

DEPARTMENT OF PUBLIC WORKS

## DIVISION OF HIGHWAYS

P.O. BOX 3366 RINCON ANNEX, SAN FRANCISCO 94119

February 18, 1970



04-SC1-237 5.0/9.7  
04204 - 312511  
0.3 mile west of Calabazas  
Creek to 0.4 mile east of  
Route 17 in Milpitas  
Dist. Agmt. #4-0117-C

Mr. Sig Sanchez, Chairman  
Board of Supervisors  
County of Santa Clara  
70 West Hedding Street, Room 524  
San Jose, California 95110

Dear Mr. Sanchez:

Attached for your files is one fully executed copy of Cooperative Agreement #43-226132, covering participation between the State, City of San Jose, County of Santa Clara, for installation of a signal system, safety lighting and advance flashing beacons at the intersection of Zanker Road with State Highway Route 237 (Alviso-Milpitas Road).


We will keep your office informed of the progress of work on this project by furnishing you with the tentative date of advertisement, bid opening date and date of contract award.

Thank you for your interest and cooperation in this joint undertaking.

Very truly yours,

ALAN S. HART  
District Engineer

By

  
RICHARD D. GEE  
City and County  
Projects Engineer

Attachment

36963

04-SC1-237 0/9.7  
0.3 Mi. W. Calabazas  
Creek to 0.4 Mi. E. of  
Route 17 in Milpitas  
04204 - 312511  
Dist. Ref. #4-0117-C  
Hq. Doc. File #43- 226132

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AGREEMENT

THIS AGREEMENT, MADE AND ENTERED INTO THIS 30 DAY  
OF Jan., 1969 BY AND BETWEEN

CITY OF SAN JOSE, a body politic  
and a municipal corporation of the  
State of California, hereinafter  
referred to as "CITY".

AND

COUNTY OF SANTA CLARA, a political  
subdivision of the State of  
California, hereinafter referred  
to as "COUNTY". **DEC 9 1969**

AND

STATE OF CALIFORNIA, acting by and  
through its Business and  
Transportation Agency, Department of  
Public Works, Division of Highways,  
hereinafter referred to as "STATE".

WITNESSETH:

WHEREAS, STATE, CITY AND COUNTY contemplate installation of  
traffic control signal system, safety lighting and advance flashing  
beacons at the intersection of Zanker Road with State Highway Route  
237 (Alviso-Milpitas Road), all of which is hereinafter referred  
to as "IMPROVEMENTS"; and

WHEREAS, the existing Zanker Road intersects with Route 237  
making two offset "T" intersections, which results in an  
undesirable traffic handling situation; and

*cc Public Works*

**DUPLICATE ORIGINAL**

1           WHEREAS, STATE's construction project for widening and  
2 improvement of State Highway Route 237 includes realignment of  
3 the north leg of Zanker Road; and

4           WHEREAS, the existing north leg of Zanker Road is situated  
5 within the County of Santa Clara and due to the aforesaid  
6 realignment the north leg of Zanker Road will be situated within  
7 the City of San Jose; and

8           WHEREAS, COUNTY agrees to participate in the construction and  
9 construction engineering costs of the aforesaid IMPROVEMENTS, and  
10 CITY will share the cost of maintenance and operation of the said  
11 IMPROVEMENTS; and

12           WHEREAS, STATE, CITY and COUNTY desire to specify herein the  
13 terms and conditions under which said IMPROVEMENTS are to be  
14 installed, financed and maintained.

15           NOW, THEREFORE, in consideration of the covenants and  
16 conditions herein contained, the parties hereto agree as follows:

17                           SECTION I

18           STATE AGREES:

19           1.) To install the IMPROVEMENTS hereinbefore mentioned,  
20 through construction by contract(s) with construction contractor(s)  
21 licensed by the State of California, said contract(s) to be  
22 carried out in accordance with provisions of the State Contract  
23 Act, Chapter 3 Part 5, Division 3, Title 2 of the Government Code,  
24 and work completed in conformity with plans and specifications of  
25 STATE, and to the satisfaction of and subject to the approval of  
26 COUNTY and CITY.

