# Determination of Categorical Exclusion (subject to 58.5)

Determination of activities per 24 CFR 58.35(a)
May be subject to provisions of Sec 58.6, as applicable

Project Name: Nance Avenue Reconstruction
Project Description: Street reconstruction and restriping
Address: 800 Block Nance
Funding Source: CDBG - R
Funding Amount: $140,000
Grant Number: B-09-MC-06-0516

I hereby certify that the abovementioned project has been reviewed and determined to be a Categorically Excluded activity (subject to 58.5) per 24 CFR 58.35(a) as follows:

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| X | 1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets); |
| | 2. Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons; |
| | 3. Rehabilitation of buildings and improvements when the following conditions are met:<br>i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland; or,<br>ii. In the case of multifamily residential buildings:<br>A. Unit density is not changed more than 20 percent;<br>B. The project does not involve changes in land use from residential to non-residential; and<br>C. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation; or,<br>iii. In the case of non-residential structures, including commercial, industrial, and public buildings:<br>A. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and<br>B. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another. |
| | 4. For non-residential buildings:<br>i. An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or,<br>ii. An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site; or,<br>iii. Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section). |
| | 5. Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use. |
| | 6. Combinations of the above activities. |

The responsible entity must also complete and attach a **Statutory Worksheet**. By signing below the Responsible Entity certifies in writing that each activity or project is Categorically Excluded (subject to 58.5) and meets the conditions specified for such exemption under section 24 CFR 58.35(a). Please keep a copy of this determination in your project files.

Gerald M. Caton, City Manager
Responsible Entity Certifying Official Name & Title (please print)

Gerald M. Caton
Responsible Entity Certifying Official Signature

7-20-09
Date