

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

November 21, 1958

PLEASE REFER
TO FILE NO.

IV-S-618(3)
Almaden Road

Mr. James B. Enochs
Director of Public Roads
Santa Clara County
First & Rosa Streets
San Jose, California

Dear Mr. Enochs:

Attached, for the files of the County of
Santa Clara, is executed copy of Amendment to
County State Agreement No. 20, dated November 10,
1958, covering proposed four-lane grading, surfac-
ing and railroad overhead on Almaden Road over the
Southern Pacific Railroad, south of San Jose,
Project S-618(3).

Yours very truly,

E. W. Booker
Assistant State Highway Engineer

By



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

Attach

AMENDMENT TO COUNTY-STATE AGREEMENT NO. 20
Federal-Aid Secondary Roads

ALMADEN ROAD

IV Santa Clara
District County

FEDERAL PROJECT S-618(3)

THIS AMENDMENT TO COUNTY-STATE AGREEMENT NO. 20, FEDERAL-AID SECONDARY ROADS, made in duplicate this 10th day of November 1958, 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:

WHEREAS, on September 2, 1958, the parties hereto entered into COUNTY-STATE AGREEMENT NO. 20, FEDERAL-AID SECONDARY ROADS, concerning Federal Project S-618(3), covering proposed four-lane grading, surfacing and railroad overhead on ALMADEN ROAD over the Southern Pacific Railroad south of San Jose; and

WHEREAS, on October 29, 1958, nine bids were opened in Sacramento for the construction of said Federal Project and the low bid found to be 5.75 percent more than the Engineer's preliminary estimate of cost; and

WHEREAS, it is to the public interest that a contract for the construction of said project be awarded to the aforesaid low bidder; and

WHEREAS, said parties now desire to amend said COUNTY-STATE AGREEMENT NO. 20 to provide for financing the increased cost of said project which is now estimated to be \$881,922.00 instead of \$843,400.00 as formerly estimated:

NOW, THEREFORE, IT IS AGREED that said COUNTY-STATE AGREEMENT NO. 20 be and the same is hereby amended in accordance with the attached page marked "Exhibit B-1," consisting of one page which said Exhibit B-1 shall be substituted for the page marked "Exhibit B" in said Agreement, and shall cancel and supersede said Exhibit B, becoming a part of said Agreement for all purposes. In all other respects said Agreement shall remain in full force and effect.

The Board of Supervisors of the County of Santa Clara, by Resolution dated November 10, 1958, has approved this amendment to said 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:

L. A. Wainwright
District Engineer

F. B. [Signature]
Engineer, Federal Secondary Roads

Approved as to Form and Procedure:

James M. Moore, Jr.
Attorney

COUNTY OF SANTA CLARA

By [Signature]
Chairman of the Board

W. Brown
District No. 1

[Signature]
District No. 2

Ed R. Levin
District No. 3

Wesley L. Hubbard
District No. 5

State of California
DEPARTMENT OF PUBLIC WORKS
Division of Highways

G. T. McCoy
State Highway Engineer
By E. B. White
Deputy State Highway Engineer

ARTICLE VI - Location of Project and Brief Description of Work Proposed:

Approved Federal-aid Secondary Project S-618(3), in Santa Clara County, covering proposed four-lane grading, surfacing and railroad overhead (Stage Construction of ultimate six-lanes) on ALMADEN ROAD over the Southern Pacific Railroad, south of San Jose, net length 1.3 miles.

ARTICLE VII - Funds to be Used for the Project:

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

	<u>Nonparticipating</u>	<u>Participating</u>	<u>Total</u>
Contract Items	\$361,379.90	\$431,294.80	\$792,674.70
Supplemental Work	10,275.00	34,300.00	44,575.00
Subtotal	\$371,654.90	\$465,594.80	\$837,249.70
Contingencies	18,277.10	22,895.20	41,172.30
CONTRACT TOTAL	\$389,932.00	\$488,490.00	\$878,422.00
Preliminary Engr.	800.00	1,200.00	2,000.00
Construction Engr. (State-furnished)	600.00	900.00	1,500.00
TOTAL	\$391,332.00	\$490,590.00	\$881,922.00

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

Federal-aid Secondary Funds	\$277,953.00
State Highway Matching Funds	204,825.00
City of San Jose Contribution	150,000.00
County funds required for this project	<u>249,144.00</u>
	\$881,922.00
County funds deposited to date for this project	\$239,144.00
County funds to be deposited	10,000.00

3. The funds for the project are 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. Any County Funds deposited in excess of requirements for this project will be transferred to other projects at the request of the County, or refunded to the County.

