

RESOLUTION NO. 1-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DECLINING TO CONSENT TO THE CLOSURE OF NELLEN AVENUE TO ACCOMMODATE THE HIGHWAY 101 GREENBRAE/TWIN CITIES CORRIDOR IMPROVEMENT PROJECT'S SOUTHBOUND IMPROVEMENTS AND AUTHORIZE MAYOR TO EXECUTE AND DELIVER TO THE TRANSPORTATION AUTHORITY OF MARIN (TAM) AND CALTRANS A LETTER ADVISING THEM OF THE TOWN COUNCIL'S DECISION

WHEREAS, TAM and Caltrans are proposing to construct improvements to the north and southbound lanes of Highway 101 in the Greenbrae – Twin Cities areas costing approximately \$145,000,000 (the "Highway 101 Greenbrae/Twin Cities Corridor Improvement Project" or "Project");

WHEREAS, among other things, said improvements include the construction of a massive, elevated, concrete flyover along the western edge of the existing freeway that will have significant and adverse environmental and other effects on vistas, the visual aesthetics of the area, and the amount of noise impacting citizens and business persons living and working nearby;

WHEREAS, the Project proposes to effect material changes to traffic patterns and vehicular circulation in the Town of Corte Madera, including the closure of Nellen Avenue;

WHEREAS, Nellen Avenue serves a number of businesses and office buildings and its closure would create seriously adverse economic consequences for those businesses, remove parking spaces along its shoulder and force additional traffic onto Tamal Vista Blvd.;

WHEREAS, although earlier representing that they would prepare an environmental impact report to analyze the effects of the Project, TAM and Caltrans have failed to honor their assurances and have, instead, prepared an environmental document of lesser rigor, comprehensiveness and scrutiny in which they have determined the Project not to have any significant environmental effects;

WHEREAS, TAM and Caltrans have not advanced persuasive arguments or reliable data in support of their assertions that the Project is necessary or desirable; and

WHEREAS, closure of Nellen Avenue would not be in the best interests of the Town of Corte Madera, its citizens or businesses:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA resolves as follows:

1. Based on the above facts and reasons, among others, the Town Council cannot support and will not consent to the closure of Nellen Avenue to accommodate the construction of the Project as it is presently proposed and designed.

2. The Mayor is hereby authorized and directed to communicate, in writing, this Council action to TAM and Caltrans at her earliest convenience.

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I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Council of the Town of Corte Madera at a regular meeting thereof held on the 11th day of February, 2013, by the following vote:

Ayes, and in favor thereof, Council Members: Furst, Lappert, Cock, Ravasio

Noes, Council Members: None

Abstain, Council Members: None

Absent, Council Members: Condon

Dated: February 13, 2012

ATTEST: Beth Benz
Beth Benz, Deputy Town Clerk

Approved: Diane Furst
Diane Furst, Mayor

Approved as to form: Jeff Walter
Jeff Walter, Town Attorney