

RESOLUTION NO. 2005-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,
APPROVING THE MORNINGSTAR TENTATIVE TRACT MAP (APN's 043-020-69, 043-
020-80 and 043-020-79) AND CERTIFYING A MITIGATED NEGATIVE DECLARATION**

WHEREAS, Imperial Valley Residential Builders, L.P., has submitted an application for a Tentative Tract Map for certain real property described as Parcels 2 and 3, PM 8-61 and Parcel 2, PM 4-58 in a portion, Tract 135, Township 15 South, Range 13/14 East, San Bernardino Meridian, County of Imperial, State of California, consisting of 181.7 acres more or less, and otherwise known as Assessor's Parcel Numbers 043-020-69, 043-020-80 and 043-020-79; and

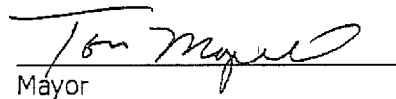
WHEREAS, a duly notified public hearing was held by the Planning Commission on October 12, 2005; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the Initial Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the Tentative Tract Map, pre-zone, and General Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

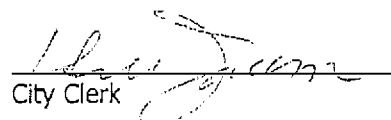
- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** the Morning Star Tentative Tract Map subject to the conditions of approval outlined in Exhibit A; and
- C) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** and certifies a Mitigated Negative Declaration; and
- D) All recommendations made by the Planning Commission are based on the following findings:
 - 1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act.
 - 2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
 - 3. The initial environmental assessment shows that there is no substantial evidence that the Tentative Tract Map may have a significant impact on the environment.
 - 4. There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project.
 - 5. The proposed Tentative Tract Map is consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
 - 6. The proposed Tentative Tract Map is consistent with the policies and the land uses of the existing City of Imperial General Plan.
 - 7. The proposed Tentative Tract Map is consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 19th day of October 2005.



Mayor

ATTEST:



City Clerk

RESOLUTION 2005-62

EXHIBIT A

CONDITIONS OF APPROVAL

for

**MORNINGSTAR TENTATIVE TRACT MAP
(APN 043-020-69, 043-020-80, and 043-020-79)**

1. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
2. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
3. The Developer/Applicant shall pay all impact and capacity fees.
4. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Tract Map shall record until such costs have been paid to the City.
5. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to submittal for approval to record the Tract Map.
6. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Tract Map. A Phasing Plan for infrastructure improvements shall be submitted to and approved by the City of Imperial City Council. The construction of on-site and off-site improvements shall adhere to the schedule set forth in the phasing plan and improvement plans.
7. The Developer shall provide adequate financial assistance to offset the impacts to local law enforcement, fire and school services to ensure the level of service of these departments are not adversely affected by the estimated population increase as a result of the development of this project.
8. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains and storage facilities in the project area if necessary and built according to City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.
9. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of wastewater. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in

accordance with City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.

10. Developer acknowledges that the potential pace of growth in the City and resulting demand on City services such as water and wastewater may result in such services not being available. Developer acknowledges particular concern with wastewater and agrees that capacity is not allocated until issuance of a building permit. Developer acknowledges that a building permit will not issue unless there is sufficient wastewater capacity based on the total amount of building permits already issued at that time. In order to address a shortage in wastewater capacity, the parties may agree upon fair share fees for the construction of a new wastewater treatment plant to respond to this project's wastewater demand.
11. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. Lighting improvements shall include street lights on Neckel Road, La Brucherie Road, Nance Road, Ralph Road, interior streets, at bus stops and at mail kiosks. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department, Building Department and the Imperial County Airport.
12. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the recordation of a Tract Map. Landscaping shall be provided in all parks and retention basins. Where noise walls are required along roadways landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems.
13. The Developer shall provide a minimum of 7.97 acres of parks with recreational amenities. The Developer/Applicant shall install lighting within all park areas for night-time security. All lighting shall be shielded and oriented so as not to create nuisance light and glare.
14. Prior to the recording of a Final Map, all current property owners shall petition to form a separate City of Imperial Community Facilities District ("CFD") in compliance with the City's Land Secured Financing Ordinance.
15. The Developer shall comply with the Financial Responsibility clause of the Memorandum of Understanding between the City of Imperial and the Imperial Unified School District with regards to mitigation of school impacts. The terms of the Financial Responsibility shall be satisfied prior to the recordation of any Final Map as it relates to cash deposits, dedications and/or funding from a Community Facilities District (CFD). The Development Impact Fees for schools shall be paid prior to issuance of any building permit. The City and the School District will jointly confirm that the terms of the Financial Responsibility have been fulfilled.
16. The Developer shall provide centrally located school bus turnout(s) within the project site as specified by the Superintendent of the Imperial Unified School District. The bus turnout(s) shall be at least 40 feet in length and will be provided with crosswalks, signage, night-time lighting, and any other traffic calming devices specified by the School District or City in order to ensure student safety during loading and unloading.
17. Prior to the start of any construction activity, a qualified California Department of Fish and Game (CDFG) biologist shall survey the site for any active owl burrows. Any burrows

