

Fully executed original (pink tagged for return after being recorded), and two originally signed copies (one to be forwarded to B-W Construction Co.) sent to Joanne Hancock, TA-Administration 2/10/88 ej
Recorded original returned and copy sent to Joanne Hancock, TA-Administration 8/18/88 ej

9608779

FILED FOR RECORD
AT REQUEST OF

BOARD OF SUPERVISORS

FEB 23 10 58 AM '88

OFFICIAL RECORDS
SANTA CLARA COUNTY
LAURIE KANE
RECORDER

FEB 23 1988

Capitol Expressway
No. 1000-207
A.P.N.: 462-42-001

NO FEE

To be recorded without fee
as per Gov. Code 6103.

LANDSCAPE AND MAINTENANCE AGREEMENT BETWEEN

B-W Construction Company

K 452 PAGE 718

AND THE COUNTY OF SANTA CLARA

This is an agreement between B-W Construction Company
hereinafter called B-W Construction and the COUNTY OF SANTA CLARA,
hereinafter called "COUNTY".

WHEREAS, the COUNTY is the owner of the real property shown shaded
on the map attached hereto as Exhibit "A"; and

WHEREAS, B-W Construction desires to landscape and maintain the shaded
area at its own expense; and

WHEREAS, the Board of Supervisors of the County of Santa Clara finds and
determines that it is in the best public interest to grant the request
of B-W Construction ;

NOW, THEREFORE, it is mutually agreed as follows:

1. COUNTY hereby grants permission to B-W Construction to landscape
and maintain the shaded area on the attached Exhibit "A".

ORIGINAL

FEB 9 1988

2. B-W Construction shall assume the defense and agree to save harmless and indemnify COUNTY, its officers and employees from any liability for injury, death, loss, accident or damage to any persons or property arising out of the use of said shaded area for landscaping purposes.

3. B-W Construction hereby agrees at its own expense to landscape and maintain the shaded area, that said landscaping shall be kept trim and shall not interfere with sight clearance for traffic on adjacent roadways, and that said landscaping shall not, in the judgement of the Road Commissioner, become a public eyesore.

4. COUNTY reserves the right to rescind the permission granted herein upon the giving of a sixty (60) day written notice to B-W Construction.

5. Any notices required to be sent under the terms of this agreement shall be addressed as follows:

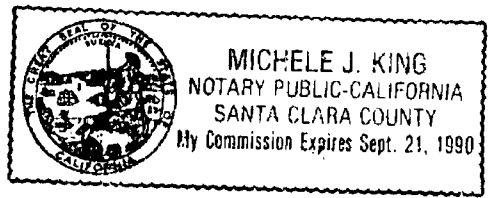
To COUNTY: Property Division
County of Santa Clara
Transportation Agency
1570 Old Oakland Rd., Suite 203
San Jose, CA 95131

To: B-W Construction: James E. Rubnitz
1925 S. Winchester Blvd. Suite 200
Campbell, CA 95008

GENERAL ACKNOWLEDGMENT

State of California
County of Santa Clara } SS.

K452 PAGE 721



On this the 22nd day of December 1987 before me,
Michele J. King
the undersigned Notary Public, personally appeared

James E. Reubnitz

personally known to me
 proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) _____ subscribed to the
within instrument, and acknowledged that _____ executed it.
WITNESS my hand and official seal.

Michele J. King
Notary's Signature

Page 3 - Landscape Agreement, A.P.N.: 462-42-001

BW Construction
By: Jamal E. Rubnitz
Title: Sec/Treas.

THIS SPACE FOR NOTARY FORM

Executed this date: FEB 9 1988

COUNTY OF SANTA CLARA

By [Signature]
Chairperson, Board of Supervisors

ZDE LOFGREN

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors

[Signature]