4. The County authorizes the deposit with the Division of Highways of the necessary matching funds not already deposited and concurs in the award of a contract on the basis of the low bid.

ARTICLE VIII - Special Covenants:

1. This project has been approved by the Bureau of Public Roads as stage construction of the six-lane facility ultimately proposed. The County agrees to complete the improvement to the final stage with or without Federal participation when traffic warrants the provision of additional lanes.

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RESOLUTION AUTHORIZING EXECUTION
OF AMENDMENT TO COUNTY-STATE
AGREEMENT NO. 20, FEDERAL-AID
SECONDARY ROADS, CONCERNING FEDERAL
PROJECT S-618(3) CONCERNING PROPOSED
FOUR-LANE GRADING, SURFACING AND
RAILROAD OVERHEAD ON ALMADEN ROAD
OVER THE SOUTHERN PACIFIC RAILROAD
SOUTH OF SAN JOSE.

WHEREAS, on September 2, 1958, the County of Santa Clara and the Department of Public Works (Division of Highways) of the State of California entered into County-State Agreement No. 20, Federal-Aid secondary roads, concerning Federal Project S-618(3), covering proposed four-lane grading, surfacing and railroad overhead on Almaden Road over the tracks of Southern Pacific Railroad; and

WHEREAS, the County and State now desire to amend said County-State Agreement No. 20 so as to provide for financing the increased cost of said Project.

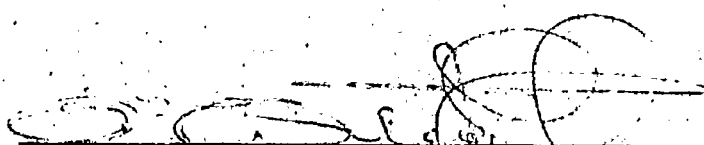
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Clara hereby approves the amendment to County-State Agreement No. 20 and authorizes the execution of an amendment to said County-State Agreement No. 20 on behalf of the County of Santa Clara.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this 10th day of November, 1958, by the following vote:

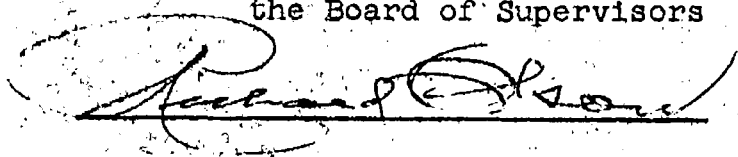
AYES: Supervisors, ~~by roll call~~ Della Maggiore, Hubbard, Levin, Slight

NOES: Supervisors, None

ABSENT: Supervisors, None


Chairman of the Board of Supervisors

ATTEST: RICHARD OLSON, Clerk of the Board of Supervisors



D-6

WAM

Have for my files

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

September 19, 1958

PLEASE REFER
TO FILE NO.

IV-SC1-S-618(3)
ALMADEN ROAD

Mr. James B. Enochs
Director of Public Works
Santa Clara County
First & Rosa Streets
San Jose, California

Dear Mr. Enochs:

Attached for the files of the County of Santa Clara is executed copy of County-State Agreement No. 20, executed September 2, 1958, covering proposed four-lane grading, surfacing and railroad overhead (State Construction of ultimate six-lanes) on Almaden Road, Project S-618(3).