found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows shall be destroyed by a qualified CDFG biologist to prevent the return of the owls to these burrows during the next mating season. All mitigation measures outlined in the Mitigated Negative Declaration shall apply.

18. A Grading and Drainage Plan/Study shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan/Study shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution. Prior to the recordation of a Tract Map, the Developer/Applicant shall provide the City with a letter from the Imperial Irrigation District (IID) stating that the plans have been reviewed and approved for the discharge of storm water onto IID facilities.
19. The retention ponds must be designed to drain out within seventy-two (72) hours of any storm event. Retention ponds must be landscaped so as to mitigate fugitive dust. The bottom of the retention ponds shall have a minimum separation with the top of the groundwater table such that the ponds will function in their intended use. Such ponds will not be credited as meeting the park requirement unless approved by the City.
20. Construction sites shall control dust (PM-10) generation through implementation of the construction mitigation measures detailed in Regulation VIII of the Air Pollution Control District's CEQA handbook and as outlined in the Mitigation Monitoring Program.
21. The Developer/Applicant shall construct five-foot (5') solid masonry walls along the northern boundary of the project site adjacent to the prolongation of Ralph Road, along and the western boundary of all residential lots abutting La Brucherie Road. The Developer/Applicant shall also install an eight-foot (8') solid masonry wall along the eastern edge of the school site and the eastern boundaries of the eastern-most residential lots. Landscaping shall be provided along all walls abutting roadways. The material and color of all walls required by this section shall be decorative and subject to the review and approval by the Planning Commission.
22. All residential development within the project site shall be constructed using building materials and techniques such as dual pane windows, and increased insulation to decrease interior noise levels within dwelling areas to 45 dba or lower.
23. All on-site utilities including power lines, telephone lines, and cable television lines shall be installed underground. In the event that the utility companies, such as the Imperial Irrigation District, determines that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
24. The Developer/Applicant shall relocate all on-site canals (e.g. Dahlia canal) and drains underground as shown on the Tentative Tract Map. In the event that the Imperial Irrigation District determines that on-site canals and drains cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
25. The Developer/Applicant shall provide a soils report indicating, among other things, the suitability of the site for the proposed development, specifications for earthwork, design guidelines for slabs and foundations and recommended roadway sections.

