of the general contractor.

The mitigation measures are fully described in the Mitigation Monitoring and Reporting Program and reflect standard practices for this type of project. The proposed mitigation measures for the project include, but are not limited to, construction practices to reduce emissions and impacts to vegetation and animals. Mitigation measures are also specified for procedures the contractor must follow in the event archaeological or paleontological resources are encountered.

Section 15367 of the State CEQA Guidelines defines the Lead Agency as the public agency with the primary responsibility for carrying out or approving a project. The City of Calexico will be responsible for approving the trail alignment and subsequent implementation of the New River Class I Bicycle Trail improvements and, therefore, is serving as the Lead Agency for the Project. As the Lead Agency, the City of Calexico is responsible for completing the environmental review process, as required under CEQA and the CEQA Guidelines, and has authorized the preparation of the IS/MND document.

The public review period for the IS/MND was from October 2, 2015 through November 2, 2015. Notice to the public of the IS/MND was given via several methods: The Notice of Availability/Notice of Intent (NOA/NOI) was filed with the County Clerk and State Clearinghouse and posted on City of Calexico's website. A notice was also published in

the Imperial Valley Press on October 9, 2015. Hard copies of the IS/MND document were made available on the City of Calexico's website and at the City Public Works Department for public viewing.

Per CEQA Guidelines Section 15074, the City Council shall adopt the proposed mitigated negative declaration "...only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."

No written letters or e-mails during the public review and comment period were received on the project. No written comment letters were received after the public review and comment period. As part of the Final MND, a Mitigation Monitoring Reporting Plan was prepared. Any changes to any of these Final IS/MND documents made at the December 1, 2015 meeting shall also become part of the final MND with no further action required of the City Council. Once the MND is adopted by City Council, the City Council must approve the project, and the final step is to file a Notice of Determination which shall be filed with the State Clearinghouse and Imperial County Clerk.

Fiscal Impact:

None.

Coordinated With:

ERM, Leighton Group and HDR, Inc.

Attachment:

1. Resolution No. 2015-__ of the City Council of the City of Calexico approving and adopting the New River Class I Bicycle Trail Project Initial Study/Mitigated Negative Declaration (IS/MND) State Clearinghouse No. 2015101007.
2. Initial Study
3. Final Initial Study

RESOLUTION NO. 2015 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO APPROVING AND ADOPTING THE NEW RIVER CLASS I BICYCLE TRAIL PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) STATE CLEARINGHOUSE NO. 2015101007

WHEREAS, the City of Calexico proposes to construct a designated Class I Bike Trail located in Calexico, Imperial County, California; and

WHEREAS, the City has prepared Initial Study/Mitigated Negative Declaration (SCH #2015101007) to evaluate the potential environmental impacts which may result from the project; and

WHEREAS, The City, in its role as a responsible agency under the California Environmental Quality Act, has independently reviewed and considered the environmental impacts of the New River Class I Bicycle Trail Project as described in City of Calexico Public Works Department's Initial Study/Mitigated Negative Declaration (IS/MND) dated October 2015. The City has independently reviewed the IS/MND and related documents and finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment. The City finds that no new substantial changes to the proposed project or other changes to the project implementation would involve any new significant effects that were not analyzed in the IS/MND. The City incorporates the mitigation measures described in the November 2015 Final IS/MND as a condition for approval of the project; and

WHEREAS, the City Council of the City of Calexico has the authority to certify the Initial Study/Mitigated Negative Declaration (SCH #2015101007); and

WHEREAS, all required notices have been given pursuant to law, and the City Council has considered evidence presented by the Public Works Department and other interested parties at a duly noticed public hearing held with respect to this item on December 1, 2015; and

WHEREAS, having reviewed and considered all testimony and materials made available to the City Council, including but not limited to Initial Study/Mitigated Negative Declaration (SCH #2015101007), the staff reports and all the testimony and evidence in the record of the proceedings with respect to the project, the City Council took the actions hereinafter set forth:

NOW, THEREFORE, the city Council of the City of Calexico DOES HEREBY FIND AND RESOLVE as follows:

1. The City Council finds the facts recited above are true and correct and incorporates them herein by the reference.
2. The City Council considered the Initial Study/Mitigated Negative Declaration (SCH #2015101007) prior to making a decision whether to carry out or approve the proposed project. The City Council finds and determines that the applicable provisions of the

California Environmental Quality Act, Public Resources Code section 21000, et seq. (CEQA), and its implementing guidelines, 14 California Code of Regulations section 1500, et. seq. (CEQA Guidelines), and the requirements of the City of Calexico have been duly observed in connection with the preparation of Initial Study/Mitigated Negative Declaration (SCH #2015101007), the public hearings and the consideration of this matter and all of the proceedings related thereto.

3. The City Council further finds and determines that:
 - a. Initial Study/Mitigated Negative Declaration (SCH #2015101007) is complete and adequate in scope and has been completed in compliance with CEQA, the CEQA Guidelines and the City's requirements for implementation thereof;
 - b. Initial Study/Mitigated Negative Declaration (SCH #2015101007) was presented to the City Council, as the decision making body of the Lead Agency, and the City Council has fully reviewed and considered the information contained therein prior to approving the proposed project;
 - c. Initial Study/Mitigated Negative Declaration (SCH #2015101007) reflects the City's independent judgment and analysis and, therefore, the City Council hereby certifies Initial Study/Mitigated Negative Declaration (SCH #2015101007) in relations to the subject of this resolution.
4. Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the City Clerk, City of Calexico, 608 Heber Avenue, Calexico, CA 92231.
5. Pursuant to Public Resources Code section 21152 and CEQA Guidelines section 15094, upon approval of the proposed project, the Public Works Department of the City is hereby directed to file a Notice of Determination with the County Clerk of Imperial County. Unless the proposed project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the proposed project shall not be operative, vested or final until the filing fees required pursuant to California Fish and Game Code Section 711.4 are paid to the Clerk of the County of Imperial.

NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico DOES HEREBY certify the Initial Study/Mitigated Negative Declaration (SCH #2015101007) for the New River Class I Bicycle Trail Project.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Calexico, California, held of the 1st day of December 2015.

Joong S. Kim, Mayor

Attest:

Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

Carlos Campos, Interim City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

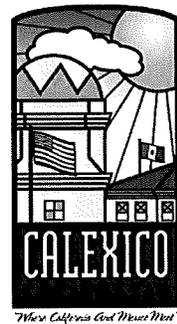
I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California do hereby certify that above and foregoing Resolution No. 2015- ____ was duly passed, approved and adopted by the City Council at its regular meeting held on the 1st day of December, 2015 by the following vote to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, Deputy City Clerk

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
FOR
NEW RIVER CLASS I BICYCLE TRAIL PROJECT

Prepared By:
CITY OF CALEXICO
608 Heber Avenue
Calexico, CA 92231



October 2015

SECTION 1 - INTRODUCTION

1.1 PURPOSE

The City of Calexico (City) Engineering and Development Services Department proposes to construct a designated Class I Bike Trail located in Calexico, Imperial County, California. A detailed project description for the project is provided in Section 2.0.

This document is an Initial Study that provides an evaluation of environmental impacts potentially resulting from the implementation of the proposed project. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City with information needed to decide whether to prepare an Environmental Impact Report (EIR), Mitigated Negative Declaration, or Negative Declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of a project;
- To eliminate unnecessary EIRs; and
- To determine the nature and extent of any new impacts associated with the proposed project.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines, an Initial Study is prepared to provide the Lead Agency with information to use as the basis for determining the nature and extent of any required environmental analysis and review. According to Section 15065, an EIR is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade the quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a Negative Declaration is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a Mitigated Negative Declaration is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed project will not result in any potentially significant environmental impacts and therefore, a Mitigated Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the City of Calexico; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

The City of Calexico City Council is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the City. Copies of the Initial Study/Mitigated Negative Declaration will be forwarded to responsible agencies and will be made available to the public for review and comment. A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the Initial Study/Mitigated Negative Declaration.

1.3 USE OF THIS INITIAL STUDY

This Initial Study is an informational document which is intended to inform City of Calexico decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed New River Bicycle Trail project. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. In its capacity as the Lead Agency, the City has determined that this Initial Study will be circulated for a period of 30 days for public and agency review and comment. Comments received on the document will be taken into consideration by the City as part of their decision making process for the proposed project.

1.4 CONTENTS OF THIS INITIAL STUDY

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental impacts of the proposed project. The following annotated outline summarizes the contents of this Initial Study.

- **Section 1** – Introduction, provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- **Section 2** – Project Description, provides an overview of the proposed project.
- **Section 3** – Environmental Checklist, contains the City's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.
- **Section 4** – Environmental Analysis, evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.
- **Section 5** –Mandatory Findings of Significance (presented in accordance with Section 15065 of the CEQA Guidelines).

- **Section 6** – Persons and Organizations Consulted, identifies those persons consulted and involved in preparation of this Initial Study and Mitigated Negative Declaration.
- **Section 7** – References, lists bibliographical materials used in preparation of this document.

1.5 SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is stated and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

- **No Impact:** A “No Impact” response is adequately supported if the impact simply does not apply to the proposed project.
- **Less Than Significant Impact:** The proposed project will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
- **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.”
- **Potentially Significant Impact:** The proposed project could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

1.6 TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or

negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

1.7 INCORPORATION BY REFERENCE

Incorporation by reference is a procedure for reducing the size of EIRs and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the following documents:

- *City of Calexico General Plan Update*, Albert A. Webb Associates, February 2007.
- *City of Calexico General Plan EIR*, Albert A. Webb Associates, 2006.

SECTION 2 - PROJECT DESCRIPTION

2.1 PROJECT BACKGROUND

Pursuant to Assembly Bill 1079, the California-Mexico Border Relations Council is required to create a strategic plan to study, monitor, remediate and enhance the New River's water quality to protect human health and develop a river parkway suitable for public use and enjoyment. In 2010, the California-Mexico Border Relations Council appointed the New River Technical Advisory Committee to oversee the development of the Strategic Plan and ensure community involvement. The proposed project is a component of the larger New River Improvement Project as outlined in the New River Improvement Project Strategic Plan (New River Improvement Project Technical Advisory Committee, 2010). As specified by AB 1079 and federal transportation funding legislation, a Class I bicycle path providing recreational opportunities has been proposed and initial funding has been provided by Caltrans and a match from California Proposition 84.

2.2 PROJECT LOCATION AND ENVIRONMENTAL SETTING

The linear project site covers a distance of approximately 2.4 miles and is located in the southernmost portion of Imperial County, California, entirely within the incorporated boundaries of the City. As illustrated in Figure 1 (Regional Location), Calexico is located approximately 230 miles southeast of Los Angeles, 125 miles east of San Diego, and is adjacent to the City of Mexicali, Baja California, Mexico. Calexico is located within a developing rural area with agricultural fields surrounding the City to the north, east, and west. The project site is within a topographically flat, undeveloped, disturbed area designated primarily as "open space" and is located immediately north of the New River, and south of a residential development. The proposed project is the construction of a 2.4 mile-long, Class I Bike Trail along (generally parallel to) portions of the New River. The Class I Bike Trail would extend from West 2nd Street in the south to approximately 560 feet west of Thielemann Avenue. Figure 2 (Project Location Map) depicts the location of the proposed Class I Bike Trail and supporting improvements in the context of the local street system.

2.3 PROJECT CHARACTERISTICS

The proposed project consists of three primary components: 1) the construction and operation of a new Class I Bike Trail; 2) the improvement of parkways (e.g. landscaped overlooks) adjacent to the proposed bicycle pathway; and 3) a new bicycle/pedestrian bridge that would span over the New River. These project features are illustrated in Figure 3 (Project Footprint Map) and Appendix A (Project Plan Set).

Bicycle Path

The proposed project would construct a new 12-foot wide paved asphalt path with 2-foot wide paved porous concrete shoulders, and minor drainage improvement. The bicycle path would be classified as a Class I Bike Trail because it would provide a completely separated right-of-way for the exclusive use of bicycles and pedestrians, with no cross flow or motorized traffic along the proposed Class I Bike Trail.

The Class I Bike Trail would include informational signs which would be posted along the new Class I bicycle path, including notices, rules and/or restrictions on bikeway usage; and

reminders to pet owners to clean up pet waste. Proposed informational signs would be carefully considered and made of easy to clean material. A total of three interpretive signs indicating habitats and species observed from the path and information on the history of the New River would be located along the proposed Class I Bike Trail. The location of the information signs will be determined later during the final design process.

Landscaped Overlooks

The proposed project would also include the creation of landscaped overlooks at both ends and at various locations along the bicycle trail. Native, drought tolerant trees and plants will be planted through within these areas and decomposed granite applied as groundcover. Benches may be installed within selected landscaped overlooks for trail users. Figure 3 depicts the location of the proposed landscaped overlooks.

