

BOS AGREEMENT NO. _____
DOT AGREEMENT NO. 080109

MEMORANDUM OF UNDERSTANDING BETWEEN
THE MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT,
MENDOCINO COLLEGE
AND
THE COUNTY OF MENDOCINO REGARDING THE
NORTH STATE STREET AREA, COLLEGE GATEWAY PROJECT

This Memorandum of Understanding is entered into the _____ day of _____, 2008 by and between the Mendocino College (Hereinafter referred to as "College") and the County of Mendocino (hereinafter referred to as "County").

WHEREAS, the Mendocino College is a rural college that serves 4,750 students per semester in a District that encompasses the greater parts of Lake and Mendocino Counties (California, USA). The beautiful 127-acre main campus is situated at the terminus of Hensley Creek Road among the oaks on a country hillside that overlooks the Ukiah Valley;

And

WHEREAS, Countywide Mendocino County maintains 157 bridges, 1019 miles of road including Ackerman Creek Bridge on North State Street, which is the principle arterial, serving Hensley Creek Road and the College.

BOTH parties agree there are pedestrian, bicycle and vehicular traffic needs along North State Street and recognize the need to protect public safety and minimize as much as possible the risks of accidents caused by area congestion to provide for a safe route for students who would access the college using different modes of travel. The addition of bike lanes with curb and gutter facilitates the possibilities for neighboring landowners to provide sidewalks and is beneficial to the entire area business community.

BOTH parties agree that installation of bicycle lanes, and the widening of the two bridge structures at Haul Road Overcrossing and Ackerman Creek to include bike lanes and sidewalks along with the installation of traffic safety intersection lighting at Hensley Creek Road are acceptable solutions for the safety of all travelers.

NOW, THEREFORE, BASED ON THE FOREGOING RECITALS, THE PARTIEES HERETO AGREE AS FOLLOWS:

1. The College and County will mutually agree to improvement plans now being prepared for phase I (2009 construction) of the widening of North State Street from Mile Post (MP) 0.05 to 1.30 and the Haul Road Overcrossing bridge to include a continuous center turn lane and bike lanes with sidewalks on the structure and roadside sidewalks added later by property owners.

2. The College and County will mutually agree to improvement plans to be prepared in the future for phase II (2012 construction – depending on federal bridge funding) of the widening of Ackerman Creek Bridge to include a continuous center turn lane and bike lanes with sidewalks on the structure and roadside sidewalks added later by property owners.
3. The College will contribute \$500,000 to these efforts; \$ 406,500 of which are needed as local match for Ackerman Creek Bridge with the remainder of the contribution going toward all project improvements including the Hensley Creek Road/North State Street intersection including stamped asphalt cross walks, improved intersection safety lighting and stubbed electric conduit for a separate College sponsored sign project to be accomplished under future encroachment permit in the County Right-of-Way.
4. In accomplishing the foregoing joint venture, each party hereto mutually agrees to hold each other harmless from any future liability from third party claims arising out of the action of the parties herein.

MENDOCINO COLLEGE

COUNTY OF MENDOCINO

By: _____
KATHRYN G. LEHNER
Superintendent/President

By: _____
CHAIR
Board of Supervisors

Attest: _____
KRISTI FURMAN, Clerk of the
Board

Approved as to form:

JEANINE B. NADEL, County Counsel

Recommending Approval

HOWARD N. DASHIELL, Director
Mendocino County Transportation
Department

RESOLUTION NO. 08-239

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND EXECUTING DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENT NO. 080109 BETWEEN THE MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT, MENDOCINO COLLEGE AND THE COUNTY OF MENDOCINO REGARDING THE NORTH STATE STREET AREA "GATEWAY REVITALIZATION PROJECT" (UKIAH AREA)

WHEREAS, the Mendocino College and Mendocino County agree there are pedestrian, bicycle and vehicular traffic needs along North State Street; and

WHEREAS, the Mendocino College and Mendocino County recognize the need to protect public safety and minimize as much as possible the risks of accidents caused by area congestion to provide a safe route for students who would access the college using different modes of travel; and

WHEREAS the Mendocino College and Mendocino County agree that the installation of bicycle lanes, and the widening of the two bridge structures at Haul Road Overcrossing and Ackerman Creek to include bike lanes and sidewalks along with the installation of traffic safety intersection lighting at Hensley Creek Road are acceptable solutions for the safety of all travelers.

NOW THEREFORE, BE IT RESOLVED AND SO ORDERED THAT THE MENDOCINO COUNTY BOARD OF SUPERVISORS:

- Does hereby approve Department of Transportation (DOT) Agreement No. 080109; and
- Authorizes the Director of Transportation or his designated representative to check, review, approve and sign any and all grant funding interments, required acknowledgments and issue and approve permits with other agencies on behalf of County during construction which do not substantially change the nature of the project and do not subject the County to any additional costs but are necessary for facilitating the construction of the project; and
- Authorizes the Chief Executive Officer or his designated representative to negotiate and sign any documents between the College and County related to this Agreement; and
- Does hereby authorize and direct the Chair of this Board to sign DOT Agreement No. 080109 on behalf of the County.

The foregoing Resolution introduced by Supervisor Smith, seconded by Supervisor Colfax, and carried this 9th day of December 2008, by the following vote:

AYES: Supervisors Delbar, Wattenburger, Pinches, Smith and Cofax
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.



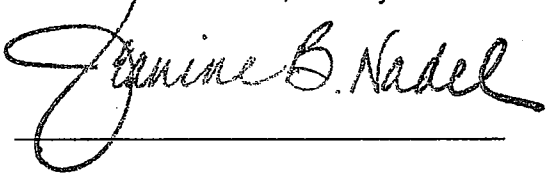
JIM R. WATTENBURGER, Chair
Mendocino County Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board



Deputy

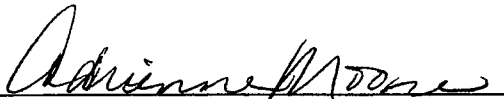
APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel



Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: KRISTI FURMAN
Clerk of the Board



Deputy