

RESOLUTION AMENDING THAT CERTAIN RESOLUTION ADOPTED ON
THE 28TH DAY OF JUNE, 1954, AUTHORIZING EXECUTION BY
THE COUNTY OF SANTA CLARA OF THAT CERTAIN COUNTY-STATE
AGREEMENT NO. 11 PERTAINING TO FAS PROJECT S-994 (1).

WHEREAS, the Board of Supervisors of the County of Santa Clara, State of California, did, on the 28th day of June, 1954, regularly pass and duly adopt that certain Resolution authorizing execution by the County of Santa Clara of that certain County-State Agreement No. 11 pertaining to FAS Project S-994 (1) covering the proposed construction on Union Avenue between Los Gatos-Almaden Road and State Route 5, and did in said Resolution order that each of the five (5) members of the Board of Supervisors of the County of Santa Clara be authorized and directed to execute said Agreement; and

WHEREAS, due to the absence of one (1) member of said Board of Supervisors since the date of said Resolution, and due to his inability to execute said document,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that said Resolution passed on the 28th day of June, 1954, be, and the same is hereby amended in the following particular: That the Chairman of the Board of Supervisors of the County of Santa Clara, State of California, and any other two (2) members of said Board of Supervisors be, and each is hereby authorized and directed to execute that certain Agreement hereinabove referred to.

AND BE IT FURTHER RESOLVED AND ORDERED that the Clerk of this Board attach a certified copy of this Resolution to each copy of said Agreement and transmit the original and a duplicate copy of said Agreement and Resolution to the Assistant State Highway Engineer for District IV, for the Division of Highways, Department of Public Works, State of California.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this 12th day of July, 1954, by the following vote:

AYES: Supervisors, Brown, DellaMaggiore, Gaspar, McKinnon

NOES: Supervisors, None

ABSENT: Supervisors, Levin

Chairman of the Board of Supervisors

ATTEST: RICHARD OLSON

Clerk of the Board of Supervisors

#1130

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
DISTRICT IV
150 OAK STREET
SAN FRANCISCO 2, CALIFORNIA
UNDERHILL 3-0222

ADDRESS ALL COMMUNICATIONS TO
P. O. BOX 3366, RINCON ANNEX
SAN FRANCISCO 19

PLEASE REFER
TO FILE NO.

June 25, 1954

IV-SC1-S-994(1)
Union Avenue

Mr. Leonard Bushnell
Road Commissioner
Santa Clara County
First and Rosa Streets
San Jose, California

Dear Mr. Bushnell:

Attached, in triplicate, for execution by the County of Santa Clara, is County-State Agreement No. 11, covering the construction proposed on Union Avenue, between Los Gatos-Almaden Road and State Route 5, FAS Project S-994(1), in Santa Clara County.

Please have the County Board of Supervisors execute this agreement and return the original and duplicate copy to this office for further handling.

The third copy may be retained by the County for reference until a completely executed copy is returned to you. The County will insert the date of execution. Your attention is called to the fact that a certified copy of the Boards' resolution authorizing its chairman or other member to execute the agreement must be attached to each copy of the agreement. Even though all five members sign the agreement a certified resolution showing official board action is required.

As you know, it will be necessary that this agreement be executed before we can actually advertise the project.

When returning the executed agreement please inform us how much of the construction engineering should be set up to be performed by the State in order that funds can be provided for in the construction engineering work order upon bid opening. Counties which perform their own engineering sometime deposit all of the construction engineering funds and bill the project in order to keep their books as they want them. Other Counties prefer not to deposit more than is necessary to pay for construction engineering to be performed by the State since it is possible to collect Federal Aid funds on the participating portion of their construction engineering by submitting detailed statements upon completion.

The attached tabulation indicates the status of funds available to Santa Clara County for the completion of financing

Mr. Lennard Bushnell

-2-

June 25, 1954

of this project.

Your cooperating in this matter will be appreciated.

