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9205

AGREEMENT BETWEEN COUNTY OF SANTA CLARA AND CITY OF SAN JOSE FOR THE IMPROVEMENT OF BERNAL ROAD AT ITS INTERSECTION WITH THE MONTEREY HIGHWAY AND SOUTHERN PACIFIC RAILROAD

WHEREAS, the City of San Jose (hereinafter called "the City") and the County of Santa Clara (hereinafter called "the County") desire to widen and improve Bernal Road at its intersection with the Monterey Highway and the Southern Pacific Railroad, and to provide for vehicular crossing gates and safety devices, and

WHEREAS, the proposed improvement would affect and be located within the city limits of the City, and partially within the unincorporated territory of the County, and the City and County desire to provide for the payment of their respective shares of the cost of the construction of the said improvement;

NOW, THEREFORE, the County and the City hereby agree as follows:

1. The City shall make application to the State of California Public Utilities Commission for the widening of said Bernal Road and installation of vehicular crossing safety devices. The City will also prepare plans and specifications for the removal of such trees along Monterey Road for such a distance from the said intersection in either direction as may be required by the Southern Pacific Railroad, the Division of Highways of the State of California and the Public Utilities Commission of the State of California. City shall pay that portion of the cost of the gates, signals and guard crossing devices as may be required by the Public Utilities Commission of the State of California, said work to be done by the Southern Pacific Railroad Company.
2. The County will prepare plans and specifications for the widening and improvement of the roadway

in and along Bernal Road from its intersection with Monterey Highway and westerly of the said railroad tracks for such distance as required to safely accommodate vehicular traffic over and past the said railroad tracks, but not to exceed 500 feet. Upon request, the County shall furnish to the City copies of its plans and specifications developed for the widening and improvement of Bernal Road as provided herein.

3. After receipt of the necessary permits the City agrees to enter into contracts for the removal of such trees as may be required by such permits and for the installation of such crossing gates, guards, and signal devices as may be required and permitted by the Public Utilities Commission immediately. The City agrees to provide necessary funds for the payment of its portions of said contracts.
4. The County agrees to let a contract for the widening and improvement of Bernal Road as soon as plans and specifications therefor have been completed. The County agrees to advance such funds as may be necessary for the payment of the contract cost of such widening and improvement.
5. Thirty days after completion of all work required of both parties to this agreement to the satisfaction of the California Public Utilities Commission, the parties agree to submit statements of their costs to each other. The costs shall then be totaled and apportioned between the parties as follows:

The City of San Jose shall bear fifty percent (50%) of the entire expense of the removal of trees, the installation of crossing gates, guards and signal devices and the widening of Bernal Road, but not to exceed the sum of ten thousand and no/100 dollars (\$10,000.00). The County agrees to bear all of the remaining cost and expense of the said project. Any balance due and owing to either party shall be paid within 30 days thereafter.

6. It is contemplated that the improvement of the Bernal Road crossing is necessary in order to enable the opening of Santa Teresa Park by the County of Santa Clara within the very near future, and both parties agree to proceed to complete their portions of this

agreement with all speed and diligence to the end that the opening of the said park for public use shall not be delayed.

IN WITNESS WHEREOF, the City and the County have caused this Agreement to be executed as of this _____ day of FEB 26 1962, 1962.

COUNTY OF SANTA CLARA

By *Howard M. Walker*
Chairman of the Board of
Supervisors

CITY OF SAN JOSE

By *Paul Moore*
Mayor

By *Cliff Hamann*
Stanley D. Knopler
MANAGER

Attest:

Frank L. Davis
City Clerk

ORDINANCE NO. 9705

An Ordinance of the City of San Jose Authorizing Execution by its Mayor and City Manager of an Agreement Between the County of Santa Clara and the City of San Jose for the Improvement of Bernal Road at its Intersection with the Monterey Highway and Southern Pacific Railroad.