Bicycle/Pedestrian Bridge

The project would also construct one bicycle/pedestrian bridge over the portion of the New River along the proposed Class I Bike Trail near the trail's proposed West 2nd Avenue entrance. Appendix A (Project Plan Set) of this Initial Study depict the location of the proposed bicycle/pedestrian bridge.

2.4 OVERVIEW OF DISCRETIONARY ACTIONS

The proposed project requires the following discretionary approvals from the Calexico Planning Commission (recommendation) and City Council (approval or denial):

- Approval of the Initial Study/Mitigated Negative Declaration

Other permits will be required as part of the project's approval including a Construction Stormwater Permit (State of California Water Resources Control Board) and Grading Permit (City of Calexico) among others.

SECTION 3 - ENVIRONMENTAL CHECKLIST

3.1 BACKGROUND

1. **Project Title:** New River Class I Bicycle Trail Project.
2. **Lead Agency Name and Address:** City of Calexico; 608 Heber Avenue; Calexico CA 92231
3. **Contact Person and Phone Number:** Nick Servin, Director of Public Works (760) 768-2106.
4. **Project Location:** The project would extend from West 2nd Avenue in the south to approximately 560 feet west of Thielemann Avenue.
5. **Project Sponsor's Name and Address:** City of Calexico
6. **General Plan Designation:** Open Space (OS), Industrial (I), and Public Facility (PF).
7. **Zoning:** Open Space (OS).
8. **Description of Project:** The proposed project consists of two primary components: 1) the construction and operation of a new Class I Bike Trail; and 2) the improvement of parkways (e.g. landscaped overlooks) adjacent to the proposed bicycle path. The project also includes the construction of one new bicycle/pedestrian bridge over the portion of the New River along the proposed bicycle path. Refer to Section 2 for a detailed project description.
9. **Surrounding Land Uses and Setting:** Residential uses are located to the immediate north of the project site. South of the project site are the New River, a water sewer treatment plant, and the Calexico International Airport. East of the project site are commercial uses and to the west of the project site is the American Canal.
10. **Other Public Agencies Whose Approval is Required:**
 - California Department of Fish and Wildlife (CDFW)
 - U.S. Army Corps of Engineers (USACE)
 - Regional Water Quality Control Board (RWQCB)

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- | | |
|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Mandatory Findings of Significance |

3.3 DETERMINATION (MANDATORY FINDINGS OF SIGNIFICANCE)

On the basis of the environmental analysis and review completed as part of this Initial Study's preparation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Nick Servin
Director of Public Works

9/28/15

Date

3.4 INITIAL STUDY CHECKLIST

The environmental analysis in Section 3.0 of this Initial Study indicates that the project would not result in potentially significant impacts. The Initial Study Checklist, provide below and on the following pages, summarizes the findings of the environmental analysis.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X
II. AGRICULTURE & FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
VII. GREENHOUSE GAS EMISSIONS				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
conditions involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within 100-year flood hazard area structures, which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs supporting public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
entitlements and resources or are new or expanded entitlements needed?				
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
V. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

SECTION 4 - ENVIRONMENTAL ANALYSIS

This section provides an evaluation of the impact categories and questions contained in the Environmental Checklist.

4.1 AESTHETICS

a) Have a substantial adverse effect on a scenic vista?

No Impact. The project site and the surrounding area are not identified in the City's General Plan as an area of scenic importance. The proposed project site is currently undeveloped land; however, the project site is located south of an existing housing development and north of the New River and the Calexico International Airport. The construction of the project would not impede or obstruct views of a scenic vista, as there are no components of the project, such as buildings or structures that are large, or of a mass and scale that would impact views. The project would provide more public access along the river, and proposes several overlook locations that would provide bicyclists and pedestrians utilizing the path opportunities for viewing the area. In addition, the City's Zoning Ordinance sets forth regulations regarding landscaping and outdoor lighting. The project would conform to all applicable zoning regulations regarding project design and aesthetics. No impact is identified and no mitigation is required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?

No Impact. There are no significant scenic resources on the project site. In addition, there are no eligible or officially designated scenic highways in the vicinity of the project site. The only designated scenic highways within Imperial County include Interstate 8 (I-8) near its junction with State Route 98 (SR-98), State Route 78 (SR-78) and State Route 111 (SR-111) near the Bombay Beach/Salton Sea area. These freeway segments are not located in the vicinity of the project site. Because the project site does not have any designated scenic resources (e.g. trees, rock outcroppings, historic buildings) and is not near any scenic highways, the project would not result in any impacts to scenic resources related to a scenic highway. Therefore, no impact is identified and no mitigation is required.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact. The proposed project would include construction a Class I Bike Trail located mainly within an area zoned as open space (OS), with portions located in areas zoned as industrial (I) and public facility (PF). The project site is surrounded by urban uses that include an existing residential development, commercial uses, and the Calexico International Airport. The proposed project site is located within disturbed vacant land, mostly void of any vegetation. In addition, the project would conform to the applicable City ordinance regarding project design and aesthetics. The construction of a Class I Bike Trail would not include project components that would obstruct the background views of the mountains or include removal of significant amount of native vegetation. The open space character of the area would remain relatively unchanged and the project would not

substantially degrade the existing visual character or quality of the site or its surroundings. No impact is identified and no mitigation is required.

- d) **Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

No Impact. The proposed project would not significantly illuminate the project's surroundings beyond the existing ambient lighting associated with the airport operations, the densely urbanized City of Mexicali, and the existing commercial and residential uses in the area. Limited lighting is proposed along the Class I Bike Trail, and is contemplated as low-profile path lighting. In addition, implementation of the requirements in the City's Zoning Ordinance regulates lighting within the City. The Zoning Ordinance requires that all light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties among other requirements. These requirements will ensure that impacts from night time lighting remain less than significant. Therefore, no significant impact is anticipated and no mitigation measures are required.

MITIGATION MEASURES

No mitigation measures are required.

4.2 AGRICULTURE & FORESTRY RESOURCES

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. According to the Department of Conservation's California Important Farmland map data, the project area is identified as Other Land (Department of Conservation 2012). The project site is not utilized for agricultural production. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land. Based on this consideration, the project would not convert any farmland to a different use or impact any farmlands. No impact is identified and no mitigation is required.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No Impact. The project site and surrounding area are not zoned for agricultural uses and are not sites subject to Williamson Act contracts. Therefore, the proposed project would not conflict with existing zoning for agricultural uses, nor would it conflict with lands subject to a Williamson Act contract. No impact is identified and no mitigation is required.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

No Impact. The project site does not contain forest lands or timberland and it is not zoned for forest land or timberland. Therefore, the project would not conflict with existing zoning

for, or cause rezoning of, forest land, timberland or timberland production zones. No impact is identified and no mitigation is required.

d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

No Impact. The project site does not contain any forest lands as defined in Public Resources Code Section 12220(g); therefore, the project would not result in the loss or conversion of forest land to a non-forest use. In addition, the Project is not located in the vicinity of offsite forest resources. Therefore, no impact is identified and no mitigation is required.

e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to a non-forest use?**

No Impact. The proposed Class I Bike Trail and associated improvements would not result in conversion of important farmland, or conversion of other agricultural resources to a non-agricultural use since no agricultural land is located within the project vicinity. The nearest agricultural area is located 0.25 mile southwest of the project site. The project is not located within any designated farmland. No impact is identified and no mitigation is required.

MITIGATION MEASURES

No mitigation measures are required.

4.3 AIR QUALITY

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

No Impact. Calexico lies within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the Imperial County Air Pollution Control District (ICAPCD). The SSAB includes all of Imperial County and extends to the southeast portion of Riverside County. The SSAB air quality is affected by topography and atmospheric inversions. The area is generally flat, bordered by the Peninsular Mountain range to the west and the Chocolate, Orcopia, and Cargo Muchacho Mountains to the east. The prevailing winds are generally from the west-northwest through southwest. The mountains to the east act as a physical barrier to the dispersion of airborne contaminants.

A project would be considered inconsistent with air quality plans if it increased population and/or employment growth that would exceed estimates used to develop applicable air quality plans. These exceedances would generate emissions greater than projected regional emission budgets. Therefore, the proposed project is evaluated to determine consistency with the land use designation and growth anticipated in the area. The purpose of the proposed project is to construct a Class I Bike Trail to connect to the existing bicycle network. The project would support alternative modes of transportation and recreational activities, which is consistent with the City's General Plan land use and zoning for the site. In addition, the construction of the Class I Bike Trail has been included in the City's

General Plan (2007) and Bicycle Master Plan (2003). Construction and operation of the proposed project would not result in an increase in population in the area. Therefore, the proposed project contains no elements that would conflict with or obstruct the implementation of applicable air quality plans. No impact associated with this issue is anticipated to occur and no mitigation is required.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant. Construction-generated emissions are short-term and of temporary duration, lasting only as long as construction activities occur. There are no long term emissions from this project. Construction-related activities would result in the temporary generation of emissions from limited grading, and the bike path improvements including the installation of drains, paving, and landscaping. There will be limited emissions associated with construction worker trips. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with construction activities. Due to the small scale of the project, the fact that bike path construction does not involve substantial grading or disturbance of surface materials along with the short duration of construction it is not anticipated that the project would generate emissions that would exceed the ICAPCD's significance thresholds. The project specifications that would be included in the contract documents require standard practices for reduction of short term construction emissions including:

- Watering all active construction areas to reduce soil exposure and airborne particulates.
- Cover truck loads when hauling soil, sand, and other loose materials and maintaining 2 feet of freeboard.
- Replanting vegetation in disturbed areas as quickly as possible.
- Cover, water and/or apply non-toxic soil binders to exposed stockpiles to reduce potential for dust.
- Sweep street daily, with water sweepers, if visible soil materials are evident as a result of construction.
- Limit equipment left idling to 5 minutes when not in use.

Because the project specifications would already include these air quality protection practices as a contract requirement, there is no need to require these as mitigation measures. Therefore, short-term air quality impacts are considered less than significant and no mitigation measures are required. As stated previously, no long-term emissions will result from the project.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less Than Significant. As described above in Response 4.3(a), the proposed project contains no elements that would conflict with or obstruct the implementation of applicable air quality plans. As described above in Response 4.3(b), the construction of the Class I Bike Trail will be short term and will have a less than significant impact on air quality. The operation of the Class I Bike Trail will contribute to improved air quality by offering

residents an alternative mode of transportation to community destinations as described in the project description section of this initial study. City standard practices for construction as listed under Response 4.3(b) would reduce construction-generated emissions and would ensure that the project does not result in a cumulatively considerable net increase of any criteria pollutant. Impacts associated with this issue are anticipated to be less than significant and no mitigation measures would be required.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant With Mitigation Incorporated. Sensitive receptors are defined as facilities (schools, hospitals) or land uses (residential neighborhoods) that include members of the population (children, elderly, and people with illnesses) that are particularly sensitive to effects of air pollutants. As identified in the Phase II Report (ERM, 2015) prepared for the project, there are portions of the project site that are impacted by elevated levels of hydrocarbons which result in a higher level of volatile organic compounds (VOCs) being detected in the ambient air. Implementation of the Mitigation Measure AIR-01 would reduce impacts associated with this issue to a less than significant level.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant. The ARB's Air Quality and Land Use Handbook identifies a list of the most common sources of odor complaints received by local air districts. Typical sources of odor complaints include facilities such as sewage treatment plants, landfills, recycling facilities, petroleum refineries, and livestock operations. Construction associated with implementation of the proposed project could result in minor amounts of odor compounds associated with diesel heavy equipment exhaust. However, these odors would be limited to the time that construction equipment is operating during the construction period of the project. All construction equipment is required to be maintained in accordance with the manufacturer's specifications and all construction equipment is turned off when not in use. These activities would be short term and are not likely to result in nuisance odors that would affect surrounding uses. Upon completion of the project's construction, the temporary sources of diesel exhaust would cease. Therefore, impacts associated with this issue are anticipated to be less than significant and no mitigation is required.

MITIGATION MEASURES

AIR-01 Prior to the commencement of construction activities, a Human Health Risk Assessment shall be prepared to examine the nature and extent of the risk of exposure to the Volatile Organic Compounds (VOCs) concentrations detected during the focused Phase II Environmental Site Assessment. Recommendations identified in the Human Health Risk Assessment shall be implemented and confirmed by the City.

