

*Roads 201 E 4th St
Cost Sharing - Benicoba
Sunnyvale City*

AGREEMENT

25

This agreement entered into this 11th day of May, 1959 by and between the County of Santa Clara, a political subdivision of the State of California, hereinafter referred to as "the County," and the City of Sunnyvale, a municipal corporation of the State of California, hereinafter referred to as "the City," hereby agree as follows:

1. The City agrees to erect, install, and maintain an electrical traffic signal control system to regulate vehicular and pedestrian traffic at the intersection of Fremont Road³⁹³ and Bernardo Avenue⁶⁹³.

2. The County agrees to permit the City to install and maintain the said electrical traffic signal control system across and upon the portions of the said right of way which are owned and maintained by the County.

3. While constructing the said system, the City agrees to minimize the obstruction to traffic on the County right of way, to notify the County Department of Public Works of any activities in the right of way, and to construct the said system so that there will be no structure which interferes with the full flow of traffic along the right of way.

4. The City agrees to maintain the said system in a safe operating manner and to hold the County harmless from any and all liability which may be imposed upon it arising out of real or alleged negligent or defective construction or any real or alleged negligent or defective operation or maintenance of the said system.

5. Both parties agree to adopt appropriate ordinances or resolutions necessary to require drivers and pedestrians to obey the directions of the said traffic control system.

6. Sketches showing the general type of control system contemplated and its approximate location are attached.

Return to Board of Supervisors
N. First & Rosa Sts.
San Jose 10, Calif.

MAY 11 1959

Date.....
APPROVED *[Signature]*
RE: CE GC PC DPW FLD
NO:..... ABSTAINS:.....

7. The parties agree to abide by the terms of this agreement until the first of the following events take place:

a. The expiration of ten years.

b. Changed traffic conditions eliminate the need for a traffic signal or the City makes provision for some other type device or system.

c. Alterations, widening, or substantial changes in any of the streets or roads entering the intersection which materially alters or affects the flow of traffic.

d. Annexation of the said roadway by the City.

e. Sale or abandonment of the right of way.

8. Title to the said traffic control system shall remain in the City.

COUNTY OF SANTA CLARA

By Wesley L. Hubbard
Chairman of the Board of Supervisors

CITY OF SUNNYVALE

By Walter L. Jones
Mayor

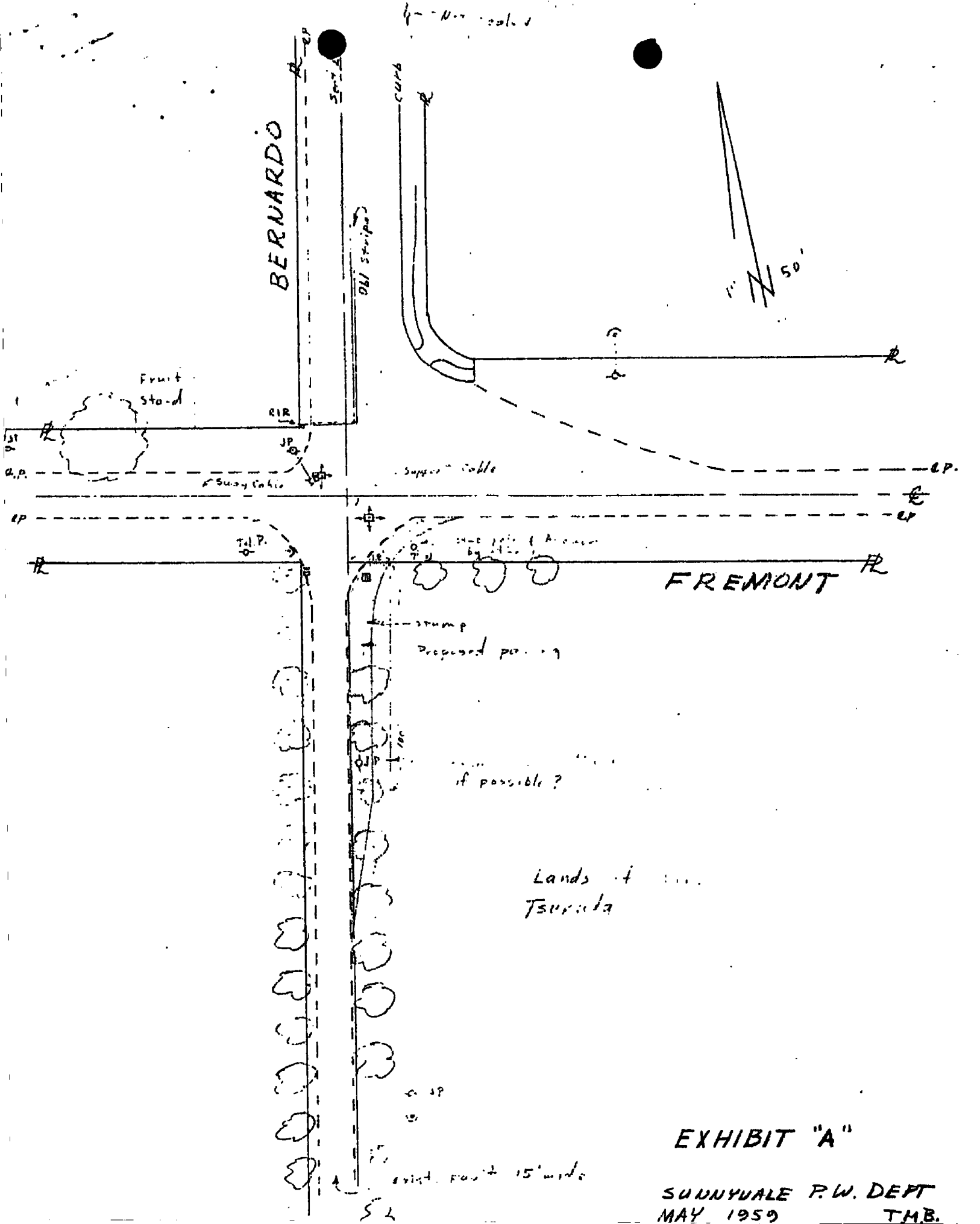


EXHIBIT "A"

SUNNYVALE P.W. DEPT
MAY 1959

T.M.B.

RESOLUTION NO. 3398

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT
BETWEEN CITY OF SUNNYVALE AND COUNTY OF SANTA CLARA**

BE IT RESOLVED, that the City of Sunnyvale enter into, and the Mayor be and he hereby is authorized and directed on behalf of said City to execute the following described Agreement:

**Agreement with County of Santa Clara relating
to signalization of intersection of Fremont Road
and Bernardo Avenue. (TR-59-3)**

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 2nd day of June, 1959, by the following called vote:

AYES: Councilmen: Kerr, Logan, McDaniel, Russell, Sapp, Scott and Jones
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:

/s/Walter L. Jones
Mayor

ATTEST:

/s/Vivian Krodel
City Clerk

(SEAL)