Yours very truly,

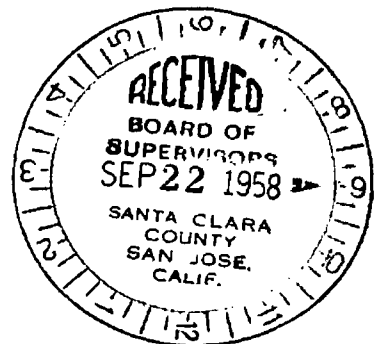
B. W. Booker
Assistant State Highway Engineer

By

F. W. Montell

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

Attach



COUNTY-STATE AGREEMENT NO. 20
FEDERAL AID SECONDARY ROADS

IV Santa Clara

District
FEDERAL PROJECT "S-618(3)"
County

ALMADEN ROAD

THIS AGREEMENT, made in duplicate this 2nd day of September, 1958,
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 September 2, 1958 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:

L. C. Wymouth
District Engineer

[Signature]
Engineer, Federal Secondary Roads

Approved as to Form and Procedure:

Warren L. Bassett
ATTORNEY for the Department

County of Santa Clara

[Signature]
District #1

[Signature]
District #2

[Signature]
District #3

[Signature]
District #4

[Signature]
District #5

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

[Signature]
G. T. McCOY
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 expense 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 and Brief Description of Work Proposed:

Approved Federal-aid Secondary Project S-618(3), in Santa Clara County, covering proposed four-lane grading, surfacing and railroad overhead (Stage Construction of ultimate six-lanes) on ALMADEN ROAD over the Southern Pacific Railroad, south of San Jose, net length 1.3 miles.

ARTICLE VII - Funds to be Used for the Project:

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

	<u>Nonparticipating</u>	<u>Participating</u>	<u>Total</u>
Contract Items	\$331,979.50	\$417,677.00	\$749,656.50
Supplemental Work	750.00	49,463.00	50,213.00
Subtotal	\$332,729.50	\$467,140.00	\$799,869.50
Contingencies	16,670.50	23,360.00	40,030.50
CONTRACT TOTAL	\$349,400.00	\$490,500.00	\$839,900.00
Preliminary Engr.	800.00	1,200.00	2,000.00
Construction Engr. (State-furnished)	600.00	900.00	1,500.00
TOTAL	\$350,800.00	\$492,600.00	\$843,400.00

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

Federal-aid Secondary Funds	\$277,953.00
State Highway Matching Funds	204,825.00
City of San Jose Contribution	150,000.00
County funds required for this project	210,622.00
	<u>\$843,400.00</u>

County funds deposited to date for this project \$239,144.00

3. The actual funds for the project will be set up after the bids for the work have been opened, and shall be on the basis on 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. Any County Funds deposited in excess of requirements for this project will be transferred to other projects at the request of the County, or refunded to the County.

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

ARTICLE VIII - Special Covenants:

1. This project has been approved by the Bureau of Public Roads as stage construction of the six-lane facility ultimately proposed. The County agrees to complete the improvement to the final stage with or without Federal participation when traffic warrants the provision of additional lanes.

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RESOLUTION AUTHORIZING EXECUTION OF
COUNTY-STATE AGREEMENT NO. 20, FEDERAL
AID SECONDARY ROADS, ALMADEN ROAD

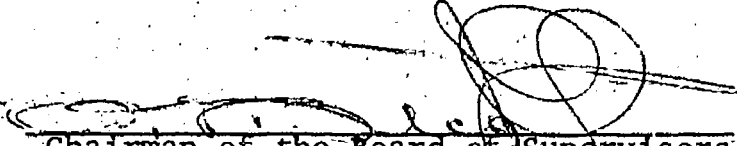
WHEREAS, the County of Santa Clara, State of California and the Department of Public Works (Division of Highways) of the State of California desire to enter into an agreement designated "County-State Agreement No. 20 Federal Aid Secondary Roads," covering the proposed 4-lane divided highway consisting of grading, surfacing and railroad overhead (stage construction of ultimate 6 lanes) on Almaden Road over the Southern Pacific Railroad South of San Jose, FAS Project S-618 (3) in Santa Clara County.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors shall be hereby authorized and directed to execute the aforesaid agreement by and on behalf of the County of Santa Clara and authorize the chairman to sign the same.

BE IT FURTHER RESOLVED that the Clerk of this Board be, and he hereby is, authorized and directed to forward to the State of California Department of Public Works (Division of Highways) signed copies of the aforesaid Agreement and certified copies of this Resolution.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this 2nd day of September, 1958, by the following vote:

AYES: Supervisors, Brown, Della Maggiore, Hubbard, Ievin, Slight
NOES: Supervisors,
ABSENT: Supervisors,


Chairman of the Board of Supervisors

ATTEST: RICHARD OLSON, Clerk of
the Board of Supervisors