4.4 BIOLOGICAL RESOURCES

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated. Based on the results of the field survey work conducted for the proposed project, no State or Federal Threatened or Endangered plant or animal species were identified as having the potential to occur within the project site. Two plant species of special concern (SSC), the mud nama (*Nama stenocarpa*) and California satintail (*Imperata brevifolia*), have low potential to occur based on the presence of potentially suitable habitat within the project site. Four wildlife species of special concern have a moderate to high potential to occur within the project site based on the presence of potentially suitable habitat: burrowing owl (*Athene cunicularia*), yellow warbler (*Setophaga petechia*), vermilion flycatcher (*Pyrocephalus rubinus*), and American badger (*Taxidea taxus*). The ultimate Class I Bike Trail alignment will be designed to minimize impacts to sensitive species. However, construction of the proposed Class I Bike Trail may permanently and temporarily impact suitable habitat for burrowing owl, yellow warbler, vermilion flycatcher, and American badger.

Burrowing Owl. Burrowing owls (BUOW) were observed occupying small mammal burrows along unvegetated slopes and perching on sign posts, bare ground, and debris piles within the project area, but none of these features were identified within the limits of disturbance proposed as part of the bike path improvements. In addition to the occupied small mammal burrows, suitable burrow structures observed within the BUOW survey area included concrete debris piles, small culverts, and artificial burrows. Burrowing owls, sign (i.e., feathers, pellets, whitewash), and active/inactive burrows were observed during the 2013 focused surveys of a much broader area. In total, 11 individual BUOW were observed during protocol surveys. Observations included 3 pairs, 4 single individuals, and 1 predated BUOW. During the March 2013 survey, one BUOW was observed on the pipeline berm near one of the artificial burrows. Once the BUOW flew off, the artificial burrows were examined for sign of inhabitation and no sign was observed. No other BUOW, or sign of BUOW inhabitation, were observed at any of the artificial burrows for the remainder of the protocol surveys.

As identified in Mitigation Measure BIO-07, construction activities would occur outside of the breeding season (February 1 through August 31) for burrowing owl and the project will avoid permanent impacts to both occupied and unoccupied suitable BUOW habitat. Therefore, no direct impacts to burrowing owl are anticipated. However, the bike path at the southeast end of the project limits exits the riverbed within 200 feet of two occupied burrows. Although the project site currently exhibits high levels of disturbance, including existing pedestrian traffic, illegal dumping, and frequent vehicular border patrol visits, the addition of recreational bicycle traffic may result in an increased potential for predation or disturbance by domestic dogs and an increase in the frequency and duration of potential disturbance by passing riders or pedestrians. Given that the survey covered an area that included 10 artificial burrows which are not currently occupied, there is sufficient breeding and foraging habitat for the pairs located near the bike trail to relocate in response to the anticipated increase in disturbance. The introduction of lighting along the Class I Bike Trail on the northern bank of the river could reduce the suitability of foraging habitat by increasing the risk of predation during pre-dawn and post-dusk hours in the vicinity of the

trail. With implementation of Mitigation Measure BIO-01, BIO-02 and BIO-07 through BIO-11, impacts to BUOW would be reduced to a less than significant level.

Yellow Warbler. Yellow warblers were observed foraging within tamarisk scrub located in the western portion of the project site during protocol burrowing owl surveys. As identified in Mitigation Measure BIO-07, the project will be constructed outside of the bird breeding season. Although the proposed project is anticipated to permanently impact less than 0.10 acre of Tamarisk/Arundo-dominated scrub that could support breeding yellow warbler habitat, Mitigation Measure BIO-01 through BIO-12 would ensure that impacts to this species are reduced to a less than significant level.

Vermilion Flycatcher. Vermilion Flycatcher was not observed during general or focused biological surveys. However, the project site supports mesquite and smoke trees in which the species could nest. As identified in Mitigation Measure BIO-07, the project will be constructed outside of the bird breeding season. Although the proposed project is anticipated to permanently impact less than 0.10 acre of Tamarisk/Arundo-dominated scrub that could support breeding vermilion flycatcher habitat, Mitigation Measure BIO-01 through BIO-12 would ensure that impacts to this species are reduced to a less than significant level.

American Badger. Badger tracks were observed in the floodplain soils below the All-American Canal during biological surveys conducted in March and June 2013. Although no American badger burrows were observed within the project site, tracks indicated that badger may be utilizing the site for foraging. Implementation of the proposed project would result in the permanent direct loss of approximately 6 acres of potential foraging habitat for American badger.¹ The addition of lighting would also reduce the suitability of habitat for this animal along the northern bank of the river. Assuming that the lighting doubles the loss of potentially suitable habitat, the impacts are anticipated to affect an area less than 2 percent of the average size of a male badger's territory and less than 3 percent of the average size of a female badger's territory. Implementation of Mitigation Measure BIO-01 and BIO-11 would reduce impacts to a less than significant level.

Migratory Birds. Migratory birds are protected under the Migratory Bird Treaty Act (MBTA). Several migratory bird species were observed in the project area, including belted kingfisher (*Megaceryle alcyon*), cinnamon teal (*Anas cyanoptera*), black-crowned night-heron (*Nycticorax nycticorax*), burrowing owl, yellow warbler, northern harrier (*Circus cyaneus*), and red-tailed hawk (*Buteo jamaicensis*). Suitable habitat that would support breeding, roosting, and foraging migratory birds occurs throughout the project area, both on and off the project site. Suitable habitat includes mature trees such as palms and eucalyptus, shrubs including arrow-weed, smoke tree, iodine bush and honey mesquite, ornamental/non-native vegetation such as giant reed, oleander, tamarisk, utility poles, and building rafters and eaves. Construction will occur outside of the bird breeding season (February 1 through August 31). Therefore, no direct impacts to migratory breeding birds are anticipated.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game [Wildlife] or U.S. Fish and Wildlife Service?**

¹ Based upon 2.4 miles of bike trail with a total width of 16 feet (12 feet of paved asphalt plus 2 feet on either side as concrete shoulders).

Less Than Significant with Mitigation Incorporated. Implementation of the proposed project would result in impacts to biological resources, including impacts to special status vegetation communities. Construction of the proposed Class I Bike Trail, which consists of a 12-foot-wide paved asphalt path with 2-foot wide paved porous concrete shoulders, may permanently and temporarily impact the sensitive *Pluchea sericea* Alliance in addition to the more common *Atriplex lentiformis* Alliance, open water, disturbed habitat, developed habitat, disturbed wetland, and Tamarisk/*Arundo*-Dominated Scrub habitat within the project area. Table A provides a summary of vegetation community impacts.

Table A - Impacts to Vegetation Communities

Vegetation Communities	Permanent Impacts (ac)	Temporary Impacts (ac)	Total Impacts (ac)
Allenrolfea occidentalis Alliance** (AOA)	0.00	0.00	0.00
Atriplex lentiformis Alliance (ALA)	0.08	0.04	0.12
Bare Ground (BG)	0.00	0.00	0.00
Developed** (DEV)	1.02	2.17	3.19
Disturbed Habitat** (DH)	6.54	6.82	13.36
Disturbed Wetland (DW)	0.11	0.06	0.17
Open Water (OW)	0.00	0.01	0.01
Pluchea Sericea Alliance (PSA)	0.10	0.16	0.26
Salt Pan (SP)	0.00	0.00	0.00
Tamarisk/ <i>Arundo</i> -Dominated Scrub (TAS)	0.00	0.01	0.01
Total	7.85	9.27	17.12

*Vegetation was mapped within the Project Survey Area only. **Indicates vegetation community supporting suitable BUOW habitat within the BUOW survey area.

Proposed native plantings at the landscaped overlooks may include salt grass (*Distichlis spicata*, FACW), iodine bush (*Allenrolfea occidentalis*, FACW), alkali sacaton (*Sporobolus airoides*, FAC), arrow-weed (*Pluchea sericea*, FACW), bush seepweed (*Suaeda nigra*, OBL), big saltbush (*Atriplex lentiformis*, FAC), four-wing saltbush (*Atriplex canescens*, UPL), smoke tree (*Psoralea argemone*, UPL), cat-claw acacia (*Senegalia greggii*, FACU), palo verde (*Parkinsonia florida*, UPL), ironwood (*Olneya tesota*, UPL), burrobrush (*Ambrosia salsola* var. *salsola*, UPL), broom baccharis (*Baccharis sarothroides*, FACU), and honey mesquite (*Prosopis glandulosa* var. *torreyana*, FACU). The proposed native landscaping would enhance the existing disturbed habitat on the river banks. Implementation of Mitigation Measure BIO-04 through BIO-05 would reduce impacts associated with this issue to a less than significant level.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Less Than Significant with Mitigation Incorporated. The proposed project would result in the temporary discharge of fill into United States Army Corps of Engineers (USACE) Waters of the U.S. As summarized in Table B, the project would also result in the permanent discharge of fill and removal of vegetation within USACE wetlands, California Department of Fish and Wildlife (CDFW) riparian area, and CDFW streambed.

Table B - Impacts to Jurisdictional Areas

Jurisdictional Area	Permanent Impacts (ac)	Temporary Impacts (ac)	Total Impacts (ac)
CDFW Riparian	0.28	0.28	0.56
CDFW Unvegetated Streambed	0.05	0.01	0.06
USACE Other Waters	0.00	0.01	0.01
USACE Potential Wetlands	0.11	0.07	0.18

These project impacts would occur due to creation of the Class I Bike Trail, construction of the two span bridge footings, and installation of concrete footings for trail markers and interpretive signs. Impacts to USACE and CDFW jurisdiction would require a Clean Water Act (CWA) Section 404 permit from the USACE, a CWA Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB), and a CDFW Fish and Game Code Section 1602 Streambed Alteration Agreement. Implementation of Mitigation Measures BIO-04 through BIO-06 would reduce impacts to a less than significant level.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Less Than Significant. Wildlife movement corridors, also called dispersal corridors or landscape linkages, are linear features primarily connecting at least two substantial habitat areas. Wildlife corridors and linkages are important features in the landscape, and the viability and quality of a corridor or linkage are dependent upon site-specific factors. The majority of the survey area is surrounded by urban/developed area. Within the survey area, the New River floodplain supports a variety of different vegetation habitats which provide cover for breeding and foraging habitat for wildlife species. In addition, the river functions as a wildlife corridor that connects the Cerro Prieto Volcano in Mexico and the Salton Sea in California. However, sections of the river are heavily channelized with concrete lining, are underground in some sections, receive large amounts of pollutants, and do not provide substantial cover, foraging, or breeding habitat for wildlife species. The proposed project would not obstruct wildlife movement through the New River floodplain. Enhancement of the native communities present could actually improve cover for wildlife movement. Proposed lighting would be restricted to the tops of banks and is not anticipated to reach the river bottom. Also, there are no structures proposed (e.g., fencing)

that would create a barrier to wildlife movement. Therefore, a less significant impact associated with this issue is anticipated to occur and no mitigation measures are required.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

No Impact. The City does not have any local policies or ordinances to protect biological resources of local concern. No impact associated with this issue is anticipated to occur and no mitigation measures are required.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No Impact. The City and the project site are not within the jurisdiction of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact is anticipated to occur associated with this issue and no mitigation measures are required.

MITIGATION MEASURES

- BIO-01** In order to minimize project impacts to natural communities, highly visible barriers (such as orange construction fencing) shall be installed around the project disturbance limits to designate Environmentally Sensitive Areas (ESAs) to be avoided and preserved. No grading or fill activity of any type will be permitted in these ESAs. In addition, heavy equipment, including motor vehicles, will not be allowed to operate in the ESAs. All construction equipment will be operated in such a manner as to prevent accidental damage to nearby ESAs. No structure of any kind, or incidental storage of equipment or supplies, will be allowed in these protected zones. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of fill material in areas where vegetation is immediately adjacent to planned grading activities.
- BIO-02** During construction activities, a qualified biologist will monitor all vegetation clearing and work adjacent to ESA's.
- BIO-03** To the extent feasible, native vegetation in temporary impact areas will be trimmed at the surface leaving roots intact. Following completion of project construction activities, all temporary impact areas that supported natural communities will be recontoured to pre-project conditions and revegetated with native plant species found in the existing community and as approved by the Caltrans District Biologist. All revegetated areas shall avoid the use of plant species listed in the California Invasive Plant Inventory that have a high or moderate rating.
- BIO-04** Temporary impacts to riparian habitat (including PSA, TAS and DW) will be reseeded with salt grass (*Distichlis spicata*, FACW), iodine bush (*Allenrolfea occidentalis*, FACW), alkali sacaton (*Sporobolus airoides*, FAC), arrow-weed (*Pluchea sericea*, FACW), bush seepweed (*Suaeda nigra*, OBL), and big saltbush (*Atriplex lentiformis*, FAC).