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

WHEREAS, the City of San Jose, hereinafter called "City", and the County of Santa Clara, hereinafter called "County", desire to widen and improve Bernal Road at its intersection with the Monterey Highway and the Southern Pacific Railroad tracks and to provide vehicular gates and safety devices; and

WHEREAS, the property to be affected by said proposed improvements is partially within the City and partially within the unincorporated area of County; and

WHEREAS, both jurisdictions desire to share the payment of the cost of the said improvements;

NOW, THEREFORE:

SECTION 1. The Mayor and City Manager are hereby authorized to execute, on behalf of the City of San Jose, that certain agreement entitled, "Agreement Between County of Santa Clara and City of San Jose for the Improvement of Bernal Road at its Intersection with the Monterey Highway and Southern Pacific Railroad" which provides, in part, that City shall apply to the California Public Utilities Commission for the necessary permits for the widening of said Bernal Road and installation of vehicular crossing safety devices, shall prepare plans and specifications for the removal of such trees along Monterey Road as are required and shall enter into contracts for the removal of such trees as may be required, and for the installation of such crossing

gates, guards, and signal devices as may be required. Said agreement also provides that County shall prepare plans and specifications for the widening and improvement of Bernal Road from its intersection with the Monterey Highway and westerly of the said railroad tracks and shall let a contract for the widening and improvement of Bernal Road. Said agreement further provides that thirty (30) days after completion of the work required by said agreement City and County shall submit statements of their costs to each other, said costs to be apportioned as follows:

The City of San Jose shall bear fifty per cent (50%) of the entire expense of the removal of trees, the installation of crossing gates, guards and signal devices and the widening of Bernal Road, but not to exceed the sum of Ten Thousand Dollars (\$10,000.00). The County shall bear all of the remaining cost and expense of the improvements contemplated by said agreement.

Reference is hereby made to a copy of said agreement on file in the office of the City Clerk for all of its terms, provisions and conditions.

SECTION 2. The City Manager is hereby authorized to take all steps necessary to carry out the terms, provisions and conditions of said agreement and to expend any moneys necessary therefor from funds properly appropriated therefor.

PASSED TO PRENT this 12th day of March, 1962, by the following vote:

AYES: Councilmen - Doerr, Siegfried, Solar, Starbird, Welch and Moore

NOES: Councilmen - None

ABSENT: Councilmen - Hathaway

PAUL MOORE

Mayor

ATTEST: FRANCIS L. GREINER
City Clerk

(Seal of the City of San Jose)

This is to certify that the foregoing is a full, true and correct copy of Ordinance No. 9705 of the Council of the City of San Jose which was given final reading and adopted on March 19, 1962

Attest: APR 1, 1962

FRANCIS L. GREINER

City Clerk of the City of San Jose,
County of Santa Clara, State of California.

By: Mary Louise Marched Deputy.

13.

February 28, 1962

Mr. A. P. Hamann, City Manager
City of San Jose
City Hall, 801 North First Street
San Jose, California

Dear Mr. Hamann:

Enclosed are the original and three copies of an agreement between the County of Santa Clara and the City of San Jose for the improvement of Bernal Road at its intersection with the Monterey Highway and Southern Pacific Railroad.

Please execute all copies, retain two for your file, and return the original and one copy to this office. Thank you for your cooperation.

Very truly yours,

BOARD OF SUPERVISORS

Mrs. Jean Pullan
Clerk of the Board

JP:eo
Enclosures



CITY OF SAN JOSE
CALIFORNIA

CITY HALL

TELEPHONE CYPRESS 2-3141

CITY CLERK

May 1, 1962

Board of Supervisors
70 W. Rosa
San Jose, Calif.

Gentlemen:

Enclosed please find an executed copy of Agreement for the improvement of
Bernal Rd. at its intersection with Monterey Hiway and SP Railroad.

This copy is to be retained for your files.

FRANCIS L. GREINER
CITY CLERK

By: M.L. Moorehead

Enc.