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy County Counsel

WPYGO1

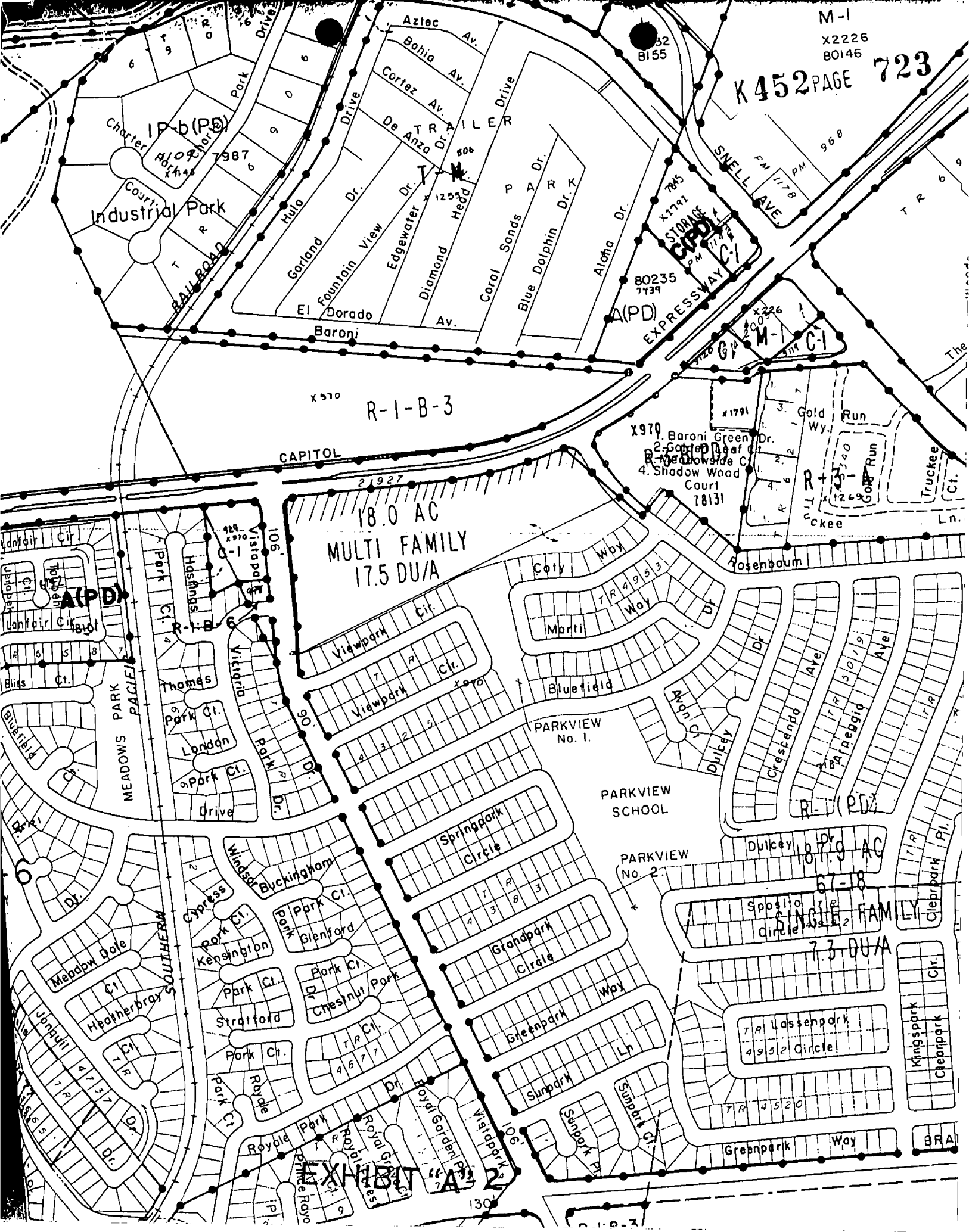
W. J. D. P. W.

480-10-1

10-1-1

522

RECEIVED
COUNTY COURSE
JAN 19 10 29 AM '88



IP-b(PD)
A(PD)

R-1-B-3

18.0 AC
MULTI FAMILY
17.5 DU/A

80235
7139
A(PD)
EXPRESSWAY

X970 Baroni Green Dr.
2. Shadow Wood Ct
R-1-B-6
4. Shadow Wood Court
78131

Gold Run Wy.
Truckee Ct.
R-1-B-3
Gold Run

MEADOWS PARK
PACIFIC

PARKVIEW
No. 1.

PARKVIEW
SCHOOL

PARKVIEW
No. 2.