- BIO-05** Mitigation for permanent impacts would consist of 1:1 enhancement of riparian habitat (including PSA, TAS and DW) within the BSA through supplemental planting with suitable native drought tolerant species including salt grass (*Distichlis spicata*, FACW), iodine bush (FACW), alkali sacaton (*Sporobolus airoides*, FAC), arrow-weed (FACW), bush seepweed (*Suaeda nigra*, OBL), big saltbush (FAC), four-wing saltbush (*Atriplex canescens*, UPL), smoke tree (*Psoralea argemone*, UPL), cat-claw acacia (*Acacia greggii*, FACU), blue palo verde (*Parkinsonia florida*, UPL) and honey mesquite (*Prosopis glandulosa* var. *torreyana*, FACU). Mitigation ratios for permanent impacts will ultimately be determined during permit processing with the USACE and the CDFW.
- BIO-06** All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities will occur in developed or designated non-sensitive upland habitat areas. The designated upland areas will be located so as to prevent runoff from any spills from entering waters of the United States.
- BIO-07** Construction will occur outside of the breeding season (February 1 through August 31) for migratory birds and burrowing owl.
- BIO-08** Prior to construction activities, a worker awareness program to increase the worker's recognition of and commitment to burrowing owl protection will be developed. The biological monitor will ensure that the program is implemented with all on-site workers.
- BIO-09** Pre-construction BUOW surveys will be conducted no more than 14 days prior to the beginning of construction activities.
- BIO-10** Active burrows within recommended setback distances provided in the CDFW's 2012 Staff Report on Burrowing Owl Mitigation will be identified with visible markers. If determined necessary by the surveying biologist, ESA fencing or certified weed-free hay bales will be installed between the active burrows and work areas to provide visual screens.
- BIO-11** Project design shall use the lowest wattage available, spacing of lights at the greatest distance that is still compatible with safety requirements, and shielding the lighting on the southern edge of trail where it parallels the river and on both sides of the trail where it crosses the river. Shielding may include native landscaping or cutoff luminaires, where feasible.
- BIO-12** A plant establishment period will be developed for revegetated areas during final design. A plant establishment period is a duration of time that allows newly installed plant material to reach a state of maturity, requiring minimal ongoing maintenance for survival. A plant establishment period typically includes the removal of litter and trash, weeding, water application, irrigation repair, replacement of plant material that dies, and other activities required to ensure the long-term survival of plant material.

4.5 CULTURAL RESOURCES

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

Less Than Significant. Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a local general plan or historic preservation ordinance. The State of California, through the State Historic Preservation Office (SHPO), also maintains an inventory of those sites and structures that are considered to be historically significant. Finally, the U.S. Department of Interior has established specific guidelines and criteria that indicates the manner in which a site, structure, or district is to be defined as having historic significance and in the determination of its eligibility for listing on the National Register of Historic Places. Once a site, structure, or district has been determined to be eligible for listing on the National Register, certain protocols related to its preservation must be adhered to. To be considered eligible for the National Register, a property must meet the *National Register Criteria for Evaluation*. This evaluation involves the examination of the property's age, integrity, and significance. A property may be historic if it is old enough to be considered historic (generally considered to be at least 50 years old and appearing the way it did in the past). Buildings and properties will qualify for a listing on the National Register if they are integral parts of districts that meet the criteria identified.

Both a cultural records search and an archaeological resources pedestrian survey were conducted for the proposed project. The cultural resources records search was requested on May 24, 2013, and completed by the South Coastal Information Center (SCIC), located at San Diego State University (SDSU). Records were accessed by reviewing the Heber and Calexico (CA) USGS 7.5-minute quadrangles. This record search included the identification of previous cultural resource projects and resources located within the project area, as well as within a one mile buffer around the project area. Results of the SCIC records search indicated that 32 cultural resource studies have been completed within 1 mile of the project area. The research also indicated that there were no previously recorded cultural resources located within the project area though the SCIC identified twelve resources within a one-mile radius of the project area. No cultural resources were identified within the project area by the SCIC record search or by the pedestrian archaeological field survey completed for the project. As a result, no impact on cultural resources is anticipated to result from the proposed project's implementation. No mitigation is required.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

Less Than Significant with Mitigation Incorporated. As previously stated in Response 4.5(a), no cultural resources were identified within the project area by the SCIC record search or by the pedestrian archaeological field survey completed for the project.

Assembly Bill No. 52 (AB 52) took effect on July 1, 2015. AB 52 requires a lead agency to make best efforts to avoid, preserve, and protect tribal cultural resources. The bill states that tribal cultural resources are:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either (i) included or

determined to be eligible for inclusion in the California Register of Historical Resources; or included in a local register of historical resources;

- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c);
- 3) A cultural landscape that meets one of the criteria of 1), above, and is geographically defined in terms of the size and scope of the landscape; and/or
- 4) A historical resource described in PRC 21084.1, a unique archaeological resource described in PRC 21083.2(g), or a non-unique archaeological resource as defined in PRC 21083(h) if it conforms with the criteria of 1), above.

Based on ASM's analysis as documented in the Archaeological Survey Report (ASM, 2015), no tribal cultural resources were identified that fit the definition above. Further, ASM also contacted the NAHC to identify potential tribal cultural resources. The NAHC "failed to indicate the presence" of Native American resources in the immediate Project area. As such, the proposed project is not expected to result in a significant effect to a tribal cultural resource.

Prior to the release of the CEQA document for a project, AB 52 requires the lead agency to initiate consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

As of the date of this document, no California Native Tribes identified by the NAHC as potentially having knowledge of the project area have requested that the City inform them of projects in the geographic area of the project. Although, the proposed Project would not cause a substantial adverse change in the significance of a known archaeological resource pursuant to CEQA Guidelines §15064.5 or an identified tribal cultural resource pursuant to PRC §21082.3, there is a potential for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, Mitigation Measure CUL-01 is proposed in the event that cultural resources are inadvertently encountered during construction activities. Implementation of Mitigation Measure CUL-01 would reduce the potential impact associated with archaeological and tribal cultural resources to a less than significant level.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant with Mitigation Incorporated. Paleontological resources, or fossils, are the remains of extinct organisms, and provide the only direct evidence of ancient life. They are considered to be non-renewable resources because they cannot be replaced once they are destroyed. The Federal Land Policy and Management Act of 1976 (FLPMA) mandates the treatment of paleontological resources as having a scientific value (FLPMA section 102[8]). Scientifically significant paleontological resources are defined as vertebrate fossils that are identifiable to a particular taxon and/or element, noteworthy occurrences of invertebrate and plant fossils, and vertebrate trackways. In general,

surface disturbing activities such as grading and excavation have the potential to cause adverse effects on surface and subsurface paleontological resources. Direct impacts include destruction due to breakage and fragmentation. Indirect impacts may result from increased accessibility to paleontological resources resulting in an increased likelihood of looting or vandalism.

According to the U.S. Department of Agriculture Natural Resources Conservation Services web soil survey data for Imperial County, the project site is underlain by Tertiary-aged sedimentary units which may include sediments derived from the Coachella Conglomerate and the Hathaway, Imperial and Mecca Formations. These units are primarily non-marine in origin and include gravels, sands, silty sands, silts, and clays. These soils are not conducive to the preservation of fossil materials. Sedimentary deposits, such as the alluvium that underlies the project area, are considered to have low paleontological potential because the soil deposits are too recent to contain in-situ fossils. Excavation will be required for bridge footings will not likely extend into any fossil-containing bedrock layers. However, the potential for the discovery of such resources cannot be completely discounted. For this reason, Mitigation Measure CUL-02 has been identified in the unlikely event that fossil resources are encountered during construction activities. Implementation of Mitigation Measure CUL-02 would reduce impacts associated with this issue to a less than significant level.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant. One cemetery, the Mountain View Cemetery, is located near Calexico on Highway 111 north of Jasper Road. There are no known burial sites or other cultural sites that may contain human remains located within the project site. Due to the lack of any indication of a formal cemetery or informal family burial plots on-site, the proposed project will have no impact on known human remains. However, if human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately.

In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors shall immediately stop all activities in the immediate area of the find. The project proponent shall then inform the Imperial County Coroner and the City's Engineering and Development Services Department and the coroner would be permitted to examine the remains. If the coroner determines that the remains are of Native American origin, the coroner would notify the NAHC to identify the "Most Likely Descendent" (MLD). Despite the affiliation of any Native American representatives at the site, the NAHC's identification of the MLD would stand. The MLD shall be granted access to inspect the site of the discovery of the Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

The disposition of the remains would be determined in consultation with the City and the MLD. The City would be responsible for the final decision, based upon input from the various stakeholders. If the human remains are determined to be other than Native

American in origin, but still of archaeological value, the remains would be recovered for analysis and subject to curation or reburial at the expense of the project proponent. If deemed appropriate, the remains would be recovered by the coroner and handled through the Coroner's Office. Coordination with the Coroner's Office would be through the City of Calexico and in consultation with the various stakeholders. The specific locations of Native American burials and reburials would be proprietary and not disclosed to the general public. The locations would be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings shall be filed with the SCIC. Adherence to State Health and Safety Code Section 7050.5 would reduce impacts associated with this issue to a less than significant level. No mitigation measures are required.

MITIGATION MEASURES

- CUL-01** If previously unidentified cultural materials are unearthed during construction, work shall cease within 50 feet of the find until a qualified archaeologist, approved by the City, is able to assess the significance of the find. If a find is determined to be significant, the City and the archaeologist, in consultation with Native American representatives, will meet to determine appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered will be, as necessary and at the discretion of the qualified archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.
- CUL-02** If previously unidentified paleontological resources are unearthed during construction, work shall cease within 50 feet of the find until a qualified paleontologist, approved by the City, is able to assess the significance of the find. If a find is determined to be significant, the City and the paleontologist will determine appropriate avoidance measures or other appropriate mitigation. All significant fossil materials recovered will be, as necessary and at the discretion of the qualified paleontologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

4.6 GEOLOGY AND SOILS

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

No Impact. Based on the California Department of Conservation, Alquist-Priolo Earthquake Fault Zone Maps, the project site is not located within the Alquist-Priolo Special Study Zone. There are no active faults located on the project site; however, the

nearest known earthquake faults in the area are the Superstition Fault and the Superstition Hills Fault located to the northwest, and the Imperial Fault Zone are located to the north/northeast of the project site. No impact associated with this issue is anticipated to occur and no mitigation is required.

ii) Strong seismic ground shaking?

Less Than Significant. The project site is located in seismically-active Imperial County. According to the City's General Plan Safety Element, the City is particularly susceptible to geologic hazards such as earthquakes and secondary hazards due to the proximity of major faults and the soil composition of the Imperial Valley. The secondary impacts are related to the extensive irrigation and drainage as well as other consequences caused by earthquakes such as fires, ground displacement, soil liquefaction, and environmental contamination. The project site has been and will continue to be directly affected by seismic activity to some degree; however, no buildings or habitable structures would be constructed as part of the project that would be susceptible to secondary hazards that may impact local residents. Given that active faults are not adjacent to the project site, and no buildings are proposed it can be concluded the site would not be affected by ground shaking more than any other area in seismically active Southern California. This impact is considered less than significant and no mitigation is required.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant. Liquefaction is the sudden and temporary loss of soil strength when sandy, unconsolidated soils/sediments with fine grain characteristics, loose consistency and low confining pressure, saturated by groundwater within 50 feet of the surface are subjected to strong ground shaking or dynamic loading. Liquefaction is also associated with lateral spreading, excessive settlement, and failure of shallow bearing foundations. According to the U.S. Department of Agriculture, Natural Resources Conservation Service Web Soil Survey, the project site contains the following soil types (map unit codes): Badland (102), Saline Fluvaquents (104), Wet Imperial silty clay (114), Imperial-Glenbar silty clay loam, 2 to 5 percent slope (116), Indio-Vint Complex (119), and Meloand very fine sandy loam (122). Although the project area is located in a seismic activity area and has a high groundwater table, the potential for liquefaction is considered low due to the soil types. In addition, there are no project components that would significantly place the general public at risk. The project is limited to a Class I Bike Trail and associated amenities, with no buildings or habitable structures that could be subject to liquefaction from seismic-related ground failure. This impact is considered less than significant and no mitigation is required.

iv) Landslides?

No Impact. The proposed project site is located on flat topography and is not identified as being within an area susceptible to landslides. No impact is identified and no mitigation is required.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant. Construction of the proposed project would include the removal of limited existing vegetation from the project site, which would expose soil to wind or water erosion temporarily. To minimize erosion during construction, requirements in the

Stormwater Pollution Prevention Plan (SWPPP), which prescribe erosion/sediment control, would reduce impacts associated with soil erosion to a less than significant level during construction. After construction concludes, the area will be reestablished with native/drought tolerant landscaping that will further reduce erosion impacts during operation of the Class I Bike Trail. This impact is considered less than significant and no mitigation is required.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Less Than Significant. Land subsidence is the lowering of the land-surface elevation from activities occurring underground. Typical activities include oil, gas, or water extraction, hydrocompaction (soil compaction under it's own weight), and earthquakes. The project site is generally topographically flat so would not be subject to landslides, and does not contain soils that have a low susceptibility to liquefaction and lateral spreading. The project area does have the potential for subsidence; however, the project is limited to a Class I Bike Trail and associated amenities, with no buildings or habitable structures. This impact is considered less than significant and no mitigation is required.