Yours very truly,

B. W. Booker
Assistant State Highway Engineer

By

John J. Fleming
John J. Fleming
Assistant City and County Cooperative
Projects Engineer

Attach

UNION AVENUE AGREEMENT

NO. 1130

WITH STATE DIV. OF HWYS.

June 28. 1954

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

DISTRICT IV
150 OAK STREET
SAN FRANCISCO 2, CALIFORNIA
UNDERHILL 3-0222

ADDRESS ALL COMMUNICATIONS TO
P. O. BOX 3366, RINCON ANNEX
SAN FRANCISCO 19

July 7, 1954

PLEASE REFER
TO FILE NO.

IV-SC1-FAS-994
Proj. S-994(1)
Union Avenue

Mr. Richard Olson, Clerk
Board of Supervisors of Santa Clara County
First and Rosa Streets
San Jose, California

Dear Mr. Olson:

Reference is made to your letter of July 6, 1954, returning County-State Agreement No. 11 covering construction proposed on Union Avenue, between Los Gatos-Almaden Road and State Highway Route 5, FAS Project S-994(1), in Santa Clara County.

Since one of the members of the Board of Supervisors was not available to execute the agreement, it is the District's opinion that the resolution accompanying the agreement should be amended or revised by the County before transmittal to our Headquarters Office.

The resolution specifically states in part that "five (5) members of the Board of Supervisors of the County of Santa Clara, State of California, be and each is hereby authorized and directed to execute that certain agreement hereinabove referred to".

Since the agreement was not executed in the manner prescribed in the County resolution, execution of the agreement is believed to be insufficient. It is not necessary that all members of the Board of Supervisors sign the agreement; however, execution of the agreement should be consistent with the authorization in the resolution.

The resolution and agreement are being returned herewith, in duplicate, with the request that authorization in the resolution be made compatible with signatures on the agreement.

Very truly yours,

B. W. Booker
Assistant State Highway Engineer

F. W. Montell
F. W. Montell
Assistant District Engineer
City & County Cooperative Projects

cc - Mr. Leonard Bushnell
Road Commissioner

COUNTY-STATE AGREEMENT NO. 11
FEDERAL AID SECONDARY ROADS

IV Santa Clara
District County
FEDERAL PROJECT S-994(1)

Union Avenue

THIS AGREEMENT, made in duplicate this _____ day of _____, 19____,

by and between the COUNTY OF Santa Clara, State of California, hereinafter referred to as the "County," and the DEPARTMENT OF PUBLIC WORKS (Division of Highways) of the State of California, hereinafter referred to as the "Department."

WITNESSETH:

It is agreed between the parties that the project or projects hereinafter described shall be constructed under and pursuant to, and in accordance with the provisions of the attached Exhibits A and B, which exhibits are hereby made a part of this agreement.

Santa Clara County agrees to provide necessary matching funds prior to award of contract.

The Board of Supervisors of the County of Santa Clara by Resolution dated June 28, 1954 has approved this agreement and authorized its execution.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands and seals the day and year first above written.

Approval Recommended:

District Engineer

Engineer, Federal Secondary Roads

Approved as to Form and Procedure:

ATTORNEY for Department

County of Santa Clara

By W. Brown Chairmen of the Board of Supervisors

San Della Saggion

Walter Gaspar

[Signature]

State of California
Department of Public Works
Division of Highways

G. T. McCoy
State Highway Engineer

By _____
Deputy State Highway Engineer

Article I. This agreement is made in the light of the following facts and circumstances:

1. Under the provisions of the Federal-Aid Highway Acts certain funds are authorized to be appropriated for expenditure on a system of principal secondary roads to be selected by the State highway departments in cooperation with the county supervisors and the Commissioner of Public Roads. The route upon which the subject project is proposed has been so selected and approved by the Commissioner of Public Roads for inclusion in the Federal-Aid Secondary Road System. Federal-Aid Highway funds are now available for obligation to the subject project.