27 \*           \*           \*           \*           \*           \*           \*

1           2.) To bear the entire expense of preparation of plans and  
2 specifications; STATE's share of construction engineering costs  
3 [including all direct and indirect costs (functional and  
4 administrative overhead assessment) attributable to such work,  
5 applied in accordance with STATE's standard accounting procedures]  
6 and construction costs required to complete the IMPROVEMENTS  
7 referred to herein, such share to be a sum bearing the same  
8 proportion to the total cost of the IMPROVEMENTS as the number of  
9 legs of highways under jurisdiction of STATE at the intersection  
10 involved bears to the total number of legs of highways at such  
11 intersection; and the entire expense of the engineering costs and  
12 construction costs required to complete the widening and improvement  
13 of State Highway Route 237 and the realignment of Zanker Road  
14 referred to herein.

15           3.) To maintain and operate all IMPROVEMENTS constructed  
16 pursuant to this Agreement.

17   SECTION II

18       COUNTY AGREES:

19           1.) To deposit with STATE within 30 days of receipt of  
20 billing therefore, which billing will be forwarded immediately  
21 following STATE's bid advertising date of a construction contract  
22 for the aforesaid IMPROVEMENTS, the amount of \$10,000, which  
23 figure represents COUNTY's estimated share of construction  
24 engineering costs and construction costs required to complete  
25 the IMPROVEMENTS referred to herein.

26           The actual amount of COUNTY's share of construction engineering  
27 costs [including all direct and indirect costs (functional and

1 administrative overhead assessment) attributable to such work,  
2 applied in accordance with STATE's standard accounting procedures] and  
3 and construction costs will be determined after completion of  
4 work and a financial settlement made upon final accounting of costs.  
5 Said share will be twenty-five percent (25%) of the total cost of  
6 the aforesaid IMPROVEMENTS, but in no event shall COUNTY's share  
7 of financial contribution pursuant to this Agreement exceed the  
8 figure of \$11,000, unless provided for in a subsequent Agreement  
9 between COUNTY and STATE.

10 SECTION III

11 CITY AGREES:

12 1.) To reimburse STATE for CITY's proportionate share of  
13 the cost of maintenance and operation of said IMPROVEMENTS such  
14 share to be determined in the manner provided in that Agreement  
15 for Maintenance of State highways within the CITY which is in  
16 effect at the time said costs are incurred, or if no such  
17 agreement exists, such share to be a sum bearing the same  
18 proportion to the total cost of maintenance and operation of said  
19 IMPROVEMENTS as the number of legs of highways under jurisdiction  
20 of the CITY bears to the total number of legs of highways at  
21 such intersection.

22 SECTION IV

23 It is mutually understood and agreed:

24 1.) That obligations of STATE under terms of this Agreement  
25 are subject to the allocation of funds by the California Highway  
26 Commission.

27 \* \* \* \* \*

1           2.) That neither STATE nor any officer or employee thereof  
2 shall be responsible for any damage or liability occurring by  
3 reason of anything done or omitted to be done by CITY or COUNTY  
4 under or in connection with any work, authority or jurisdiction  
5 delegated to CITY or COUNTY under this Agreement. It is also  
6 understood and agreed that, pursuant to Government Code Section  
7 895.4 CITY or COUNTY shall fully indemnify and hold STATE harmless  
8 from any liability imposed for injury (as defined by Government  
9 Code Section 810.8) occurring by reason of anything done or  
10 omitted to be done by CITY or COUNTY under or in connection with  
11 any work, authority or jurisdiction delegated to CITY or COUNTY  
12 under this Agreement.

13           3.) That neither CITY or COUNTY nor any officer or employee  
14 thereof, is responsible for any damage or liability occurring by  
15 reason of anything done or omitted to be done by STATE under or in  
16 connection with any work, authority or jurisdiction not delegated  
17 to CITY or COUNTY under this Agreement. It is also understood and  
18 agreed that, pursuant to Government Code Section 895.4, STATE  
19 shall fully indemnify and hold CITY or COUNTY harmless from  
20 liability imposed for injury (as defined by Government Code Section  
21 810.8) occurring by reason of anything done or omitted to be done  
22 by STATE under or in connection with any work, authority or  
23 jurisdiction not delegated to CITY or COUNTY under this Agreement.