26. The conditional approval of the Tentative Subdivision Map, Zone Change and General Plan Amendment shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver. All mitigation measures outlined in the Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.
27. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
28. All Final Tract Maps shall provide for 10-foot public utility easements adjacent to all street rights of way for underground power, communications and cable television systems.
29. All off-site and on-site improvements shall comply with the City of Imperial Development Standards. Where no standards exist, the improvements shall be completed in accordance with the City Engineer's recommendations.
30. The Developer/Applicant shall comply with all requirements of the Imperial County Fire Department. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), and roadway access. All cul-de-sacs and roadway knuckles shall have a minimum radius of 60'.
31. The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period. The Developer may request time extensions in accordance with the Subdivision Map Act, but the granting of such time extensions is not automatic and is at the discretion of the City Council.
32. The Developer/Applicant shall record agricultural easements, to put new homeowners on notice regarding the noise, dust, odors and other potential impacts associated with active farming of nearby lands. The Developer/Applicant shall also make homeowners aware of the Imperial County Right to Farm Ordinance when they purchase new homes in the project area.
33. A Phasing Plan shall be submitted, reviewed and approved by the City of Imperial City Council. Phasing of the development shall demonstrate that each phase can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.
34. The Tract Map shall include an avigation easement for all lots created. In addition, all lots will be developed and sold with a hold harmless agreement with the City of Imperial and the County of Imperial Airport, and the US Naval Air Facility – El Centro. The avigation easement shall be reviewed and approved by the Imperial County Airport Manager and shall be consistent with the avigation easement recorded for the Sky Ranch Subdivision.
35. The Developer shall complete half-width improvements extending Ralph Road between Highway 86 and the western project boundary. Installation of portions of the above-referenced improvements will require acquisition of land in which neither Developer nor City has sufficient title or interest. Prior to approval of a final map, the Developer shall either acquire the necessary interest or enter an agreement provided for by Government Code Section 66462.5 to complete the improvements prior to the completion of Phase II Final Map. At City's sole discretion, Developer will either undertake private condemnation or pay all costs associated with annexation. Installation of the above-referenced

improvements will be subject to a fair share reimbursement at the time development occurs (i.e., building permits are issued) within the surrounding areas.

36. The Developer shall complete half-width improvements for the proposed Nance Road at the western-most portion of the project site.
37. The Developer shall improve La Brucherie Road from the prolongation of Ralph Road to a point approximately 1,325' south as an Arterial roadway as defined in the City of Imperial General Plan. A minimum 10:1 roadway taper shall be provided at the termination of improvements.
38. Dedicated left-turn lanes shall be provided at the La Brucherie and Neckel Road intersection. Dedicated left-turn lanes shall also be provided at all cross streets intersecting Neckel Road and Ralph Road.
39. The Improvement Plans shall include school cross walks, related signage, and reduced speeds in the vicinity of the school. The Developer shall submit a School Route Plan in accordance with the 2003 Manual of Uniform Traffic Control Devices (MUTCD).
40. The Developer shall pay fair share fees for the future installation of traffic control signals and related improvements at the Highway 86/Larsen Road, Highway 86/Ralph Road, Highway 86/Neckel Road, and Highway 86/Keystone Road intersections.
41. The Developer shall also pay fair share fees for the mitigation of cumulative impacts on the Highway 86/Barioni Boulevard intersection. Improvements at this intersection include the provision of dedicated left-turn, through, and right-turn lanes for the eastbound approach.
42. All fair share fees required for the mitigation of traffic impacts shall be paid based on the following formula: $(\text{traffic Generated} / \text{roadway capacity}) * \text{project cost}$.
43. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial, Imperial County Airport, and the US Naval Air Facility – El Centro and their agents, including consultants, officers and employees from any claim, action or proceeding against the City, County Airport, or Naval Air Facility or their agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration, including any claim for private attorney general fees claimed by or awarded to any party from the City, County Airport or Naval Air Facility.
44. To the greatest extent feasible, buffer zones shall be established on every side of the parks that abut major roadways. These areas of separation shall consist of fencing, parking areas or similar protective barriers.

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)ss
CITY OF IMPERIAL)

I, the undersigned, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2005-62 was duly and regularly adopted at a regular meeting of the Imperial City Council held on the 19th day of October 2005, by the following vote:

AYES: COX, DALE, SAMPSON, AND MAZEROLL

NAYES: NONE

ABSENT: NONE

ABSTAIN: GRAN

MOTION CARRIED 4-0-1



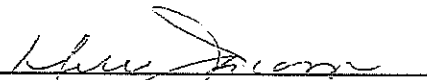
DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA

CERTIFICATE

OF

CITY CLERK

I, Debra Jackson, City Clerk of the City of Imperial **DO HEREBY CERTIFY THAT** the foregoing is a true and correct copy of Resolution No. 2005-62 adopted by the Imperial City Council at their regular meeting of October 19, 2005.


