

36039

Roads Conts & Agmts Clerk
Cost Sharing Capital Ave
SJ (11/17/71)

AGREEMENT BETWEEN COUNTY OF SANTA CLARA
AND CITY OF SAN JOSE RELATING TO
IMPROVEMENT OF CAPITOL AVENUE BETWEEN
150 FEET NORTH OF ALUM ROCK AVENUE AND
WESTBORO DRIVE

This is an agreement between County of Santa Clara, State of California (County), and City of San Jose (City) to improve Capitol Avenue between 150 feet north of Alum Rock Avenue and Westboro Drive. Forty-two per cent (42%) of the project lies within unincorporated area of County and the remaining fifty-eight per cent (58%) lies within the incorporated area of City.

IT IS AGREED between the parties as follows:

1. Preparation of Plans and Specifications. County shall prepare and submit to City for approval plans and specifications for the improvement of Capitol Avenue between 150 feet north of Alum Rock Avenue and Westboro Drive. Upon approval by City, County shall advertise the project for bid and shall award a contract to be supervised to completion by County.

2. City's Share of Cost. Within thirty (30) days after approval by City of the plans and specifications, City shall pay to County the sum of One Hundred Sixteen Thousand Eight Hundred Dollars (\$116,800), which is the amount presently estimated by County to be the construction cost of the portion of the project lying within the incorporated area of City. As used in this agreement, the term "construction Cost" shall mean the total of all costs incurred and expenditures made by County in connection with constructing the above described project, including but not limited to engineering costs and expenses, costs and expenses of preparing plans and specifications, costs and expenses for inspection, publication, advertising and printing, cost of the construction contract, cost of extra work and materials in connection with such work authorized by County and City. County's

2 to San Jose
2 to Parks
1 to Finance
1 to Co. Council

J

share of the project shall be forty-two per cent (42%) of the total construction cost and City's share of the project shall be fifty-eight per cent (58%) of the total construction cost.

3. Acquisition Costs. City shall acquire all the real property required for the project which lies within the City and shall pay for all acquisition costs thereof. County shall acquire all the real property required for the project which lies within the unincorporated area of County and shall pay for all acquisition costs thereof.

4. Insurance. County shall require any contractor awarded a contract for any portion of the project to secure and maintain in full force and effect at all times during the construction of the project and until the project is accepted by County, public liability and property damage insurance in forms and limits of liability satisfactory and acceptable to both City and County, insuring the City and County and their respective officers and employees from and against any claim, loss, liability, cost or expense arising out of or in any way connected with the construction of the project.

The aforementioned policy shall contain a provision that the insurance afforded thereby to City and County and their respective officers and employees shall be primary insurance to the full limits of liability of the policy and that if the City or County or their respective officers and employees have other insurance against a loss covered by such policy that other insurance shall be excess insurance only.

5. Final Accounting. Upon completion of the project County shall submit to City a final accounting of the total construction cost. In the event this final accounting shows that the sum advanced to County is less than fifty-eight per cent (58%) of the total construction cost, City shall pay County the difference up

FPP:DCA:1b-B
7/14/69

RESOLUTION NO. 36039

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY OF SANTA CLARA RELATING TO THE IMPROVEMENT OF CAPITOL AVENUE BETWEEN 150 FEET NORTH OF ALUM ROCK AVENUE AND WESTBORO DRIVE, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXPEND MONEYS IN CONNECTION THEREWITH FROM THE 1964 GAS TAX CONSTRUCTION FUND.

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

SECTION 1. The Mayor and City Manager are hereby authorized and directed to execute, on behalf of the City of San Jose, that certain agreement between the City of San Jose, a municipal corporation of the State of California, hereinafter called City, and the County of Santa Clara, hereinafter called County, namely, "Agreement Between County of Santa Clara and City of San Jose Relating to Improvement of Capitol Avenue Between 150 Feet North of Alum Rock Avenue and Westboro Drive", form dated 6-16-69, a copy of which is on file in the office of the City Clerk and to which reference is hereby made for full particulars. Said agreement provides in part that County will prepare plans and specifications for the improvement of Capitol Avenue between 150 feet north of Alum Rock Avenue and Westboro Drive, hereinafter called the project, award a contract therefor and supervise same to completion. Said agreement further provides that City shall acquire, at its own cost, all the real property required for the project which lies within the City, and that County shall acquire at its own cost, all the real property required for the project which lies within the County. Said agreement additionally provides that City shall pay County, within thirty (30) days after approval by City of the plans and specifications for the project, the sum of \$116,800.00, as City's

share of the construction cost (as that term is defined in the said agreement) of the project, and that an accounting shall be made upon completion of the project, at which time an adjustment will be made, either by way of payment by City to County or by County to City, to insure that City shall have contributed 58% of the total construction cost of the project, provided that in no event shall City's share be in excess of \$130,000.00.