24           4.) That, should any portion of the project be financed with  
25 Federal Funds or State gas tax funds all applicable procedures  
26 and policies relating to the use of such funds shall apply  
27 notwithstanding other provisions of this Agreement.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers, duly authorized, the provisions of which Agreement are effective as of the day, month and year first hereinabove written.

STATE OF CALIFORNIA  
Department of Public Works  
Division of Highways

J. A. LEGARRA  
State Highway Engineer

By *L. J. Cristobal*  
Deputy District Engineer

APPROVED AS TO FORM AND  
PROCEDURE

\_\_\_\_\_  
County Attorney

*J. M. Pella*  
City Attorney

COUNTY OF SANTA CLARA

By *Jim Sanchez*  
Chairman, Board of  
Supervisors

Attest: *Jean Pullan*  
Clerk of the Board of  
Supervisors

CITY OF SAN JOSE  
By *Tom*  
Mayor

THOMAS W. FLETCHER  
By *Franklin D. Tompkins* Deputy  
City Manager

FRANCIS L. GREINER  
Attest: *Francis L. Greiner* Deputy  
City Clerk

RESOLUTION AUTHORIZING THE EXECUTION  
OF AN AGREEMENT FOR THE IMPROVEMENT  
OF THE INTERSECTION OF ZANKER ROAD  
WITH STATE HIGHWAY ROUTE 237 (ALVISO-  
MILPITAS ROAD)

WHEREAS, the Department of Public Works (Division of Highways) of the State of California and the County of Santa Clara desire to improve the intersection of Zanker Road with State Highway Route 237 (Alviso-Milpitas Road); and

WHEREAS, an agreement covering the proposed improvement has been submitted by the Department of Public Works for execution by the County and the Department of Public Works;

NOW, THEREFORE, BE IT RESOLVED that the Chairman of this Board of Supervisors be, and hereby is, authorized and directed to execute that certain agreement for the improvement of the intersection of Zanker Road with State Highway Route 237 (Alviso-Milpitas Road).

BE IT FURTHER RESOLVED that certified copies of this resolution be attached to each signed copy of the aforesaid agreement.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on DEC 9 1969, 1969 by the following vote:

AYES: Supervisors, Mehrkeñs Sanchez Quinn Calvo Cortes  
NOES: Supervisors, NONE  
ABSENT: Supervisors, NONE

*Sig Sanchez*

Chairman of the Board of Supervisors

ATTEST: JEAN PULLAN, Clerk of the Board of Supervisors

*Jean Pullan*

The foregoing instrument is a correct copy of the original

ATTEST: JEAN PULLAN  
Clerk Board of Supervisors

By *Kay Burnett* Deputy  
Dated:

DEC 9 1969



RESOLUTION NO. 36963

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE COUNTY OF SANTA CLARA AND THE STATE OF CALIFORNIA WHEREBY THE COUNTY AND THE STATE AGREE TO SHARE THE COSTS OF WIDENING AND IMPROVING STATE HIGHWAY 237, INCLUDING THE REALIGNMENT OF THE NORTH LEG OF ZANKER ROAD, AND THE INSTALLATION OF TRAFFIC CONTROL SIGNAL SYSTEM, SAFETY LIGHTING AND ADVANCE FLASHING BEACONS AT THE INTERSECTION OF ZANKER ROAD WITH SAID STATE HIGHWAY, AND THE CITY AGREES WITH THE STATE TO SHARE IN THE COST OF MAINTENANCE AND OPERATION OF SAID IMPROVEMENTS PURSUANT TO EXISTING CITY/STATE AGREEMENT FOR MAINTENANCE OF STATE HIGHWAYS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

The Mayor and the City Manager are hereby authorized and directed to execute on behalf of the City of San Jose, that certain agreement with the Division of Highways of the State of California and the County of Santa Clara, a copy of which agreement is on file with the Office of the City Clerk, form number "04-SC1-237, 5.0/9.7, 0.3 Mi. W. of Calabazas Creek to 0.4 M.E. of Route 17 in Milpitas, 04204-312511, Dist. Ref. #4-0117-C, Hq. Doc. File #43-", which agreement provides, in part, that the County and the State shall share in the costs of widening and improving State Highway Route 237, including the realignment of the north leg of Zanker Road, and the installation of a traffic control signal system, safety lighting and advance flashing beacons at the intersection of Zanker Road with said State highway, and that the City and the State agree to share in the cost of maintenance and operation of said improvements pursuant to the existing City/State agreement for the maintenance of State highways.