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial risks to life or property?**

Less Than Significant. The project area contains some clay soil components which could have expansive soil properties. However, the project does not include buildings or habitable structures and would not create a risk to life or property. This impact is considered less than significant and no mitigation is required.

- e) **Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

No Impact. The project does not include buildings or habitable structures that require septic tanks or the use of alternative wastewater disposal systems. No impact is identified and no mitigation is required.

MITIGATION MEASURES

No mitigation measures are required.

4.7 GREENHOUSE GAS EMISSIONS

- a) **Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?**

Less Than Significant. Emissions of Greenhouse gasses (GHG's) contributing to global climate change are largely attributable to human activities associated with industrial/manufacturing, utility, transportation, residential and agricultural uses. About three quarters of human emissions of CO₂ to the global atmosphere during the past 20

years are due to the burning of fossil fuel. California produces roughly 1.4 percent of the world's, and 6.2 percent of the total U.S., greenhouse gases (GHG). In order to control and reduce GHG emissions, California has taken a proactive role. California's major initiatives for reducing climate change or greenhouse gas emissions are outlined in Assembly Bill 32 (signed into law 2006), 2005 Executive Order and a 2004 ARB regulation to reduce passenger car GHG emissions. These efforts aim at reducing GHG emissions to 1990 levels by 2020 - a reduction of about 25 percent, and then an 80 percent reduction below 1990 levels by 2050.

The ICAPCD has no established threshold to date for Greenhouse Gas Emissions, however, prior studies of construction emissions for larger construction projects in the City (e.g. Gran Plaza Phase 2 Power Center Project) resulted in a less than significant impact conclusion using significance standards available at this time. Because this project is significantly smaller in scale than the projects referenced above, uses less equipment over a shorter period of time, and has no long term operational emissions and has the potential to reduce emissions in the community by providing an alternative to the use of automobiles, it is concluded that the potential impact would also be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. As discussed above, the proposed project does not conflict with any applicable plan, policy or regulation available to date for the purpose of reducing the emissions of greenhouse gases. As a Class I Bike Trail, the project will support the reduction of emissions by providing a non polluting alternative transportation option. Global climate change is inherently a cumulative impact. Construction emissions will be short term with no long term operational emissions. Implementation of the project would not interfere or conflict with the State's objectives of reducing GHG emissions. Therefore, no impact associated with this issue is anticipated to occur and no mitigation measures are required.

MITIGATION MEASURES

No mitigation measures are required.

4.8 HAZARDS AND HAZARDOUS MATERIALS

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Less Than Significant. Materials hazardous to humans, wildlife, and sensitive environments would be present during project construction. These materials include diesel fuel, gasoline, equipment fluids, concrete, cleaning solutions and solvents, lubricant oils, adhesives, human waste, and chemical toilets. The potential exists for direct impacts to human health and biological resources from accidental spills of small amounts of hazardous materials from construction equipment during construction of the project. However, the project would be required to comply with Federal, State, and City Municipal Code regulations which regulate and control those materials handled on-site. Compliance

with these regulations and standards ensure that potentially significant impacts would not occur. As part of the proposed project, prior to the issuance of a grading permit, the City will prepare a Spill Prevention and Control Plan to minimize the exposure of potentially hazardous materials during construction. Impacts would be less than significant with the preparation and implementation of the Spill Prevention and Control Plan.

Once the project construction is complete, the project would be limited to the use of landscaping chemicals and fertilizers; therefore, significant impacts with long-term operation of the site are not expected. A less than significant impact is identified and no mitigation is required.

- b) **Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous material into the environment?**

Less Than Significant. Based on observations made during the site visit conducted for the Phase 1 Report (ERM 2014), discussions with current and former City employees with historical knowledge of the site, and review of historical aerial photographs, the project site has been the site of illegal dumping of trash, debris, drums, cans, and containers of unknown, petroleum based liquids. Several abandoned vehicles were also observed on site in various states of disrepair. During the site visit, it was observed that there are abundant and widespread areas of stained soils, numerous waste drums, widespread and unidentified chemical containers, truck tires, and miscellaneous items, which should be considered hazardous in nature. A Phase II Site Assessment (ERM 2015) was conducted for the project site. It was determined that with the exception of the hydrocarbon-affected surficial soils in the northeast portion of the site, the majority of the chemical constituents detected in the soil were at trace to low concentrations. However, the Phase II Site Assessment recommends that further evaluation of these concentrations be conducted. The Phase II Site Assessment also recommends remediation of surficial hydrocarbon concentrations in the northeast portion of the project site prior to initiation of construction activities. The proposed project would be required to adhere to any conditions and standards imposed by the Calexico Fire Department, the Regional Water Quality Control Board, the California Department of Toxic Substances Control, and other pertinent regulatory agencies. Compliance with these existing regulations would address any potential impacts that may occur. Therefore, a less than significant impact is anticipated and no mitigation is required.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

No Impact. The nearest schools to the project site are the Allen and Helen Mains Elementary School and the Vincent Memorial Catholic High School which are located more than one-quarter mile away (1,500 feet) north of the project site. Therefore, accidents involving hazardous emissions or materials associated with the project would not impact any adjacent school. No impact is identified and no mitigation is required.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less Than Significant. According to the California Department of Toxic Substances Control (DTSC) EnviroStor Database, the nearest regulatory listing is the Calexico Gun Club, located at 270 West 2nd Street, approximately 1,200 feet west of the project site. This site was listed to have a hazardous substance release in September 2013. A Soil Excavation Report was completed November 2013, of which lead was identified. The soil was removed, properly disposed and an unrestricted land use was issued. No Further Action Letter was issued by DTSC in February 2014. Given that lead was identified, it is considered a localized material and would not migrate into the project area. Therefore, the project site is not located on any hazardous materials site as designated by Government Code Section 65962.5, and there is no opportunity to create a significant hazard to the public or environment. This impact is considered less than significant and no mitigation is required.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

Less Than Significant. The Calexico International Airport is located approximately 0.25 mile of the proposed project. Portions of the proposed project are located within the Calexico International Airport's Land Use Compatibility Plan C and B1 zones. The *Airport Land Use Compatibility Plan – Imperial County Airports* states that land uses of particular concern are ones in which the occupants have reduced effective mobility or are unable to respond to emergency situations. Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, the elderly, and the handicapped shall be prohibited within Compatibility Zones A, B, and C. The proposed project would not develop uses that would be prohibited within Compatibility Zones A, B, or C. In addition, the project would not have features that would obstruct or hinder flight operations at the Calexico International Airport. The project would be required to process an aviation easement application to ensure that the Class I Bike Trail is in compliance with the Calexico Internal Airport Land Use Compatibility Plan. The impact is anticipated to be less than significant and no mitigation is required.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. The closest private airstrip to the project site is the Johnson Brothers airstrip, which is approximately 1.5 miles east of the project site. Due to the distance to the airstrip, the project would not result in a safety hazard to people within the project area. No impact is identified and no mitigation is required.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

No Impact. The Safety Element of the City's General Plan addresses emergency operating procedures and evacuation routes for the General Plan area. The City is surrounded by open and unpopulated areas with two major evacuation routes SR-111 and SR-98, leading to Interstate 8 (I-8). The construction and operation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. In addition, the proposed project would comply with the Imperial County Emergency Plan, which addresses extraordinary emergency situations. All emergency procedures would be consistent with local, State,

and Federal guidelines during the construction and operation of the project. Therefore, no impact is identified and no mitigation is required.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

No Impact. According to the Imperial County National Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection, the project site does not fall into an area characterized as either (1) a wildland area that may contain substantial forest fire risk and hazard, or (2) very high fire hazard severity zone. In addition, the Calexico General Plan Safety Element states that the City has a low risk of damage from wildfires due to the undeveloped areas surrounding the City because the areas are either irrigated farm land or sparsely-vegetated desert land. Therefore, the development and operation of the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact is identified and no mitigation is required.

MITIGATION MEASURES

No mitigation measures are required.

4.9 HYDROLOGY AND WATER QUALITY

- a) **Violate any water quality standards or waste discharge requirements?**

Less Than Significant. The project site is located within the Imperial watershed, which drains an area of approximately 2,500 square miles to the Salton Sea, which is listed on the State's 303(d) list of impaired water bodies that do not meet water quality standards, even with the minimum required levels of pollution control technology for point sources of pollution. The proposed project would be required to comply with any regulations that are in place during construction and operation of the project. Construction activities require the use of gasoline and diesel-powered heavy equipment, such as a bulldozer, backhoe, bobcat, and small pickup trucks. A crane may be required for the placement of the bicycle/pedestrian bridge. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances could be utilized during construction. Construction activities could promote soil erosion discharging sediment to adjacent drainages.

Sedimentation would degrade the water quality of the receiving waters. Hazardous materials associated with construction equipment such as fuels, oils, antifreeze, coolants, and other substances could adversely affect water quality if inadvertently released to surface waters. An accidental release of any of these substances could degrade the water quality of the surface water runoff and add pollution into local waterways. The most likely runoff constituent of concern from the project site would be from sediment created by soil disturbance during or immediately after construction.

The National Pollutant Discharge Elimination System (NPDES) storm water permitting program regulates storm water quality from construction sites. The City would be required

to prepare a Storm Water Pollution Prevention Plan (SWPPP) for coverage under the State-wide storm water discharge NPDES permit. The SWPPP should contain a site map(s) that shows the construction site perimeter, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list any best management practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program.

Specific BMPs that may be applicable would include establishment of sediment basins and erosion control perimeter around active construction and contractor layout areas, silt fencing, jute netting, straw wattles, or other appropriate measures to control sediment from leaving the construction area. These temporary features serve to trap and absorb pollutants and sediments before they can leave the area. Construction contractors would be made aware of the required BMPs and good housekeeping measures for the project site and associated construction staging areas. Construction debris and waste materials would be collected at the end of each day and properly disposed in trash or recycle bins. For this project, implementation of standard BMPs will adequately protect against both typical and accidental discharges.

During operation of the Class I Bike Trail, stormwater from the site would run off as sheet flow to adjoining areas and percolate into the soil through the porous concrete shoulder. The increase in pervious surface would be a relatively small amount, which would not result in a significant or substantial change in runoff quality. With the implementation of standard BMPs during construction and operation of the proposed project, impacts to water quality are anticipated to be less than significant.

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

No Impact. The project does not propose to use groundwater resources or to otherwise affect any groundwater resources that are used for water supply. In addition, the proposed project will not significantly increase the impermeable surface area on the project site so it would not interfere with the existing level of groundwater recharge. As such, the proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table. Therefore, no impact associated with this issue is anticipated to occur and no mitigation measures are required.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-site?**

Less Than Significant. Although some grading would be required for the Class I Bike Trail construction, the drainage pattern of the site would not be significantly changed. The course of the adjacent New River would not be altered that would increase the risk of on- or off-site flooding. On-site runoff would flow to both sides of the trail, where it would percolate into the porous concrete shoulder and landscaping. In addition, erosion and sedimentation would be controlled through the implementation of required BMPs. The

project would not result in a significant change in drainage patterns. This impacted is considered less than significant and no mitigation is required.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?**

Less Than Significant. The proposed project would introduce impervious surfaces in the form of the Class I Bike Trail; sign posts; fence posts; bench foundations; retaining walls; and other paved areas for interpretive kiosks, trash cans, and other associated improvements. However, these improvements would be surrounded by open pervious areas that would absorb storm water from these small, scattered impervious surfaces. No substantial alterations in the existing drainage patterns are anticipated. In addition, no measurable increase in storm water runoff would occur with the project, and no expansion of existing storm drain facilities is needed to serve the proposed project. The proposed project would have a less than significant impact on drainage patterns and storm drain facilities and no mitigation measures are required.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Less Than Significant. Please refer to Response 4.9(d).

- f) **Otherwise substantially degrade water quality?**

Less Than Significant. Please refer to Response 4.9(a).

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?**

No Impact. The proposed project would result in the construction of a Class I Bike Trail. No housing is proposed as part of the project. The proposed project would not result in the placement of housing within a 100-year flood hazard area as mapped on a Federal flood hazard map. No impact associated with this issue is anticipated to occur and no mitigation measures are required.

- h) **Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?**

Less Than Significant. The length of the Class I Bike Trail is located on FEMA Flood Insurance Rate Maps (FIRM) No. 06025C2067C. Portions of the project may be within Zone AE, the 100 year flood plain based on the FIRM Map. The City proposes to construct a Class I Bike Trail along the north side of the New River. The project consists of the installation of an asphalt concrete surface which will raise the elevation along certain portions of the project area. However, the asphalt concrete surface would not be within the New River bank. As identified in the Hydraulic Study (ERM 2015), the project does not include any other elements that introduce obstructions to flow that could change base flood elevations or change existing drainage in the area. A less than significant impact

associated with this issue is anticipated to occur and no mitigation is required.

- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

No Impact. The project is not located in an area of a levee or dam and does not include the construction of structures that would be occupied. No impacts associated with this issue are anticipated to occur and no mitigation is required.

- j) **Inundation by seiche, tsunami, or mudflow?**

No Impact. The project site is not located near an ocean coast that could produce a tsunami, a body of water that could produce a seiche, or steep slopes that could create a mudflow. No impact is anticipated and no mitigation is required.

MITIGATION MEASURES

No mitigation measures are required.

4.10 LAND USE AND PLANNING

- a) **Physically divide an established community?**

No Impact. The proposed project site is not located in an area that could divide an established community. The proposed project does not propose any activity that could adversely affect access to communities within the City, nor is the project situated in an area that would obstruct any existing urban land uses. The development of the proposed Class I Bike Trail would enhance the community by improving connectivity of the existing bicycle network within the City. Therefore, no impact associated with this issue is anticipated to occur and no mitigation measures are required.

- b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

No Impact. The proposed project is a component of the larger New River Improvement Project as outlined in the New River Improvement Project Strategic Plan (New River Improvement Project Technical Advisory Committee, 2011). As specified by AB 1079 and federal transportation funding legislation, an open space and recreational parkway has been proposed and initial funding has been provided by Caltrans, and a match from California Proposition 84.

The proposed project would be required to adhere to City land use plans, policies, and regulations. The proposed project site is identified in the City's Bicycle Master Plan (2003) as a rural unimproved path, named the New River Greenway. The New River Greenway is described as a 2.0 mile rural unimproved path from the American Legion Field to the All

American Canal. The Class I Bike Trail is described as being located along the New River that would provide a unique scenic trail linking to Nosotros Park.

The proposed project would be constructed in-lieu of the identified Bicycle Master Plan rural unimproved path. This upgrade of path from an "unimproved" to a paved Class I Bike Trail would not be considered a conflict to the City's Bicycle Master Plan (2003); it would be considered an enhancement. This improvement would assist the City to further integrate the bicycle network within the City and in the County. Because the proposed project would implement the construction and operation of a bicycle path previously identified in the City's Bicycle Master Plan (2003), no impact related to land use plans, policies, or applicable laws is anticipated to occur and no mitigation is required.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The City and the project site are not within the jurisdiction of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact is anticipated to occur associated with this issue and no mitigation measures are required.

MITIGATION MEASURES

No mitigation measures are required.

4.11 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

No Impact. In Imperial County, industrial minerals such as sand, gravel, lime, gypsum, clay, stone, limestone, mica, tuff, salt, potash, calcium chloride, and kyanite are mined (GSA, 2011). Although the regional area contains sand and gravel resources; none are presently mined. In addition, the City's General Plan (2007) does not identify mineral resources within the project site and there are no active oil wells or natural resource extraction activities within the area where the improvements are proposed. Therefore, no impact is anticipated and no mitigation is required.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. There are no mineral, oil or energy extraction and/or generation activities within the project area or in the immediate area. The resources and materials that would be used to construct the project will not include any materials that are considered to be rare or unique. In addition, the project site is not designated in the City's General Plan (2007) as a locally important mineral resource recovery site. Therefore, no impact is anticipated to occur with implementation of the project and no mitigation measures are required.

MITIGATION MEASURES

No mitigation measures are required.

4.12 NOISE

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less Than Significant. The Calexico Municipal Code, Health and Safety Ordinance Chapter 8.46 Noise Ordinance regulates noise emitted from construction activities through the placement of time restrictions; between 8 a.m. to 5 p.m. The City Noise Ordinance also addresses long-term interior and exterior noise impacts caused by traffic and other sources.

Construction of the proposed project would be a source of temporary or periodic increases in ambient noise levels that could be audible to nearby sensitive receptors during the construction of the project. The mix of equipment operating on-site would vary depending on the activity being conducted, and noise levels would vary based on the amount of equipment in operation and the location of the activity. As required in Chapter 8.46 of the Calexico Health and Safety Ordinance, construction activities would be limited to between the hours of 8 a.m. and 5 p.m. daily and the use of mufflers or sound dissipative devices for internal combustion engines is required during construction to reduce noise levels associated with construction activities.

Operation of the proposed project would generate minimal noise from bicycle and recreational use of the Class I Bike Trail. Noise generated by trail users would primarily occur during daytime hours, and would not be considered significant. As noted in Section 15 (Transportation/Traffic), implementation of the proposed project would not affect traffic volumes on local roadways, and would therefore not cause a significant increase in noise relative to existing conditions. Because the project would not affect vehicular noise levels, impacts would be localized and exclusively associated with the trail users. Accordingly, the proposed project would not contribute to a permanent or temporary increase in ambient noise levels in the project vicinity above existing conditions. The impact is considered to be less than significant and no mitigation is required.

- b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

Less Than Significant. Construction of the proposed project would generally include conventional construction activities, including excavation, grading, site preparation, and trail construction. A temporary increase in noise levels would result from construction activities. However, the construction and operation of the Class I Bike Trail would not involve any activities with the potential to cause excessive ground-borne vibration or noise. This impact is considered less than significant and no mitigation is required.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less Than Significant. Please refer to Response 4.12(a).

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less Than Significant. Please refer to Response 4.12(a).

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. The Calexico International Airport is located within approximately 0.25 mile of the proposed Class I Bike Trail alignment. The project is within Zones C and B1 of the Calexico Internal Airport Land Use Compatibility Plan. As previously described in Response 4.12(a), the proposed project would generate minimal noise from bicycle and recreational uses; therefore, no increases in ambient noise levels is identified that would conflict with the airport's Land Use Compatibility Plan. In addition, no residential uses are proposed for the project and no permanent work sites would be located within the project site. During construction, workers may be exposed to airport noise, however, it is anticipated that noise from the airport would be sporadic and exposure to be limited and temporary. No impact is identified and no mitigation is required.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. The nearest private airstrip to the project site is the Johnson Brothers airstrip, which is approximately 1.5 mile east of the project site. Due to its distance, this airstrip would not expose people in the project area to excessive noise levels. No impact is anticipated to occur and no mitigation is required.

MITIGATION MEASURES

No mitigation measures are required.

4.13 POPULATION AND HOUSING

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No Impact. The proposed project would not involve housing or business development and, thus, would not lead to the introduction of permanent residents or employees into the City of Calexico area or along the Class I Bike Trail. In addition, no extension of utility lines or roadways to unserved areas is proposed as part of the project. The proposed bike path

improvements could make the surrounding area more attractive to some homebuyers and renters, but is not expected to be the major factor in the selection of home purchases or household location. Therefore, no direct or indirect population growth would occur with the proposed project.

Area residents are expected to continue to utilize the existing bike network for walking, hiking, jogging, biking, dog walking, and other recreational uses. An increase in the number of persons using the Class I Bike Trail could be expected over time with the project and the proposed improvements, but this use would still be confined to a few hours during the daytime as they utilize the Class I Bike Trail and other nearby recreational amenities. No permanent resident population would be created by the project. Construction activities would lead to a temporary increase in the daytime population, but workers would be limited in number and would not generate a large and steady demand for local goods or services that could spur business development in the surrounding area. No impact related to direct or indirect population growth would occur with the proposed project and no mitigation measures are required.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project area is currently open space and the residences adjacent to the proposed Class I Bike Trail would not be displaced or demolished as part of the Project. In addition, no businesses or employees would be displaced by the project. No impact related to housing, household, tenant, employee, or business displacement would occur and no mitigation measures are required.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No Impact. Please refer to Response 4.13(b).

MITIGATION MEASURES

No mitigation measures are required.

4.14 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) **Fire protection?**

No Impact. Fire protection is provided by the City's Fire Department. The City currently maintains two fire stations - Station 1 and Station 2. Station 1 is located at 430 East 5th Street and Substation 2 is located at 900 Grant Street. A third fire facility is planned at Meadows Road and Cole Road. According to the City's General Plan (2007), the City has a service ration of 1.5 firefighters per 1,000 residents for a population of 30,400 in 2002. At the time the General Plan was approved, the City employed 32 fire fighters. No increases in fire protection staffing would be necessary to serve the proposed project, as the construction of a Class I Bike Trail would not increase the population to the area. The paved Class I Bike Trail would also increase the accessibility to the area for emergency vehicles in the case of a grass or adjacent residential fire. No impact is anticipated to occur and no mitigation measures are required.

b) **Police protection?**

No Impact. Police protection is provided by the City's Police Department. The main City police station is located at 420 East 5th Street with three satellite stations located at the Nosotros and International Parks; one at Herber Avenue and 5th Street, and one near Meadows Avenue north of SR-98. According to the City's General Plan (2007), the City has a service ration of 1.3 police officers per 1,000 residents for a population of 30,400 in 2002. At the time the General Plan was approved, the City employed 43 sworn police officers. No increases in police protection staffing would be necessary to serve the project, as the construction of a Class I Bike Trail would not increase the population to the area which would increase crime to the area. No impact is anticipated to occur and no mitigation measures are required.

c) **Schools?**

No Impact. The proposed project would not result in a population increase to the area that would require additional schools. No impact is identified and no mitigation is required.

d) **Parks?**

No Impact. The proposed project would expand the existing bicycle network in the City, thereby resulting in a beneficial impact on the availability of recreational facilities in the project vicinity. The proposed project would not result in a population increase to the area that would require additional parks. No impact is identified and no mitigation is required.

e) **Other public facilities?**

No Impact. As previously indicated, the proposed project would not increase the local population. Therefore, the proposed project would not create additional demand for local library services and facilities in the area. The City has been without an operational hospital since 1997 when the Hefferman Memorial Hospital officially closed. Medical services would be provided by the El Centro Regional Medical Center (in El Centro) and the Pioneers Health Center in Brawley. The proposed project would expand the bicycle network in the City, thereby resulting in a beneficial impact on the availability of recreational facilities in the project vicinity. Similar to what was identified for library

services, the proposed project would not result in a significant increase in the demand for health services in the area. In addition, no other new governmental services would be needed and the proposed project is not anticipated to have any impact on existing governmental services. No impact is anticipated to occur and no mitigation is required.

MITIGATION MEASURES

No mitigation measures are required.

4.15 RECREATION

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?**

Less Than Significant. The proposed project would expand the City's paved bicycle network by 2.4 miles as outlined in the New River Improvement Project Strategic Plan (2011). Nosotros Park is located adjacent to the proposed Class I Bike Trail. This park may have a slight increase in usage due to the accessibility of the park to families bicycling; however, implementation of the proposed project is not anticipated to result in a significant increase in the overall use of this recreational facility. Impacts associated with this issue are considered to be less than significant and no mitigation is required.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

No Impact. The proposed project is considered a linear recreational facility to accommodate recreational activities. The construction of the Class I Bike Trail would facilitate the completion of other bicycle paths within the City as identified in the City's General Plan (2007), the City's Bicycle Master Plan (2003), and the New River Improvement Project Strategic Plan (2011). This Initial Study provides analysis on potential effects associated with the construction of the Class I Bike Trail. No impacts associated with this issue are anticipated to occur and no mitigation is required.

MITIGATION MEASURES

No mitigation measures are required.

4.16 TRANSPORTATION/TRAFFIC

- a) **Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highways and freeways, pedestrian and bicycle paths, and mass transit?**

No Impact. The proposed project is the construction of a Class I Bike Trail along New River. As stated previously in Section 10 (Land Use and Planning), the project would be consistent with the City's General Plan (2007), the City's Bicycle Master Plan (2003), and the New River Improvement Project Strategic Plan (2011). Therefore, the proposed project would not conflict with an applicable plan, ordinance, or policy for transportation networks. No impacts associated with this issue are anticipated to occur and no mitigation measures are required.

- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency or designated roads or highways?**

No Impact. As stated previously, the proposed project is the construction of a Class I Bike Trail and supporting improvements. The proposed project would not make any changes to the existing roadway circulation system since the Class I Bike Trail is completely separate from the existing roadway network. The proposed project would not alter the design of any roadways or increase development that would individually or cumulatively change the level of service to an area roadway or highway. Therefore, no impacts associated with this issue are anticipated to occur and no mitigation measures are required.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. The Calexico International Airport is located approximately 0.25 mile of the proposed Class I Bike Trail alignment. The proposed project would not generate air traffic or require air transportation. Therefore, the proposed project would not change air traffic levels at the Calexico International Airport and would not create safety risks or obstructions to air navigation. No impacts associated with this issue would occur and no mitigation is required.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

No Impact. The design of the Class I Bike Trail is located in open space and not adjacent to a roadway. No roadway design features would be changed. The Class I Bike Trail is considered a compatible land use for this area and would connect to other bicycle networks. No impacts associated with this issue are anticipated to occur and no mitigation is required.

