

ROADS C&A  
Cost Sharing -  
Thornton Way  
SQ City of

AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE  
COUNTY OF SANTA CLARA FOR CONSTRUCTION  
OF THORNTON WAY "S" CURVE

This is an Agreement, made and entered by and between the City of San Jose, a municipal corporation of the State of California, hereinafter referred to as "City", and the County of Santa Clara, a political subdivision of the State of California, hereinafter referred to as "County".

Recitals

WHEREAS, the City and County desire to improve Thornton Way by widening and by realigning an "S" curve south of Enborg Lane; and

WHEREAS, Thornton Way is a public street, portions of which lie within the jurisdiction of the City and of the County, said street within both jurisdictions being affected by a proposed development (Tract 7991) and the planned development permit and tentative map conditions pertaining thereto; and

WHEREAS, the City will obtain its portion of said realignment improvements, the west side of the centerline of the "S" curve, from the developer of Tract 7991; and

WHEREAS, the County desires to accommodate the completion of this street construction to its planned ultimate width and design along this "S" curve by having the developer of this tract perform in a single project all of the street construction work required within the respective territorial jurisdictions of both the City and the County; and

WHEREAS, the County is willing to pay to City a sum of Fifty-Five Thousand Dollars (\$55,000.00) in consideration of these street realignment improvements situated within its jurisdiction, the east side of the centerline of the street; and

<sup>city</sup>  
**ORIGINAL**

OCT 20 1987

3 Originals (2 pink-tagged to Natalie Wells, Supervisor Diridon's Office, for hand-carrying to City of San Jose for execution and return of 2 pink-tagged originals --10/23/87.djr Fully executed original to County Executive's Office, Patrick Love; fully executed copy to Controller, TA-Road Operations-Alan Jones, TA-Finance, TA-Administration, the City of San Jose Public Works Department, Attn. Ron Conn, and Nick Podell of M. H. Podell Co., 1199 Howard Ave., Burlingame, CA 94010 12/7/87 ej

WHEREAS, the City is willing to administer the construction of the above-said improvements as a single project by the developer,

WHEREAS, as provided and allowed by Section 14.04.170 of the San Jose Municipal Code, the City, on June 2, 1987, entered into Contract For The Improvement of Tract No. 7991 with Redwood Garden Apartments (developer). Said contract requires developer to construct street improvements on Thornton Way south of Enborg Lane if the County deposits its share of the cost of construction with the City by September 15, 1987, contract further providing that the City will reimburse the developer for the County's share, and

WHEREAS, the City intends, concurrent with the approval of this Agreement, to amend its contract with developer to require Thornton Way improvements if County has approved this agreement by October 20, 1987, and that the amount of reimbursement will be \$55,000, and to require that developer name the County of Santa Clara as additional insured on insurance policies required under the contract.

NOW THEREFORE the parties agree as follows:

1. Plans and Specifications: The plans and specifications for this project shall be the plans and specifications entitled "Plan for the Improvement of Moorpark Avenue and Thornton Way" and "Plans For the Improvement of Thornton Way" provided by LEA Engineering, as revised August 19, 1987, as said plans relate to the improvements which are to be situated east of the centerline of Thornton Way.

2. Administration of Contract and Construction: City shall administer the construction contract pursuant to law and subject to the conditions of the County encroachment/ construction permit, dated August 27, 1987, and right of entry, dated August 25, 1987. City shall provide the engineering and inspection associated with this project.

3. County Payment: County agrees to pay City the amount of Fifty-Five Thousand Dollars (\$55,000.00) for the construction of all improvements which are the subject of this agreement. Payment shall be made within 30 days of the execution of this agreement.

4. Conditions:


a. Maximum County Participation. County's share of total construction costs shall not exceed Fifty-Five Thousand Dollars (\$55,000.00) for said project.

5. Insurance: City shall require the developer to secure and maintain in full force and effect at all times during construction of said project and until said project is accepted by City, public liability and property damage insurance in forms and limits of liability and satisfactory and acceptable to both County and City, naming County and City and their respective officer and employees as insured, from and against any claims, loss, liability, cost or expense arising out of or in any way connected with the construction of said project.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of OCT 20 1987.

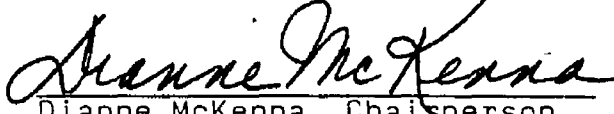
CITY OF SAN JOSE,  
a municipal corporation, "City"

APPROVED AS TO FORM:

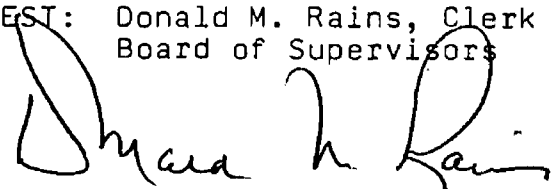
  
\_\_\_\_\_  
Deputy City Attorney

By:   
Andrea M. Pavone, City Clerk

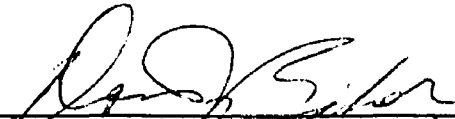
COUNTY OF SANTA CLARA  
a political subdivision of the  
State of California, "County"