Void if detached

The attached is a full, true and correct copy of the original now on file in my office.

ATTEST:

Francis L. Greiner, City Clerk  
of the City of San Jose, Calif.

By: Judith C. Ross Deputy

Dated: February 4, 1970

Form No. 170-40

January \_\_\_\_\_, 1970, by the

Norman Y. Mineta, Mayor

NORMAN Y. MINETA

Vice Mayor

RESOLUTION NO. 36963

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

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ADOPTED this 19th day of January, 1970, by the following vote:

AYES: Councilmen - Colla, Goglio, Gross, Hays, Shaffer and Mineta

NOES: Councilmen - None

ABSENT: Councilmen - James

ATTEST:

FRANCIS L. GREINER

*Francis L. Greiner*  
City Clerk

NORMAN Y. MINETA

*Norman Y. Mineta*  
Vice Mayor



CITY CLERK

CITY OF SAN JOSE  
CALIFORNIA

CITY HALL

TELEPHONE 292-3141

February 24, 1970

County of Santa Clara  
Clerk of the Board of Supervisors  
70 W. Hedding  
San Jose, California 95110

Attention: Jean Pullan

Gentlemen:

Enclosed is an executed copy of Agreement #43-226132 - Calabazas  
Creek - Widening and Improving Route 237 near Zanker Road  
for your files.

This copy is in case the State did not  
return a fully executed copy to you.

Sincerely,

ROY H. HUBBARD  
ASSISTANT CITY CLERK

By:  
Deputy City Clerk

Sincerely,

Judith C. Ross  
Deputy City Clerk

Enc.

*Copy that. City of San Jose sent  
to our office was sent to Public Works  
for their office copy. dt*

RECEIVED  
BOARD OF SUPERVISORS

FEB 25 12 02 PM '70

COUNTY OF  
SANTA CLARA

DEPARTMENT OF PUBLIC WORKS

## DIVISION OF HIGHWAYS

P.O. BOX 3366 RINCON ANNEX, SAN FRANCISCO 94119

February 18, 1970



04-SC1-237 5.0/9.7  
04204 - 312511  
0.3 mile west of Calabazas  
Creek to 0.4 mile east of  
Route 17 in Milpitas  
Dist. Agmt. #4-0117-C

Mrs. Judy Ross  
Deputy City Clerk  
City of San Jose  
City Hall  
801 North First Street, Room 408  
San Jose, California 95110

Dear Mrs. Ross:

Attached for your files is one fully executed copy of Cooperative Agreement #43-226132, covering participation between the State, City of San Jose, County of Santa Clara, for installation of a signal system, safety lighting and advance flashing beacons at the intersection of Zanker Road with State Highway Route 237 (Alviso-Milpitas Road).

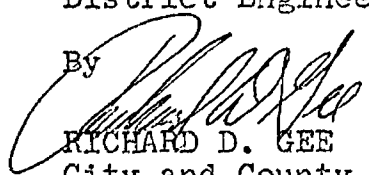
We will keep your office informed of the progress of work on this project by furnishing you with the tentative date of advertisement, bid opening date and date of contract award.

Thank you for your interest and cooperation in this joint undertaking.

Very truly yours,

ALAN S. HART  
District Engineer

By

  
RICHARD D. GEE  
City and County  
Projects Engineer

Attachment

#2

RESOLUTION AUTHORIZING THE EXECUTION  
OF AN AGREEMENT FOR THE IMPROVEMENT  
OF THE INTERSECTION OF ZANKER ROAD  
WITH STATE HIGHWAY ROUTE 237 (ALVISO-  
MILPITAS ROAD)

WHEREAS, the Department of Public Works (Division of Highways) of the State of California and the County of Santa Clara desire to improve the intersection of Zanker Road with State Highway Route 237 (Alviso-Milpitas Road); and

WHEREAS, an agreement covering the proposed improvement has been submitted by the Department of Public Works for execution by the County and the Department of Public Works;

NOW, THEREFORE, BE IT RESOLVED that the Chairman of this Board of Supervisors be, and hereby is, authorized and directed to execute that certain agreement for the improvement of the intersection of Zanker Road with State Highway Route 237 (Alviso-Milpitas Road).