2. The Department is required to enter into an agreement with the Commissioner of Public Roads relative to the prosecution of this project and the obligation of participating Federal-Aid funds.

THEREFORE, in consideration of the premises herein contained, the parties agree as follows:

Article II. Cooperation with the United States.**MAINTENANCE**

1. The Federal-Aid Acts require that the maintenance of projects constructed thereunder shall be the responsibility of the State and that a project for which the Department proposes to provide maintenance by an agreement with the County shall not be approved if any project previously improved with Federal funds under the provisions of the Federal Highway Acts, as amended and supplemented, which the County has agreed to maintain, is not being satisfactorily maintained as determined by the Commissioner.

It is therefore agreed that after completion of said project or usable portions thereof, and upon notice of such completion, the County will maintain the completed works in a manner satisfactory to the authorized agents of the United States.

Article III. Control of Work.**RIGHT OF WAY**

The furnishing of rights of way as provided for herein includes, in addition to all real property required for the improvement free and clear of obstructions and encumbrances, the payment of damages to real property not actually taken but injuriously affected by the proposed improvement.

1. Such rights of way as are necessary for the construction of the proposed improvement, will be furnished by the County.

2. It is understood that a contract for the construction of this project or any portion thereof cannot be awarded until the necessary right of way has been made available.

3. The County will furnish to the Department prior to advertising of the project evidence that necessary rights of way are available for construction purposes.

4. The County agrees to pay from county funds any costs, which are incurred in connection with this project, which arise out of right of way litigation or delays to the contractor because right of way has not been made available to him for the orderly prosecution of the work.

ENGINEERING

Preliminary Engineering—The term "preliminary engineering" as used herein includes all preliminary work, including but not restricted to, preliminary surveys and report, laboratory work, soil investigation, preparation of plans, design and advertising.

Construction Engineering—The term "construction engineering" as used herein includes actual inspection of the work, necessary construction staking, laboratory and field testing, field reports and records, estimates, final report, and allowable expenses of employees engaged therein.

County employees shall perform all engineering work. It is understood that the Department is held responsible by the United States Government for the conduct of the work and for satisfactory results and that the Department may not delegate its responsibility. It is therefore agreed that the Department will exercise general supervision over the work and may take direct control of the subject project at its discretion when it is deemed that the responsibility of the Department requires.

When the cost of Right of Way, Preliminary Engineering or Construction Engineering, incurred by the County is to be borne in part by Federal-Aid funds, the Department will reimburse the County for services performed on the basis of the actual cost thereof to the County including compensation and expense of personnel working on the project, the required materials and the use of county-owned automobiles at the rate of four cents per mile, provided, however, that the County will contribute its general administrative and overhead expense. Payments for such work will be made by the Department upon receipt of bills therefor, prepared in such form and supported by such detail as may be prescribed by the Department. The Department and the Bureau of Public Roads shall be given access to the County's books and records for the purpose of checking costs paid or to be paid by the Department hereunder.

AWARD OF CONTRACT

Actual construction work will be performed by contract. The Department will make the final preparation for advertising, will advertise and award the contract and will make payments to the contractor as the same become due.

Prior to advertising for bids the County and the Department must agree on an engineer's estimate as to the estimated cost of the project. No contract for an amount in excess of said engineer's estimate will be awarded unless sufficient funds are available and both the Department and County agree to such award.

Article IV. Special Covenants.

1. **Nonparticipating Items.** All costs ruled ineligible under the Federal-Aid Highway Acts but properly chargeable to this project shall be paid by the County.

2. **Preliminary Engineering.** All preliminary engineering charges, including the cost of advertising, have been or will be paid by the County from funds other than those provided by the Federal-Aid Highway Acts.

3. **Construction Engineering.** The construction engineering is included in the estimated cost and may be paid from Federal and County funds.

4. **Claims.** Since this project is not on a State Highway, State Highway funds may not be used to finance any costs including claims submitted by the contractor, Public Utilities, Rights of Way or other pertinent charges.