107.9 AC
67-18
SINGLE FAMILY
7.3 DU/A

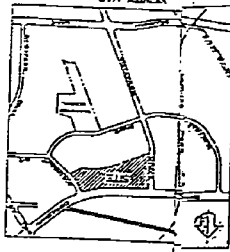
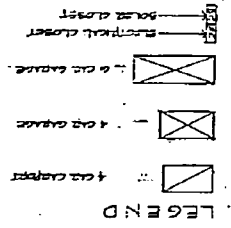
EXHIBIT A

SITE PLAN

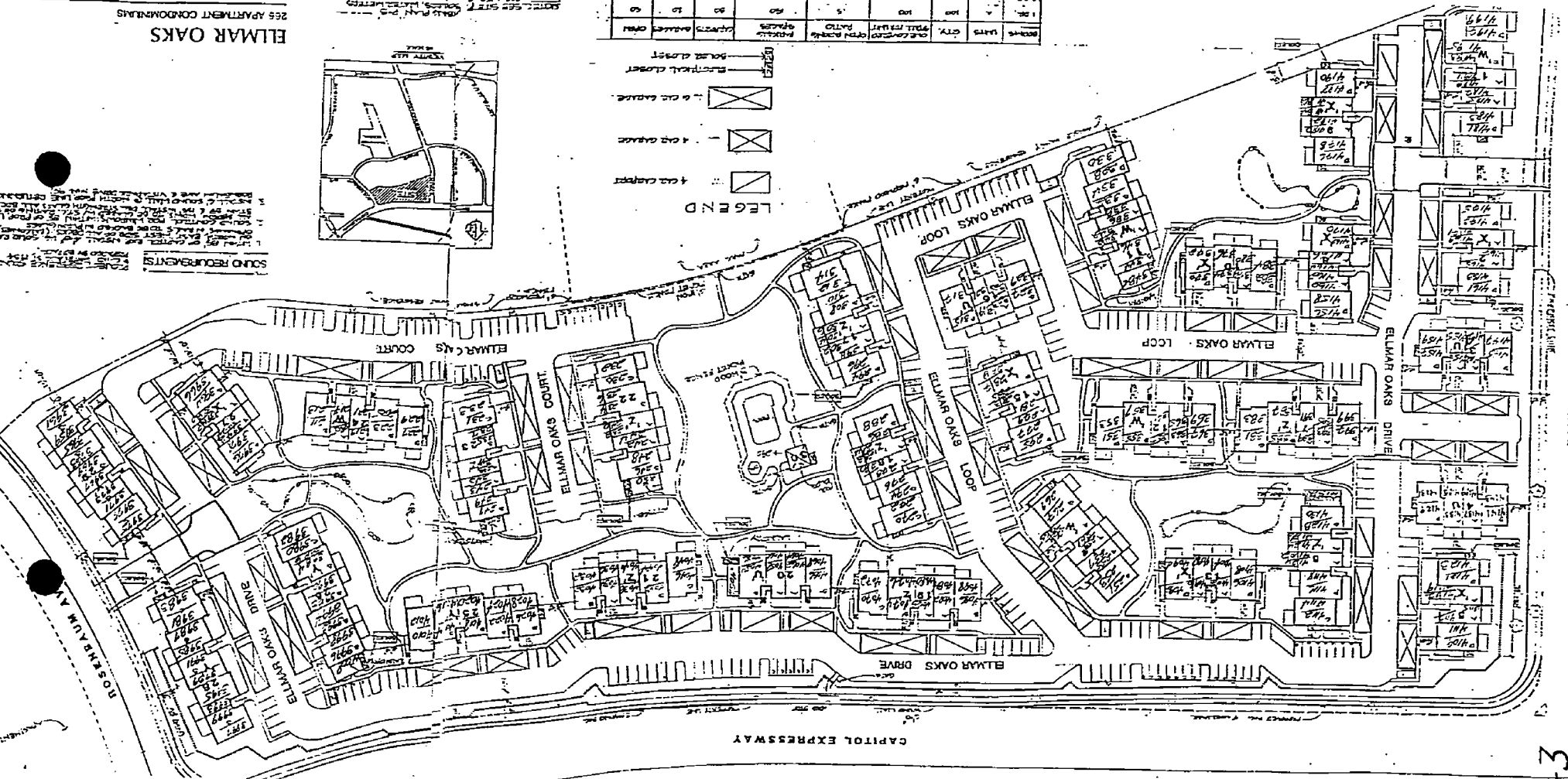
ELMAR OAKS
265 APARTMENT CONDOMINIUMS

DATE: 11/15/88
BY: [Signature]