Debra Jackson
City Clerk

RESOLUTION 2005-62

EXHIBIT A

CONDITIONS OF APPROVAL

for

**MORNINGSTAR TENTATIVE TRACT MAP
(APN 043-020-69, 043-020-80, and 043-020-79)**

McMILLIN

1. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.

MAP.

2. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.

MC.

3. The Developer/Applicant shall pay all impact and capacity fees.

MC.

4. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Tract Map shall record until such costs have been paid to the City.

5. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to submittal for approval to record the Tract Map.

ddee

6. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Tract Map. A Phasing Plan for infrastructure improvements shall be submitted to and approved by the City of Imperial City Council. The construction of on-site and off-site improvements shall adhere to the schedule set forth in the phasing plan and improvement plans.

MC.

7. The Developer shall provide adequate financial assistance to offset the impacts to local law enforcement, fire and school services to ensure the level of service of these departments are not adversely affected by the estimated population increase as a result of the development of this project.

MC

8. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains and storage facilities in the project area if necessary and built according to City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.

DDE

9. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of wastewater. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in

accordance with City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.

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12. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the recordation of a Tract Map. Landscaping shall be provided in all parks and retention basins. Where noise walls are required along roadways landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems.

Final Map

13. The Developer shall provide a minimum of 7.97 acres of parks with recreational amenities. The Developer/Applicant shall install lighting within all park areas for night-time security. All lighting shall be shielded and oriented so as not to create nuisance light and glare.

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14. Prior to the recording of a Final Map, all current property owners shall petition to form a separate City of Imperial Community Facilities District ("CFD") in compliance with the City's Land Secured Financing Ordinance.

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15. The Developer shall comply with the Financial Responsibility clause of the Memorandum of Understanding between the City of Imperial and the Imperial Unified School District with regards to mitigation of school impacts. The terms of the Financial Responsibility shall be satisfied prior to the recordation of any Final Map as it relates to cash deposits, dedications and/or funding from a Community Facilities District (CFD). The Development Impact Fees for schools shall be paid prior to issuance of any building permit. The City and the School District will jointly confirm that the terms of the Financial Responsibility have been fulfilled.

Plans

16. The Developer shall provide centrally located school bus turnout(s) within the project site as specified by the Superintendent of the Imperial Unified School District. The bus turnout(s) shall be at least 40 feet in length and will be provided with crosswalks, signage, night-time lighting, and any other traffic calming devices specified by the School District or City in order to ensure student safety during loading and unloading.

17. Prior to the start of any construction activity, a qualified California Department of Fish and Game (CDFG) biologist shall survey the site for any active owl burrows. Any burrows

found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows shall be destroyed by a qualified CDFG biologist to prevent the return of the owls to these burrows during the next mating season. All mitigation measures outlined in the Mitigated Negative Declaration shall apply.

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DDE

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22. All residential development within the project site shall be constructed using building materials and techniques such as dual pane windows, and increased insulation to decrease interior noise levels within dwelling areas to 45 dba or lower.

IID/MC

23. All on-site utilities including power lines, telephone lines, and cable television lines shall be installed underground. In the event that the utility companies, such as the Imperial Irrigation District, determines that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.

IID/MC

24. The Developer/Applicant shall relocate all on-site canals (e.g. Dahlia canal) and drains underground as shown on the Tentative Tract Map. In the event that the Imperial Irrigation District determines that on-site canals and drains cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.

MC

25. The Developer/Applicant shall provide a soils report indicating, among other things, the suitability of the site for the proposed development, specifications for earthwork, design guidelines for slabs and foundations and recommended roadway sections.

MC 26. The conditional approval of the Tentative Subdivision Map, Zone Change and General Plan Amendment shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver. All mitigation measures outlined in the Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.

MC 27. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.