BE IT FURTHER RESOLVED that certified copies of this resolution be attached to each signed copy of the aforesaid agreement.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on DEC 9 1969, 1969 by the following vote:

- AYES: Supervisors, **Mehrrens Sanchez Quinn Calvo Cortese**
- NOES: Supervisors, NONE
- ABSENT: Supervisors, NONE

*dig Sanchez*  
Chairman of the Board of Supervisors

ATTEST: JEAN PULLAN, Clerk of the Board of Supervisors

*Jean Pullan*

*Pending Sign  
State*

2

December 9, 1969

Mr. Alan S. Hart, District Engineer  
Division of Highways, District IV  
P. O. Box 3366, Rincon Annex  
San Francisco, California 94119

Att: Richard D. Gee, City & County Projects Engineer

Subject: Agreement with State of California, City of San Jose,  
For Installation of a Traffic Signal System at the  
Intersection of Zanker Road with State Route 237

Dear Mr. Hart:

Enclosed you will find an original and seven copies of  
an agreement between the County of Santa Clara and the  
party (ies) named above. The Board of Supervisors at  
its regularly scheduled meeting on December 9, 1969,  
authorized its Chairman to execute this agreement on  
behalf of the County.

After execution of all copies, we would appreciate your  
returning one copy (~~ies~~) to this office.

Very truly yours,  
  
JEAN PULLAN, Clerk  
of the Board of Supervisors

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

JP: kb  
Encls.

Attached to each Agreement is a certified copy of Resolution  
authorizing the execution of said Agreement. As you will note,  
Agreements need to be executed by the City of San Jose.

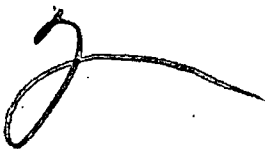
No. 1

cc: Public Works Dept.  
Attn: Engineering

County of Santa Clara  
California

TRANSMITTAL MEMORANDUM

S.D. 3



Page \_\_\_ of \_\_\_

DATE: November 28, 1969

FOR: BOARD OF SUPERVISORS AGENDA OF December 9, 1969

FROM: MONTINI, ENGINEERING, PUBLIC WORKS

TITLE: (1) COOPERATIVE AGREEMENT AMONG THE STATE OF CALIFORNIA, THE CITY OF SAN JOSE, AND THE COUNTY OF SANTA CLARA FOR THE INSTALLATION OF A TRAFFIC SIGNAL SYSTEM AT THE INTERSECTION OF ZANKER ROAD WITH STATE ROUTE 237. (2) RESOLUTION AUTHORIZING  
DESCRIPTION: EXECUTION OF AGREEMENT

This agreement provides for the installation of a traffic control signal system, safety lighting and advance flashing beacons at the intersection of Zanker Road with State Route 237 (Milpitas-Alviso Road).

The State of California is planning to widen Route 237 (Milpitas-Alviso Road) to a four-lane divided roadway between Lawrence Expressway and Route 17 (Nimitz Freeway). The State proposes to install a traffic signal at the intersection of Zanker Road as a part of this work with each agency contributing funds for their share of the traffic signal.

The County's share of the project is estimated to be \$10,000.00. Funds are available from the signalization improvement account.

Approval is recommended.

Upon execution please return the original and seven (7) signed copies of the agreement and eight (8) certified copies of the resolution to:

Mr. Alan S. Hart, District Engineer  
Division of Highways, District IV  
P.O. Box 3366, Rincon Annex  
San Francisco, California 94119

Attention: Mr. Richard D. Gee  
City and County Projects Engineer

LM:RMS:vlh  
attachments

APPROVED: *LM* JAMES POTT *[Signature]*

HOWARD CAMPEN \_\_\_\_\_

AGENDA DATA: DATE: \_\_\_\_\_ BOARD ACTION: \_\_\_\_\_  
ITEM NO: \_\_\_\_\_

DEC 9 1969 B