NO.	DATE	BY	DESCRIPTION
1	11/15/88	[Signature]	PRELIMINARY
2	11/15/88	[Signature]	REVISED
3	11/15/88	[Signature]	REVISED
4	11/15/88	[Signature]	REVISED
5	11/15/88	[Signature]	REVISED
6	11/15/88	[Signature]	REVISED
7	11/15/88	[Signature]	REVISED
8	11/15/88	[Signature]	REVISED
9	11/15/88	[Signature]	REVISED
10	11/15/88	[Signature]	REVISED



SOUND REQUIREMENTS
[Detailed text regarding sound requirements and regulations]



Photographic image may be poor due to condition of original document.

SANTA CLARA COUNTY
TRANSPORTATION AGENCY
PLANNING DEPARTMENT

~~Dec 20 10 32 AM '87~~

SANTA CLARA COUNTY
TRANSPORTATION AGENCY
PLANNING DEPARTMENT

Dec 23 4 24 PM '87

California

TA-2

TRANSMITTAL MEMORANDUM



Prepared by D. Logan
Reviewed by R. Scott
Submitted by J. Reading
APPROVED: DIRECTOR fm

Page 1 of 2

S.D. 2

DATE: January 15, 1988

TRANSIT DISTRICT BOARD: Agenda Date _____ Item No. _____
COUNTY BOARD OF SUPERVISORS: Agenda Date February 9, 1988 Item No. _____
TRANSPORTATION COMMISSION: Agenda Date _____ Item No. _____

FROM: ^{cf} FIGONE, PROPERTY, PLANNING AND PROPERTY

SUBJECT: LANDSCAPE AGREEMENT WITH B-W CONSTRUCTION COMPANY

RECOMMENDED ACTION

Authorize the chairperson to execute the agreement between B-W Construction Co. and the County of Santa Clara for the installation and maintenance of landscape improvements on Capitol Expressway between Vistapark and Rosenbaum.

FISCAL IMPLICATIONS:

No expenditure of County funds is involved.

REASONS FOR RECOMMENDATION/BACKGROUND:

On a typical section of County expressway where access is restricted, the County is responsible for the installation of landscaping and maintenance of the landscaped areas. In some cases private companies located adjacent to these areas are allowed to landscape and maintain them with the approval of the County.

This landscape agreement, which is on the County's standard form, permits B-W Construction Co. to landscape and maintain the area shown on the Exhibit "A" attached to the agreement. B-W Construction Co. will assume liability for injury, death, loss, accident or damage to any persons or property arising out of the use of this area for landscaping purposes.

The County reserves the right to rescind this agreement after giving a sixty day written notice to B-W Construction Co.

APPROVED BY THE BOARD OF SUPERVISORS
OF SANTA CLARA COUNTY FEB 9 1988

DONALD M. RAINS, Clerk of the Board

By Esther Jones Deputy Clerk

FEB 9 1988

via
ORIGINAL
An Equal Opportunity Employer

Two approved copies to Joanne Hancock, TA-Administration 2/10/88 ej

DATE: January 15, 1988

TRANSIT DISTRICT BOARD AGENDA DATE:

COUNTY BOARD OF SUPERVISORS AGENDA DATE: February 9, 1988

TRANSPORTATION COMMISSION AGENDA DATE:

SUBJECT: LANDSCAPE AGREEMENT WITH B-W CONSTRUCTION COMPANY

CONSEQUENCES OF NEGATIVE ACTION:

The County would continue responsibility for maintenance of this area.

STEPS FOLLOWING APPROVAL:

The Clerk of the Board should return the original fully-executed agreement to the T/A Property Division. The Property Division will record the original and return it to the Board.

EAF:DL:kr

cc: SAB, Design & Construction
RVE, Design & Construction

WPLD13

