

COOPERATIVE AGREEMENT BY AND BETWEEN THE TOWN OF LOS GATOS AND THE
 COUNTY OF SANTA CLARA FOR THE RESURFACING OF PORTIONS OF SHANNON
 ROAD AND OLD BLOSSOM HILL ROAD WITHIN THE TOWN OF LOS GATOS

This cooperative agreement, hereinafter referred to as "agreement," is by and between the Town of Los Gatos, a municipal corporation, hereinafter referred to as "Town," and the County of Santa Clara, a political subdivision of the State of California, hereinafter referred to as "County."

WHEREAS, in fiscal year 1990-91, Town plans to resurface certain public streets with either asphalt or Type II slurry seals, hereinafter referred to as "the Project"; and

WHEREAS, Shannon Road and Old Blossom Hill Road are two of the streets being considered for resurfacing; and

WHEREAS, portions of Shannon Road and Old Blossom Hill Road lie within the jurisdictional boundaries of County, more particularly described in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, Town and County deem it to be in their mutual best interest that the entire of the aforementioned streets be included as part of the Project,

NOW, THEREFORE, in consideration of the following terms, covenants and conditions, the parties hereby agree as follows:

1. Town shall include the entire of the following streets as part of the Project:

Shannon Road from Los Gatos Boulevard to Short Road.
 Old Blossom Hill Road from Blossom Hill Road to Blossom Hill Road.

The plans and specifications for the resurfacing of these streets shall be submitted to County for approval.

2. County shall be responsible for the actual costs of resurfacing the portions of Shannon Road and Old Blossom Hill Road that are within County's jurisdiction, including, but not limited to, paving, repair and restriping. County shall deposit the sum of ten thousand dollars (\$10,000.00) with Town within thirty (30) days after this agreement has been fully executed. The parties agree that ten thousand dollars (\$10,000.00) is a reasonable estimate of County's share of the cost for the work.

3. Upon completion and acceptance of the work by Town, Town shall determine County's actual share of the cost for the work. In the event that County's share is more than ten thousand dollars

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(\$10,000.00), County shall pay Town the difference. In the event that County's share is less than ten thousand dollars (\$10,000.00), Town shall pay County the difference.

4. Town and County shall indemnify, hold harmless, reimburse and defend the other from all liability, damages, loss, costs, and obligations, including court costs, investigation costs, and reasonable attorneys' fees, arising out of any claim, suit, judgment, loss or expense occasioned by, but not limited to, injury or death of any person or persons, or loss or damage to any property, arising from the act or omission of the indemnitor or its officers, agents, contractors, employees or invitees.

5. Town shall keep accurate books, records and accounts of the costs incurred in the Project and such books, records and accounts shall be made available to County upon request.

6. This agreement reflects the entire agreement of the parties with respect to the work to be performed. Any prior or contemporaneous oral or written agreements by and between the parties or their agents and representatives relating to the work are revoked and extinguished by this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this cooperative agreement as follows:

Town
Date:

[Signature]
Interim Town Manager
Town of Los Gatos

County
Date:

OCT 16 1990
[Signature]
Chairperson, Board of Supervisors
County of Santa Clara **SUSANNE WILSON**

ATTEST: Donald M. Rains, Clerk
Board of Supervisors

[Signature]

APPROVED AS TO FORM AND LEGALITY:

[Signature] B-76-90
Harrison D. Taylor
Deputy County Counsel

hdt/TL4/403/p.5

ATTEST: Town Clerk
Town of Los Gatos

[Signature]
Marian V. Cosgrove

APPROVED AS TO FORM:

[Signature] 8-24-90
Town Attorney
Town of Los Gatos

The foregoing instrument is a
correct copy of the original
on file in this office.

ATTEST: MARIAN V. COSGROVE
DIRECTOR OF LEGISLATIVE SERVICES
CLERK OF THE TOWN OF LOS GATOS

BY [Signature] Sh. Deputy
DATE Oct 20 1990

RESOLUTION 1990-175

RESOLUTION OF THE TOWN OF LOS GATOS
APPROVING THE 1990 STREET RESURFACING AGREEMENT
WITH THE COUNTY OF SANTA CLARA

RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the TOWN OF LOS GATOS enter into an agreement with the County of Santa Clara entitled "Agreement Between the Town of Los Gatos and County of Santa Clara for the Resurfacing of Portions of Shannon Road and Old Blossom Hill Road Within the Town of Los Gatos," a copy of which is attached hereto.

FURTHER RESOLVED, that the Interim Town Manager is authorized, and hereby directed to execute said agreement in TOWN OF LOS GATOS.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 20th day of August, 1990, by the following vote:

COUNCIL MEMBERS:

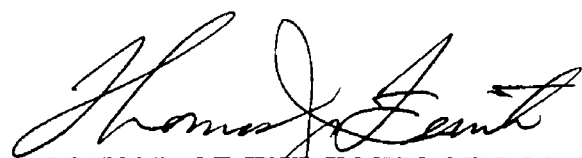
AYES: Joanne Benjamin, Eric D. Carlson, Robert L. Hamilton,
Brent N. Ventura, Mayor Thomas J. Ferrito

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



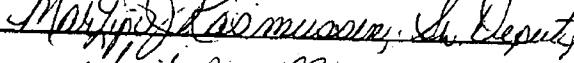
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

The foregoing instrument is a
correct copy of the original
on file in this office.