- e) **Result in inadequate emergency access?**

No Impact. The construction of the Class I Bike Trail would provide increased accessibility to the area for bicyclists and recreationists as well emergency vehicles. No impacts associated with this issue are anticipated to occur and no mitigation measure is required.

- f) **Conflict with adopted policies, plans, or programs supporting public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

No Impact. As stated previously in Section 10 (Land Use and Planning), the proposed project would be consistent with the City's General Plan (2007), the City's Bicycle Master Plan (2003), and the New River Improvement Project Strategic Plan (2011). The proposed project is intended to benefit pedestrians, hikers, walkers, joggers, bicyclists and other trail users, thereby promoting the use of alternative transportation. Therefore, no impacts on alternative transportation systems or conflicts with alternative transportation policies, plans, or programs would occur and no mitigation measures are required.

MITIGATION MEASURES

No mitigation measures are required.

4.17 UTILITIES AND SERVICE SYSTEMS

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

No Impact. Local governments and districts are responsible for complying with State and Federal regulations, both for wastewater plant operation and the collection systems (e.g. sanitary sewers) that convey wastewater to the wastewater treatment facility. Proper operation and maintenance is critical for sewage collection and treatment as impacts from these processes can degrade water resources and affect human health. For these reasons, publicly owned treatment works (POTWs) receive Waste Discharge Requirements (WDRs) to ensure that such wastewater facilities operate in compliance with water quality regulations set forth by the State. WDRs, issued by the State, establish effluent limits on the kinds and quantities of pollutants that POTWs can discharge. These permits also contain pollutant monitoring, record keeping, and reporting requirements. The proposed project is the construction of a 2.4 mile Class I Bike Trail with supporting improvements. The proposed project does not include any restroom facilities as part of the project and would not generate new wastewater. Therefore, no impacts associated with this issue are anticipated to occur and no mitigation is required.

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

No Impact. The proposed project does not include restroom facilities or water features. The proposed project would need water for dust control and cleaning during the construction phase. Water use for dust control and incidental cleaning during the construction phase would be limited and temporary. Water would also be limited to irrigation for a limited amount of native or drought tolerant landscaping along the Class I Bike Trail until the landscaping was established. This limited water need would not create a demand on existing water facilities or require the construction of a new facility. As stated previously, no wastewater treatment would be required to create a demand on existing wastewater facilities or require the construction of a new facility. No impacts associated with this issue are anticipated to occur and no mitigation is required.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less Than Significant. The proposed project would introduce impervious surfaces in the form of bicycle paths; sign posts; fence posts; bench foundations; retaining walls; and other paved areas for interpretive kiosks, trash cans, and other associated improvements. However, these improvements would be surrounded by open pervious areas that would absorb storm water from these small, scattered impervious surfaces. No measurable increase in storm water runoff would occur with the project, and no expansion of existing storm drain facilities is needed to serve the proposed project. The proposed project would have a less than significant impact on storm drain facilities and no mitigation measures are required.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

No Impact. Refer to Response 4.17(a).

- e) **Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

No Impact. Refer to Response 4.17(b).

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Less Than Significant. Solid waste collection and disposal for the City is contracted through Allied Waste, which is deposited at the Allied Imperial Landfill located at 104 East Roberson Road in the City of Imperial. According to CalRecycle Solid Waste Information System (SWIS), the landfill is currently permitted to receive a maximum of 1,135 tons of solid waste per day. At the present time, the landfill is receiving between 500 and 600 tons of solid waste per day, which is well under the maximum permitted capacity. Construction of the proposed Class I Bike Trail would generate solid wastes requiring disposal at area landfills.

With no building construction, the construction wastes that would be generated by the proposed trail improvements would be limited to vegetation debris from site clearing; soil export from excavation and grading; construction wastes from signs and interpretive kiosks; and excess building materials. This one-time waste generation would be temporary and would not deplete available capacities at existing landfills. Since wastes generated during construction of the proposed project would be handled and disposed of in compliance with all applicable federal, State, and local statutes and regulations, impacts on landfill capacity would be limited and temporary and are considered less than significant. No conflict with solid waste regulations would occur. Long term-waste generation would be limited to organic wastes from landscape maintenance from landscaped areas and from trash cans provided at the proposed trailhead. This would not result in any significant waste generation that would require additional landfill capacity. Impacts would be less than significant and no mitigation measures would be required.

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant. Refer to Response 4.17(f).

MITIGATION MEASURES

No mitigation measures are required.

SECTION 5 - MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less Than Significant With Mitigation Incorporated. As discussed in Section 4.4, Biological Resources, the proposed project has the potential to impact sensitive biological resources, including migratory birds and special status plant species; however, mitigation is proposed to reduce these impacts to less than significant levels. The project also involves restoration of disturbed areas and revegetation of several areas along the trail with native plants. After mitigation, the proposed project would not have the potential to degrade the quality of the environment; would not substantially reduce the habitat of a fish or wildlife species; would not cause a fish or wildlife population to drop below self-sustaining levels; would not threaten to eliminate a plant or animal community; and would not reduce the number or restrict the range of a rare or endangered plants or animals. As discussed in Section 4.5, Cultural Resources, impacts on human remains would be less than significant with compliance with existing regulations. Impacts on archaeological and paleontological resources would be minimized or avoided through implementation of mitigation measures during grading, excavation, and ground-disturbing activities. Impacts would be less than significant after mitigation. The proposed project would not eliminate important examples of the major periods of California history or prehistory. Implementation of the mitigation measures for biological and cultural resources and compliance with existing regulations on the disposition of human remains that may be found during excavation would result in less than significant impacts.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Less Than Significant. The proposed project will not generate any impacts that are individually limited, but will become cumulatively considerable. There are no development plans being considered with the proposed project at this time. The impacts of the proposed project would be limited in both intensity and scope due to the relatively small size, scattered locations, and type of trail improvements proposed. Because project impacts would be less than significant after mitigation, impacts associated with the proposed project are not expected to result in cumulatively considerable impacts when added to the impacts of other projects planned or proposed in the vicinity of the trail alignment. Cumulative impacts would be less than significant.

- c) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less Than Significant Impact With Mitigation Incorporated. Project construction and trail use would not have the potential to generate significant adverse impacts on human beings, either directly or indirectly with the implementation of mitigation measures. Therefore, potential environmental impacts on human beings, either directly or indirectly, would be less than significant after mitigation.

SECTION 6 - PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

6.1 CITY OF CALEXICO

- Nick Servin, Public Works Director

6.2 ERM

- Truong Mai, P.E., Partner-In-Charge

6.3 Leighton Group

- Kevin Bryan, P.G.

6.4 HDR, Inc.

- Tim Gnibus, Project Manager
- Kelly Czechowski, Senior Environmental Planner
- Lori Arena, Environmental Planner
- Sarah Barerra, Senior Biologist
- Anders Burvall, GIS Analyst
- Terri Parsons, Word Processor

SECTION 7 - REFERENCES

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ATTACHMENTS AND APPENDICES

Attachments

- Figure 1 Regional Location
- Figure 2 Project Location Map
- Figure 3 Project Footprint Map

Appendices

- Appendix A Project Plan Set
- Appendix B Natural Environment Study
- Appendix C Archaeological Survey Report
- Appendix D Phase I Environmental Site Assessment
- Appendix E Focused Phase II Environmental Site Assessment