MAP
DDP 28. All Final Tract Maps shall provide for 10-foot public utility easements adjacent to all street rights of way for underground power, communications and cable television systems.

DDP 29. All off-site and on-site improvements shall comply with the City of Imperial Development Standards. Where no standards exist, the improvements shall be completed in accordance with the City Engineer's recommendations.

DDP 30. The Developer/Applicant shall comply with all requirements of the Imperial County Fire Department. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), and roadway access. All cul-de-sacs and roadway knuckles shall have a minimum radius of 60'.

MC 31. The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period. The Developer may request time extensions in accordance with the Subdivision Map Act, but the granting of such time extensions is not automatic and is at the discretion of the City Council.

DDP 32. The Developer/Applicant shall record agricultural easements, to put new homeowners on notice regarding the noise, dust, odors and other potential impacts associated with active farming of nearby lands. The Developer/Applicant shall also make homeowners aware of the Imperial County Right to Farm Ordinance when they purchase new homes in the project area.

MC/ 33. A Phasing Plan shall be submitted, reviewed and approved by the City of Imperial City Council. Phasing of the development shall demonstrate that each phase can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

DDP 34. The Tract Map shall include an avigation easement for all lots created. In addition, all lots will be developed and sold with a hold harmless agreement with the City of Imperial and the County of Imperial Airport, and the US Naval Air Facility – El Centro. The avigation easement shall be reviewed and approved by the Imperial County Airport Manager and shall be consistent with the avigation easement recorded for the Sky Ranch Subdivision.

DDP 35. The Developer shall complete half-width improvements extending Ralph Road between Highway 86 and the western project boundary. Installation of portions of the above-referenced improvements will require acquisition of land in which neither Developer nor City has sufficient title or interest. Prior to approval of a final map, the Developer shall either acquire the necessary interest or enter an agreement provided for by Government Code Section 66462.5 to complete the improvements prior to the completion of Phase II Final Map. At City's sole discretion, Developer will either undertake private condemnation or pay all costs associated with annexation. Installation of the above-referenced

improvements will be subject to a fair share reimbursement at the time development occurs (i.e., building permits are issued) within the surrounding areas.

DDE 36. The Developer shall complete half-width improvements for the proposed Nance Road at the western-most portion of the project site.

DDE 37. The Developer shall improve La Brucherie Road from the prolongation of Ralph Road to a point approximately 1,325' south as an Arterial roadway as defined in the City of Imperial General Plan. A minimum 10:1 roadway taper shall be provided at the termination of improvements.

DDE 38. Dedicated left-turn lanes shall be provided at the La Brucherie and Neckel Road intersection. Dedicated left-turn lanes shall also be provided at all cross streets intersecting Neckel Road and Ralph Road.

DDE 39. The Improvement Plans shall include school cross walks, related signage, and reduced speeds in the vicinity of the school. The Developer shall submit a School Route Plan in accordance with the 2003 Manual of Uniform Traffic Control Devices (MUTCD).

MC 40. The Developer shall pay fair share fees for the future installation of traffic control signals and related improvements at the Highway 86/Larsen Road, Highway 86/Ralph Road, Highway 86/Neckel Road, and Highway 86/Keystone Road intersections.

MC 41. The Developer shall also pay fair share fees for the mitigation of cumulative impacts on the Highway 86/Barioni Boulevard intersection. Improvements at this intersection include the provision of dedicated left-turn, through, and right-turn lanes for the eastbound approach.

MC 42. All fair share fees required for the mitigation of traffic impacts shall be paid based on the following formula: $(\text{traffic Generated} / \text{roadway capacity}) * \text{project cost}$.

MC 43. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial, Imperial County Airport, and the US Naval Air Facility – El Centro and their agents, including consultants, officers and employees from any claim, action or proceeding against the City, County Airport, or Naval Air Facility or their agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration, including any claim for private attorney general fees claimed by or awarded to any party from the City, County Airport or Naval Air Facility.

MC 44. To the greatest extent feasible, buffer zones shall be established on every side of the parks that abut major roadways. These areas of separation shall consist of fencing, parking areas or similar protective barriers.