ATTEST: MARIAN V. COSGROVE
DIRECTOR OF LEGISLATIVE SERVICES
CLERK OF THE TOWN OF LOS GATOS

BY  Deputy
DATE Sept 20, 1990

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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
Ron Gonzales, District 3
Rod Diridon, District 4
Dianne McKenna, District 5

October 18, 1990

Town Clerk
TOWN OF LOS GATOS
P. O. Box 949
Los Gatos, CA 94030

Gentlepersons:

SUBJECT: Agreement between the Town of Los Gatos and the County of Santa Clara relating to resurfacing portions of Shannon Road and Old Blossom Hill Road within the Town of Los Gatos

The Santa Clara County Board of Supervisors, in its meeting of October 16, 1990 (Item 10), approved the subject Agreement.

Attached is a copy of the fully executed Agreement for your files.

Very truly yours,

BOARD OF SUPERVISORS
DONALD M. RAINS, CLERK



Kay Kazmierczak
Deputy Clerk

DMR:kmk

cc: Transportation Agency/
Road Operations

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: October 18, 1990

The following was by the Board of Supervisors at a meeting held on October 16, 1990 (Item 10):

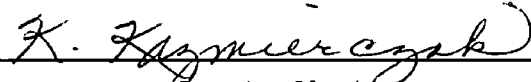
PROJECT TO BE CHARGED: Cooperative Agreement relating to resurfacing portions of Shannon Road and Old Blossom Hill Road within the Town of Los Gatos

FOR THE AMOUNT OF approximately \$10,000

CONTRACTOR: Town of Los Gatos

COMPLETION DATE: see attached Agreement and Transmittal

BUDGET ITEM: _____ (FOR CONTROLLER'S USE)


Deputy Clerk

cc: T/A Finance
File
Transportation Agency/Road
Operations
Controller 11/26/90-kmk

1A-5

TRANSMITTAL MEMORANDUM

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SD. 1

Prepared by: Bill Kinaman/Elinor Yokoi
Reviewed by: Alan V. Jones
Submitted by: R.M.Shields

DATE: Oct.1, 1990

APPROVED: DIRECTOR Sm

TRANSIT DISTRICT BOARD: Agenda Date: _____ Item No. _____

COUNTY BOARD OF SUPERVISORS: Agenda Date: Oct. 16, 1990 Item No. _____

TRANSPORTATION COMMISSION: Agenda Date: _____ Item No. _____

FROM: R.M. Shields, Deputy Director, Roads Operations

SUBJECT: COOPERATIVE AGREEMENT BY AND BETWEEN THE TOWN OF LOS GATOS AND THE COUNTY OF SANTA CLARA FOR THE RESURFACING OF PORTIONS OF SHANNON ROAD AND OLD BLOSSOM HILL ROAD WITHIN THE TOWN OF LOS GATOS

RECOMMENDED ACTION:

It is recommended that the attached Agreement, between the Town of Los Gatos and the County of Santa Clara for resurfacing of portions of Shannon Road and Old Blossom Hill Road in County Jurisdictions within the Town of Los Gatos, be approved.

FISCAL IMPLICATIONS:

The estimated cost to the County for the resurfacing work and striping restoration is ten thousand dollars (\$10,000.00), and is based on those portions of the project that lies within the County jurisdiction. Funds for the project are available in the current Year Road Fund budget resurfacing account, (0023), Budget Unit (603), RC (4002); Account No. 2895. This proposed expenditure is consistent with the adopted budget.

APPROVED BY THE BOARD OF SUPERVISORS OF SANTA CLARA COUNTY OCT 16 1990
DONALD M. RAINS, Clerk of the Board
By R. Rymerczak
Deputy Clerk

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OCT 16 1990

cc to T/A Administration 11/26/90-kmk
10/18/90-kmk
Approved copy to Transportation Agency/Road Operations

COUNTY BOARD OF SUPERVISORS AGENDA DATE: Oct. 16, 1990

SUBJECT: COOPERATIVE AGREEMENT BY AND BETWEEN THE TOWN OF LOS GATOS AND THE COUNTY OF SANTA CLARA FOR THE RESURFACING OF PORTIONS OF SHANNON ROAD AND OLD BLOSSOM HILL ROAD WITHIN THE TOWN OF LOS GATOS

REASONS FOR RECOMMENDATION & BACKGROUND

The Town of Los Gatos has retained a contractor to complete the Town's annual street resurfacing project. The Town project comprises the resurfacing of various roadways within the Town limits, including some County-maintained portions of Shannon road and Old Blossom Hill Road.

Shannon Road is the major collector street for the hillside area east of the Town of Los Gatos. Old Blossom Hill Road also provides access for this area, from Blossom Hill Road, via Short Road. As these roadways have been mutually agreed upon by Town and County staffs to be included in the project, and the Town, as lead agency, wanted to accomplish the work prior to inclement weather, the Town has advertised and awarded a contract and the work is soon to begin.