In the event that such claims are submitted and the Bureau of Public Roads and State Attorneys rule such claims cannot be paid by funds provided by the Federal-Aid Highway Acts the County will upon the demand of the Department, deposit with the State Treasurer, a sum sufficient to cover the cost of any or all claims.

Article V.

In case of conflict between any of the provisions contained in Exhibits A and B, the provisions of Exhibit B shall govern.

Article VI - Location of Project & Brief Description of Work.

On approved Federal-Aid Secondary Project S-994(1), in Santa Clara County, covering proposed construction on Union Avenue, between Los Gatos-Almaden Road and State Route 5, net length 2.2 miles.

Article VII - Funds.

1. The estimated cost of the project as covered by this agreement is:

Preliminary Engineering		\$ 2,600.00
Contract Items	\$409,457.40	
Supplemental Work	<u>8,500.00</u>	
Subtotal	\$417,957.40	
Contingencies	<u>11,542.60</u>	
Total Contract		\$429,500.00
Construction Engineering		<u>42,900.00</u>
Total		\$475,000.00

2. On the basis of the above estimate, this project will be financed as follows:

Federal-Aid Secondary Funds	\$201,569.00
State Funds, Chapter 1871	\$ 70,000.00
County Funds	\$203,431.00

3. The actual funds for the project will be set up after the bids have been opened, and shall be on the basis of contract prices. The amounts shown under the various categories of paragraph 2, above, may be adjusted from time to time as the needs of the parties make it desirable, provided that the balances available in any category, the total estimated project cost, or the maximum legal pro rata are not exceeded.

4. The County agrees to deposit the necessary matching funds (not already deposited) with the Division of Highways within five days of being notified of the amount required to award a contract to the lowest satisfactory bidder.

Santa Clara County

<u>Source of Funds</u>	<u>FAS Funds</u>	<u>Chapter 1871</u>	<u>Miscellaneous*</u>	<u>County</u>
<u>ALLOCATIONS:</u>				
Previous Fiscal Yrs	\$713,577.00	\$	\$596,687.93	\$210,781.11
1953-1954 FY	122,345.00	50,000		1,170.00
1954-1955 FY	<u>122,569.00</u>	<u>50,000</u>		<u>1,600.00</u>
Totals	\$958,491.00	\$100,000	\$596,687.93	\$213,551.11

OBLIGATIONS:

Adjusted Projects	\$556,824.88	\$	\$594,709.82	\$ 73,843.80
Proj. S-SG-1000(3)	85,500.00		1,978.11	69,996.96
" S-999(1)	72,597.12			62,955.78
" S-991(1)				1,170.00
" S-994(1)				<u>1,600.00</u>
Apparent Balances	\$243,569.00	\$100,000	\$ 0.00	\$ 3,984.57
CSA #10, S-991(1)	<u>42,000.00</u>	<u>30,000</u>		
Available Balances	\$201,569.00	\$ 70,000		

Recapitulation of Apparent County Balance

Reserve	\$1,403.57
Reverted S-SG-1000(3)	\$526.47
Reverted S-999(1)	<u>247.10</u>
	773.57
Unused, S-SG-1000(3)	460.86
Unreverted (Probable) S-SG-1000(3)	<u>1,346.57</u>
Total	\$3,984.57

* Includes County Highway Aid Act, Chapter 20, State Highway and Railroad funds.

6/24/54

RESOLUTION AUTHORIZING EXECUTION BY THE COUNTY OF SANTA CLARA OF THAT CERTAIN COUNTY - STATE AGREEMENT NO. 11 PERTAINING TO FAS PROJECT S-994 (1).