  
\_\_\_\_\_  
Dianne McKenna, Chairperson  
Board of Supervisors

ATTEST: Donald M. Rains, Clerk  
Board of Supervisors

  
\_\_\_\_\_  
Donald M. Rains

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
DONALD J. BAKER  
Deputy County Counsel 10/13/87

County of Santa Clara  
California

Approved copy of transmittal to Pat Love, County Executive's Office, and Alan Jones, Transportation Agency/Road Operations - 10/23/87 djr

Prepared by: Patrick Love  
Project Manager



Reviewed by: John Maltbie  
Asst. County Executive

October 7, 1987

APPROVED BY THE BOARD OF SUPERVISORS

OF SANTA CLARA COUNTY OCT 20 1987

DONALD M. RAINS, Clerk of the Board

TO: Board of Supervisors

BY Dorothy Fosch  
Deputy Clerk

FROM: Sally Reed, County Executive

SUBJECT: Agreement with the City of San Jose for Road Improvements  
on Thornton Way

RECOMMENDED ACTION

It is recommended that the Board of Supervisors approve and authorize the Chairperson to execute the attached agreement with the City of San Jose for County participation in road improvements to Thornton Way, a street on the City-County boundary immediately west of Valley Medical Center.

FINANCIAL IMPACT

This agreement transfers the sum of \$55,000 to the City of San Jose for fifty percent of the cost of the improvements. The funds were approved by the Board during the Fiscal Year 1988 budget hearings and are appropriated in Fund 0048.

REASONS FOR RECOMMENDATION

The City of San Jose has required road improvements to Thornton Way as a condition of approval for a private development fronting on Thornton Way, which is equally divided between City and County jurisdiction. This action will enable the City to administer the project and permit the developer to improve both sides of the street simultaneously.

*Cjg*  
**ORIGINAL**

BACKGROUND

The M.H. Podell Company is building a 300-unit apartment complex at the intersection of Moorpark Avenue and Thornton Way on the site of the old Moorpark School. Based on input from the Burbank community, the City of San Jose imposed several conditions on the developer for approval of the project. One of these conditions is the improvement of Thornton Way, including extension of an S-curve radius, paving, lighting and curb and gutter. The improvements affect the County because the County is the adjacent landowner and is building the new Medical Examiner/Coroner Facility on the same frontage. The agreement will enable the County to participate in the City-administered road improvement project.

STEPS FOLLOWING APPROVAL

The Clerk will send executed copies of the agreement to:

City of San Jose  
Public Works Department  
801 North First Street, Room 340  
San Jose, CA 95110  
Attn: Ron Conn

M.H. Podell Company  
1199 Howard Avenue  
Burlingame, CA 94010  
Attn: Nick Podell

County Transportation Agency  
Road Operations  
Attn: Alan Jones

County Executive's Office  
Attn: Patrick Love

COUNTY OF SANTA CLARA  
CALIFORNIA

OFFICE OF THE BOARD OF SUPERVISORS  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408) 299-4321

MEMBERS OF THE BOARD  
Susanne Wilson, District 1  
Zoe Lofgren, District 2  
Thomas L. Legan, District 3  
Rod Diridon, District 4  
Dianne McKenna, District 5

December 7, 1987

Mr. Nick Podell  
M. H. Podell Company  
1199 Howard Avenue  
Burlingame, CA 94010

Dear Mr. Podell:

SUBJECT: Agreement between the City of San Jose and the County of Santa Clara for construction of Thornton Way "S" Curve

Enclosed you will find one fully executed copy of the subject agreement between the County of Santa Clara and the City of San Jose. The Board of Supervisors, at its regularly scheduled meeting on October 20, 1987, approved this agreement on behalf of the County.

The enclosed is for your information and records.

Very truly yours,

BOARD OF SUPERVISORS  
DONALD M. RAINS, CLERK

  
Erlene Jones  
Deputy Clerk

DMR:ej

Enclosure

THIS IS FOR YOUR STARS  
ENTRY AND TRANSMITTAL TO  
FINANCE.

JOB NO. None  
CHANGE ORDER NO. None

BOARD OF SUPERVISORS  
COUNTY OF SANTA CLARA

DATE: December 7, 1987

The following Agreement was approved by the Board of Supervisors at a meeting held on October 20, 1987, Item No. 48.


PROJECT TO BE CHARGED: Road Improvements to Thornton Way.

FOR THE AMOUNT OF \$55,000

CONTRACTOR: City of San Jose.

COMPLETION DATE:

BUDGET ITEM: \_\_\_\_\_ (FOR CONTROLLER'S USE)

  
\_\_\_\_\_  
Deputy Clerk

Erline Jones

CC -- CONTROLLER ✓  
CC -- FILE  
CC -- ORIGINATING DEPARTMENT-COUNTY EXECUTIVE'S OFFICE  
CC -- TRANSPORTATION AGENCY-ROAD OPERATIONS  
CC -- TRANSPORTATION AGENCY-FINANCE