County staff recognizes the need to resurface these roadways in an orderly and economical manner, and recommends that the County pay its proportionate share of the Town project in order that the project be completed in the most expeditious manner.

CONSEQUENCES OF NEGATIVE ACTION:

The Town of Los Gatos will not resurface the County portions of Shannon Road and Old Blossom Hill Road. The County will have to plan for this resurfacing at a later date and higher cost to the County.

STEPS FOLLOWING APPROVAL:

A fully-executed certified copy of this Agreement will be forwarded to the Town of Los Gatos, and the terms of the Agreement will be carried out.

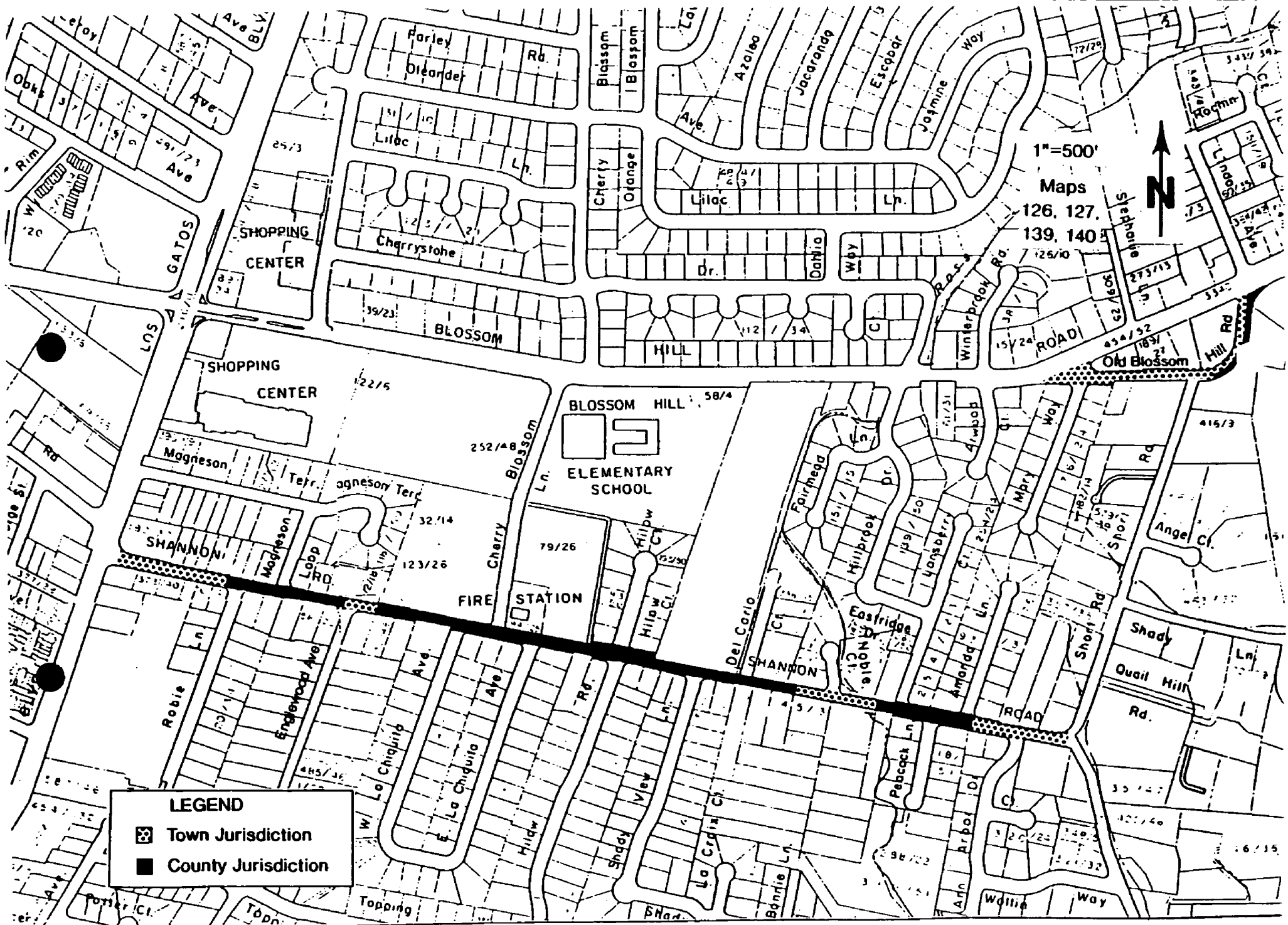
RMS/rj

Attachments: Certified Copies of Agreement with the Town of Los Gatos
Location Map

cc: Ms. Christine Fischer, Town of Los Gatos Engineer
Mr. Harrison D. Taylor, Deputy County Counsel

JER/LM

811 Jerry Rosenquist



Portions of TOWN OF LOS GATOS ANNUAL RESURFACING PROJECT 8903
 Joint Town/County Jurisdiction Shannon Road, Old Blossom Hill Road

EXHIBIT A