WHEREAS, the State of California, by and through the Division of Highways, Department of Public Works, has submitted to the County of Santa Clara that certain Agreement No. 11, covering the proposed construction on Union Avenue between Los Gatos-Almaden Road and State Route 5, FAS Project S-994 (1) in the County of Santa Clara; and

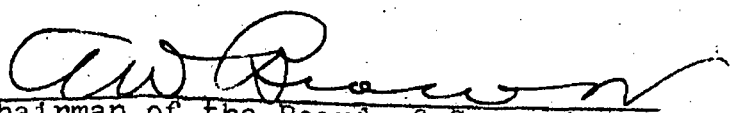
WHEREAS, this Board does hereby find and determine that said construction project is necessary and desirable for the County of Santa Clara,

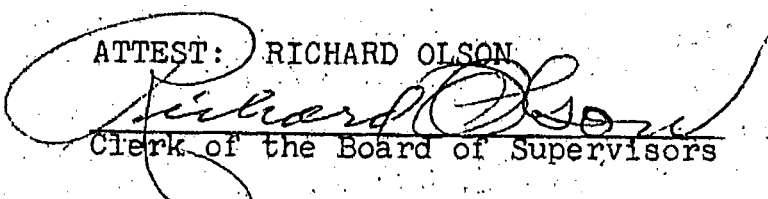
NOW, THEREFORE, BE IT RESOLVED AND ORDERED that each of the five (5) members of the Board of Supervisors of the County of Santa Clara, State of California, be, and each is hereby authorized and directed to execute that certain Agreement hereinabove referred to.

AND BE IT FURTHER RESOLVED AND ORDERED that the Clerk of this Board attach a certified copy of this Resolution to each copy of said Agreement and transmit the original and a duplicate copy of said Agreement and Resolution to the Assistant State Highway Engineer for District IV for the Division of Highways, Department of Public Works, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this 28th day of June, 1954, by the following vote:

- AYES: Supervisors, Brown, DellaMaggiore, Gaspar, Levin, McKinnon
- NOES: Supervisors, None
- ABSENT: Supervisors, None


Chairman of the Board of Supervisors

ATTEST: RICHARD OLSON

Clerk of the Board of Supervisors

July 6, 1954

Re: IV-SC1-S-994(1)
Union Avenue

Mr. D. W. Booker
Ass't State Highway Engineer
150 Oak Street
San Francisco 2, California

Att: John F. Fleming
Project Engineer

Dear Sir:

Returned herewith please find original and duplicate copies of County-State Agreement No. 11 covering construction proposed on Union Avenue, between Los Gatos-Almaden Road and State Route 5, FAS Project S-994(1).

Also enclosed are two certified copies of resolution by the Board of Supervisors authorizing execution.

The signature of Supervisor Ed. R. Levin does not appear on the agreement as he has left the State for a period not to exceed 60 days and got away before his signature was obtained.

Very truly yours,

BOARD OF SUPERVISORS

By _____
Clerk of the Board

cc: Leonard Eushnell

cc of Resol. to Eng 7/6/54

13-A

#1130

13 A

UNION AVENUE RIGHT OF WAY

Certification No. 2 Right of Way

The County of Santa Clara hereby certifies in connection with the right of way for Project IV-SCI-FAS 994-S-994(1)

1. Condemnation suit has been filed and order of immediate possession has been taken on all parcels not acquired by negotiation.

2. The following improvements do exist in the right of way: House at station 21+50; Water Regulator Pit at 48+00+; Service Station Island at station 49+50; and various power and telephone poles. However, these will be moved before contractor enters to perform the construction and no delay will be occasioned to the contractor by these obstructions.

In making this certification, the County agrees to hold the State harmless from any liability which may be established by, and in the event the right of way is not clear as herein certified.

We approve this certification and do hereby authorize the chairman of the board to sign the same.

COUNTY OF SANTA CLARA

BY *W. Brown*
Chairman, Board of Supervisors

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this 21st day of June 1954 by the following vote:

AYES: Supervisors, Brown. Della Maggiore. Gaspar, Levin, McKinnon

NOES: Supervisors, None

ABSENT: Supervisors, None

ATTEST: Richard Olson,
Clerk of said Board of Supervisors

by *Richard Olson*
~~Deputy~~

5-C To Eng.

JUN 21 1954

G. G. Williams

GL