Figure 1 Regional Location

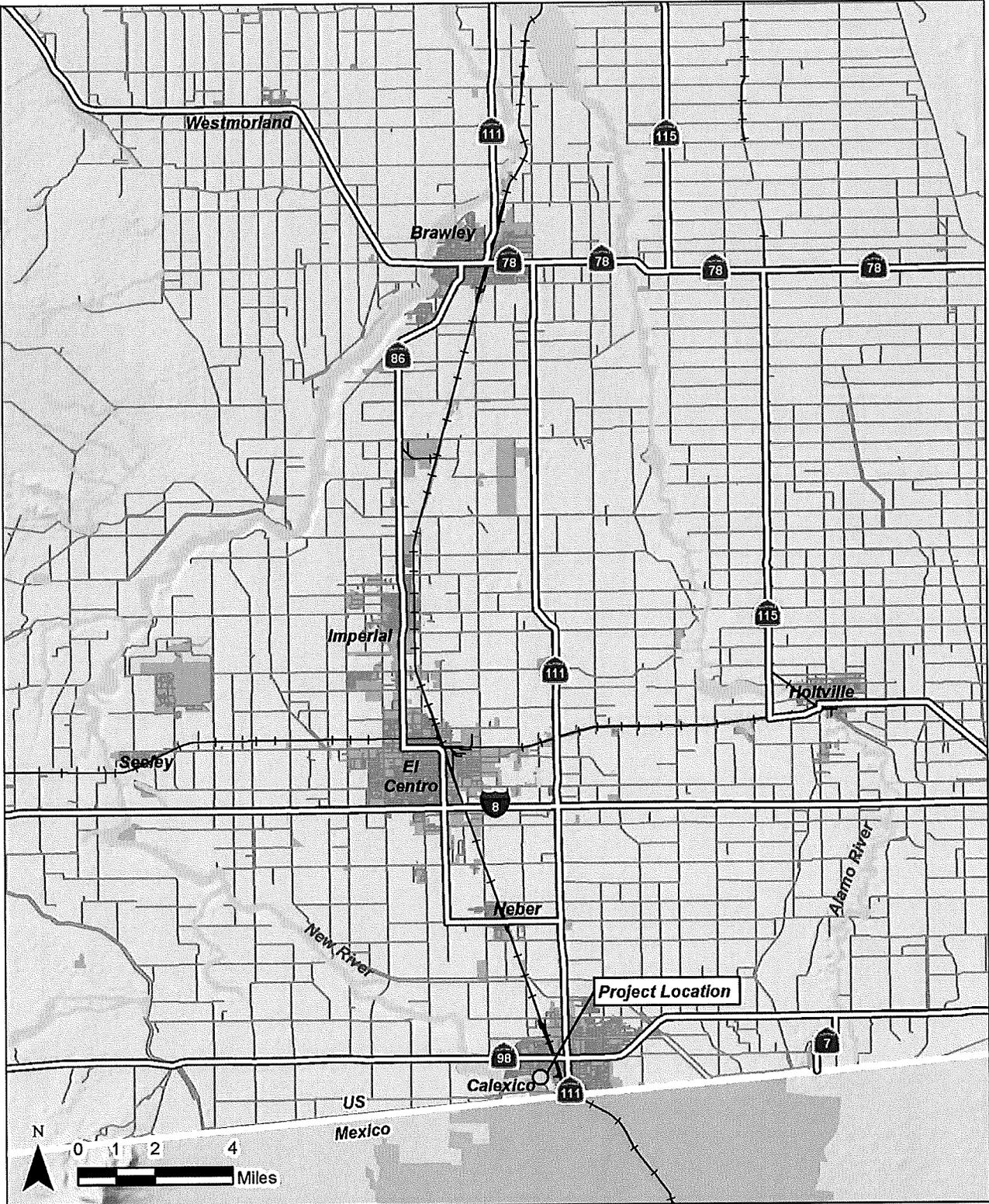


Figure 2 Project Location Map

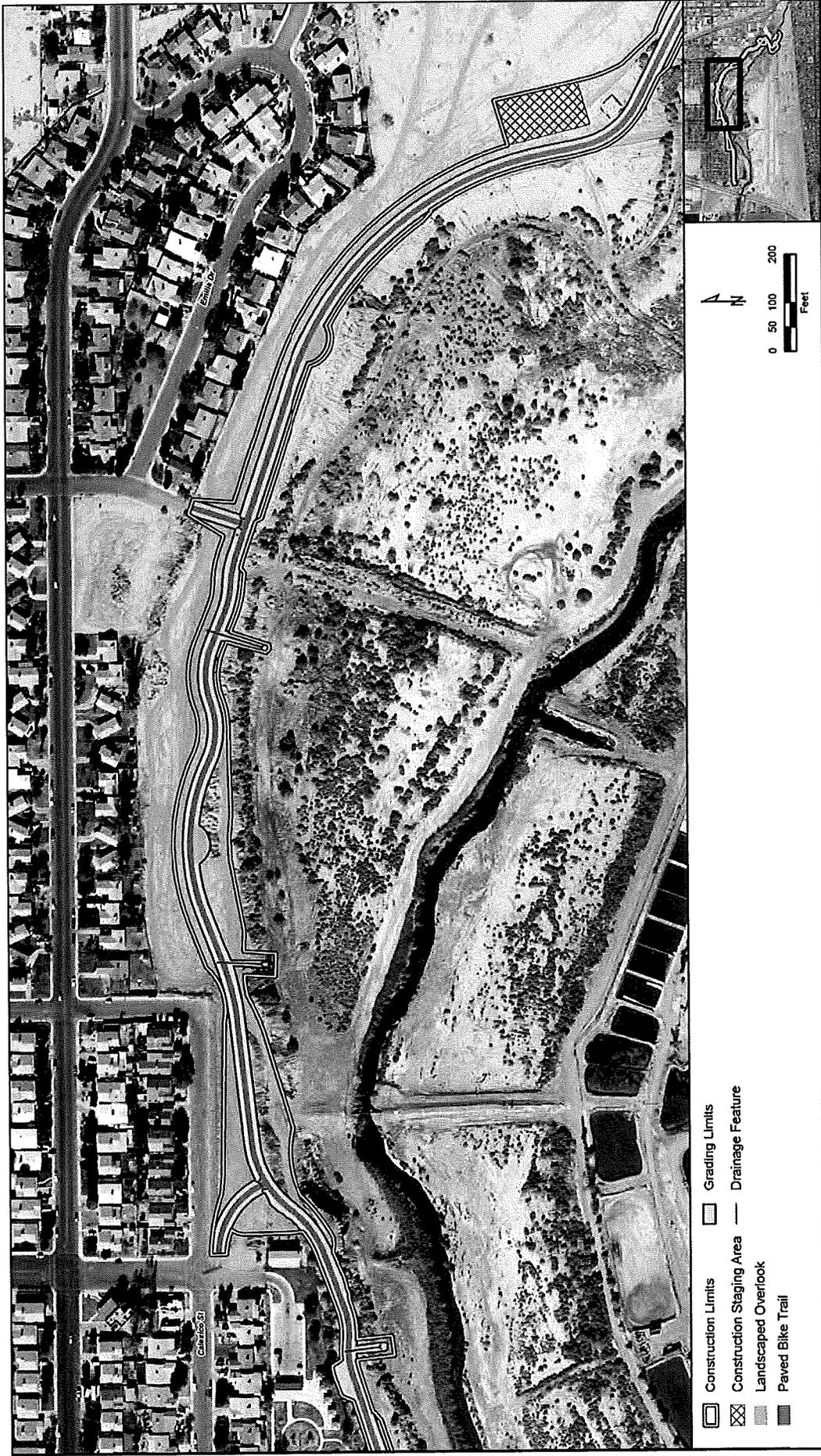


Figure 3 Project Footprint Map (1 of 3)



Source: City of San Diego, 2011. Digitized from the City of San Diego's GIS data.

Figure 3 Project Footprint Map (2 of 3)



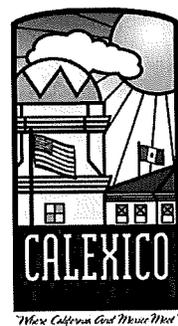
Source: MapInfo/MapInfo, Inc. 1997. Digitized from aerial photography. 2007. MapInfo, Inc. 2007. MapInfo, Inc. 2007.

Figure 3 Project Footprint Map (3 of 3)



**FINAL
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
FOR
NEW RIVER CLASS I BICYCLE TRAIL PROJECT**

Prepared By:
CITY OF CALEXICO
608 Heber Avenue
Calexico, CA 92231



November 2015

INTRODUCTION

This document is the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the New River Class I Bicycle Trail Project. The proposed project consists of the construction of a designated Class I Bike Trail located in Calexico, Imperial County, California. The proposed project is described in detail in the New River Class I Bicycle Trail Project IS/MND, which was published in October 2015.

The City of Calexico, as lead agency, released the IS/MND for public review and comment beginning on Friday, October 2, 2015 and ending on Monday, November 2, 2015 pursuant to CEQA Guidelines Section 15105. A Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed project was filed with the State Clearinghouse on October 2, 2015 and posted on the City's website. The IS/MND and supporting documents were made available on the City's website as well as at the City Public Works Department located at 608 Heber Avenue in Calexico, California.

The IS/MND is incorporated in this Final IS/MND by reference.

This document includes the following sections:

- Introduction – IS/MND background information
- Mitigation Monitoring and Reporting Program

According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during the review period together with the IS/MND. However, comments received on an IS/MND are not required to be attached to the IS/MND, nor must the lead agency make specific written response to public agencies. It should be noted that no comment letters were received by the City of Calexico or by the State Clearinghouse on the project (see Attachment A).

Mitigation Monitoring and Reporting Program New River Class I Bicycle Trail Project

November 2015

CEQA and the CEQA Guidelines require lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) ensures that mitigation measures imposed by the City are completed at the appropriate time in the project implementation process.

The mitigation measures identified in the IS/MND for the New River Class I Bicycle Trail Project are listed in the MMRP along with the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented.

**MITIGATION MONITORING AND REPORTING PROGRAM
NEW RIVER CLASS I BICYCLE TRAIL PROJECT**

Mitigation Measure	Timing	Monitoring Responsibility	Sign Off
<p>AIR-01 Prior to the commencement of construction activities, a Human Health Risk Assessment shall be prepared to examine the nature and extent of the risk of exposure to the Volatile Organic Compounds (VOCs) concentrations detected during the focused Phase II Environmental Site Assessment. Recommendations identified in the Human Health Risk Assessment shall be implemented and confirmed by the City.</p>	<p>Prior to construction activities</p>	<p>City of Calexico Public Works Department</p>	
<p>BIO-01 In order to minimize project impacts to natural communities, highly visible barriers (such as orange construction fencing) shall be installed around the project disturbance limits to designate Environmentally Sensitive Areas (ESAs) to be avoided and preserved. No grading or fill activity of any type will be permitted in these ESAs. In addition, heavy equipment, including motor vehicles, will not be allowed to operate in the ESAs. All construction equipment will be operated in such a manner as to prevent accidental damage to nearby ESAs. No structure of any kind, or incidental storage of equipment or supplies, will be allowed in these protected zones. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of fill material in areas where vegetation is immediately adjacent to planned grading activities.</p>	<p>Prior to and during construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>BIO-02 During construction activities, a qualified biologist will monitor all vegetation clearing and work adjacent to ESA's.</p>	<p>During construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>BIO-03 To the extent feasible, native vegetation in temporary impact areas will be trimmed at the surface leaving roots intact. Following completion of project construction activities, all temporary impact areas that supported natural communities will be recontoured to pre-project conditions and revegetated with native plant species found in the existing community and as approved by the Caltrans District Biologist. All revegetated areas shall avoid the use of plant species listed in the California Invasive Plant Inventory that have a high or moderate rating.</p>	<p>During and immediately following conclusion of construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
NEW RIVER CLASS I BICYCLE TRAIL PROJECT**

Mitigation Measure	Timing	Monitoring Responsibility	Sign Off
<p>BIO-04 Temporary impacts to riparian habitat (including PSA, TAS and DW) will be reseeded with salt grass (<i>Distichlis spicata</i>, FACW), iodine bush (<i>Allenrolfea occidentalis</i>, FACW), alkali sacaton (<i>Sporobolus airoides</i>, FAC), arrow-weed (<i>Pluchea sericea</i>, FACW), bush seepweed (<i>Suaeda nigra</i>, OBL), and big saltbush (<i>Atriplex lentiformis</i>, FAC).</p>	<p>Immediately following conclusion of construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>BIO-05 Mitigation for permanent impacts would consist of 1:1 enhancement of riparian habitat (including PSA, TAS and DW) within the BSA through supplemental planting with suitable native drought tolerant species including salt grass (<i>Distichlis spicata</i>, FACW), iodine bush (FACW), alkali sacaton (<i>Sporobolus airoides</i>, FAC), arrow-weed (FACW), bush seepweed (<i>Suaeda nigra</i>, OBL), big saltbush (FAC), four-wing saltbush (<i>Atriplex canescens</i>, UPL), smoke tree (<i>Psoralea argemone</i>, UPL), cat-claw acacia (<i>Acacia greggii</i>, FACU), blue palo verde (<i>Parkinsonia florida</i>, UPL) and honey mesquite (<i>Prosopis glandulosa</i> var. <i>torreyana</i>, FACU). Mitigation ratios for permanent impacts will ultimately be determined during permit processing with the USACE and the CDFW.</p>	<p>Prior to construction activities</p>	<p>City of Calexico Public Works Department</p>	
<p>BIO-06 All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities will occur in developed or designated non-sensitive upland habitat areas. The designated upland areas will be located so as to prevent runoff from any spills from entering waters of the United States.</p>	<p>During construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>BIO-07 Construction will occur outside of the breeding season (February 1 through August 31) for migratory birds and burrowing owl.</p>	<p>During construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>BIO-08 Prior to construction activities, a worker awareness program to increase the worker's recognition of and commitment to burrowing owl protection will be developed. The biological monitor will ensure that the program is implemented with all on-site workers.</p>	<p>Prior to construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>BIO-09 Pre-construction BUOW surveys will be conducted no more than 14 days prior to the beginning of construction activities.</p>	<p>Prior to construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
NEW RIVER CLASS I BICYCLE TRAIL PROJECT**

Mitigation Measure	Timing	Monitoring Responsibility	Sign Off
<p>BIO-10 Active burrows within recommended setback distances provided in the CDFW's 2012 Staff Report on Burrowing Owl Mitigation will be identified with visible markers. If determined necessary by the surveying biologist, ESA fencing or certified weed-free hay bales will be installed between the active burrows and work areas to provide visual screens.</p>	<p>Prior to and during construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>BIO-11 Project design shall use the lowest wattage available, spacing of lights at the greatest distance that is still compatible with safety requirements, and shielding the lighting on the southern edge of trail where it parallels the river and on both sides of the trail where it crosses the river. Shielding may include native landscaping or cutoff luminaires, where feasible.</p>	<p>During operation activities</p>	<p>City of Calexico Public Works Department</p>	
<p>BIO-12A plant establishment period will be developed for revegetated areas during final design. A plant establishment period is a duration of time that allows newly installed plant material to reach a state of maturity, requiring minimal ongoing maintenance for survival. A plant establishment period typically includes the removal of litter and trash, weeding, water application, irrigation repair, replacement of plant material that dies, and other activities required to ensure the long-term survival of plant material.</p>	<p>During and after construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	
<p>CUL-01 If previously unidentified cultural materials are unearthed during construction, work shall cease within 50 feet of the find until a qualified archaeologist, approved by the City, is able to assess the significance of the find. If a find is determined to be significant, the City and the archaeologist, in consultation with Native American representatives, will meet to determine appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered will be, as necessary and at the discretion of the qualified archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.</p>	<p>During construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
NEW RIVER CLASS I BICYCLE TRAIL PROJECT**

Mitigation Measure	Timing	Monitoring Responsibility	Sign Off
<p>CUL-02 If previously unidentified paleontological resources are unearthed during construction, work shall cease within 50 feet of the find until a qualified paleontologist, approved by the City, is able to assess the significance of the find. If a find is determined to be significant, the City and the paleontologist will determine appropriate avoidance measures or other appropriate mitigation. All significant fossil materials recovered will be, as necessary and at the discretion of the qualified paleontologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.</p>	<p>During construction activities</p>	<p>Construction Manager and City of Calexico Public Works Department</p>	

Attachment A



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

November 3, 2015

Nick Servin
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Subject: New River Class I Bicycle Trail Project
SCH#: 2015101007

Dear Nick Servin:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on November 2, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015101007
Project Title New River Class I Bicycle Trail Project
Lead Agency Calexico, City of

Type MND Mitigated Negative Declaration
Description The proposed project consists of two primary components: 1) the construction and operation of a new 2.4 mile Class I Bike Trail; and 2) the improvement of parkways (e.g. landscaped overlooks) adjacent to the proposed bicycle path. The project also includes the construction of one new bicycle/pedestrian bridge over the portion of the New River along the proposed bicycle path.

Lead Agency Contact

Name Nick Servin
Agency City of Calexico
Phone 760 768 2106
email
Address 608 Heber Avenue
City Calexico
State CA **Zip** 92231
Fax

Project Location

County Imperial
City Calexico
Region
Lat / Long
Cross Streets Wozencraft Street / AM Thielemann Avenue and Animal Shelter Drive / W 2nd Street
Parcel No.
Township 17S **Range** 14E **Section** 14/15 **Base**

Proximity to:

Highways Hwy 111
Airports Calexico Int'l
Railways
Waterways New River
Schools Allen & Helen Mains ES & Vincent Memorial HS
Land Use GPI:UD: Open Space, Industrial, Public Facility
Z: Open Space

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 7; Native American Heritage Commission

Date Received 10/02/2015 **Start of Review** 10/02/2015 **End of Review** 11/02/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.