SECTION 2. The Director of Public Works is hereby authorized to carry out the terms and provisions of said agreement on behalf of City and to expend such sums as are necessary to meet City's obligations under said agreement from moneys properly appropriated therefor from the 1964 Gas Tax Construction Fund.

ADOPTED this 22nd day of July, 1969,
by the following vote:

AYES: Councilmen - Colla, Goglio, Gross, Mineta, Shaffer, James.

NOES: Councilmen - None.

ABSENT: Councilmen - Hays.



Mayor
Ronald R. James

ATTEST:



City Clerk

Francis L. Greiner
By: Roy H. Hubbard, Deputy

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. Smith Deputy

Dated: August 14, 1969

Form No. 170-40

Void if detached

RECEIVED
PUBLIC WORKS
Aug 18 12 14 PM '69
COUNTY OF
SANTA CLARA

RECEIVED
DEPT. OF PUBLIC WORKS
AUG 19 1969
COUNTY ENGINEER

County of Santa Clara

California

Sig Sanchez, District 1
Dominic L. Cortese, District 2
Charles A. Quinn, District 3
Ralph H. Mehrkens, District 4
Victor Calvo, District 5

September 3, 1969

Mr. Frank Greiner
City Clerk
City of San Jose
City Hall
San Jose, California

Subject: Agreement with City of San Jose

For Improvement of Capitol Avenue btw
150' North of Alum Rock Avenue and
Westboro Drive

Dear Mr. Greiner:

Enclosed you will find a fully executed copy of the subject agreement between the County of Santa Clara and the party(ies) named above. The Board of Supervisors at its regularly scheduled meeting on

September 2, 1969. approved this agreement on behalf of the County.

The enclosed copy is for your records.

Very truly yours,

JEAN PULLAN, Clerk of the
Board of Supervisors

By _____
Deputy Clerk

JP:kb

Encl. (2)

P.S. We are enclosing a xerox copy to be directed to Mr. James Borning, City of San Jose.

No. 3

WHITE — Controller
CANARY — County Executive
PINK — Central Service or
GOLD. ROD — County Engineer
GREEN — File

No. _____

JOB No. _____

Change Order No. _____

03

BOARD OF SUPERVISORS
SANTA CLARA COUNTY

DATE 9-2-69

The following contract ~~was awarded by change order~~ was approved by the Board of Supervisors at a meeting held:

Project to be charged ~~Agreement with city of San Jose for improvement of Capitol Avenue between 150' North of Alum Rock Avenue and Lombard Drive~~ ^{September 2, 1969}

For the amount of \$ As per Agreement attached

Contractor County of Santa Clara

Completion Date _____

Budget Item _____ (for Controller's use)


JEAN PULLAN
Clerk of the Board

TRANSMITTAL MEMORANDUM

S.D. 2

#3

DATE: August 21, 1969

FOR: BOARD OF SUPERVISORS AGENDA OF September 2, 19 69

FROM: MONTINI, ENGINEERING, PUBLIC WORKS

TITLE: AGREEMENT BETWEEN COUNTY OF SANTA CLARA AND CITY OF SAN JOSE
RELATING TO IMPROVEMENT OF CAPITOL AVENUE BETWEEN 150 FEET
NORTH OF ALUM-ROCK AVENUE AND WESTBORO DRIVE

DESCRIPTION:

The County of Santa Clara and the City of San Jose are involved in a cooperative project which will provide for the improvement and widening of Capitol Avenue to a four lane divided facility from 150 feet north of Alum Rock Avenue to Westboro Drive. The attached agreement provides for sharing of costs by the respective agencies.

This project is expected to be advertised in January of 1970.

This agreement was executed by the City Council of the City of San Jose on July 22, 1969.

Approval is recommended.

A fully executed copy of the agreement shall be sent to the City of San Jose to the attention of Mr. James Boring.

LM:JBW:vlh

attachments

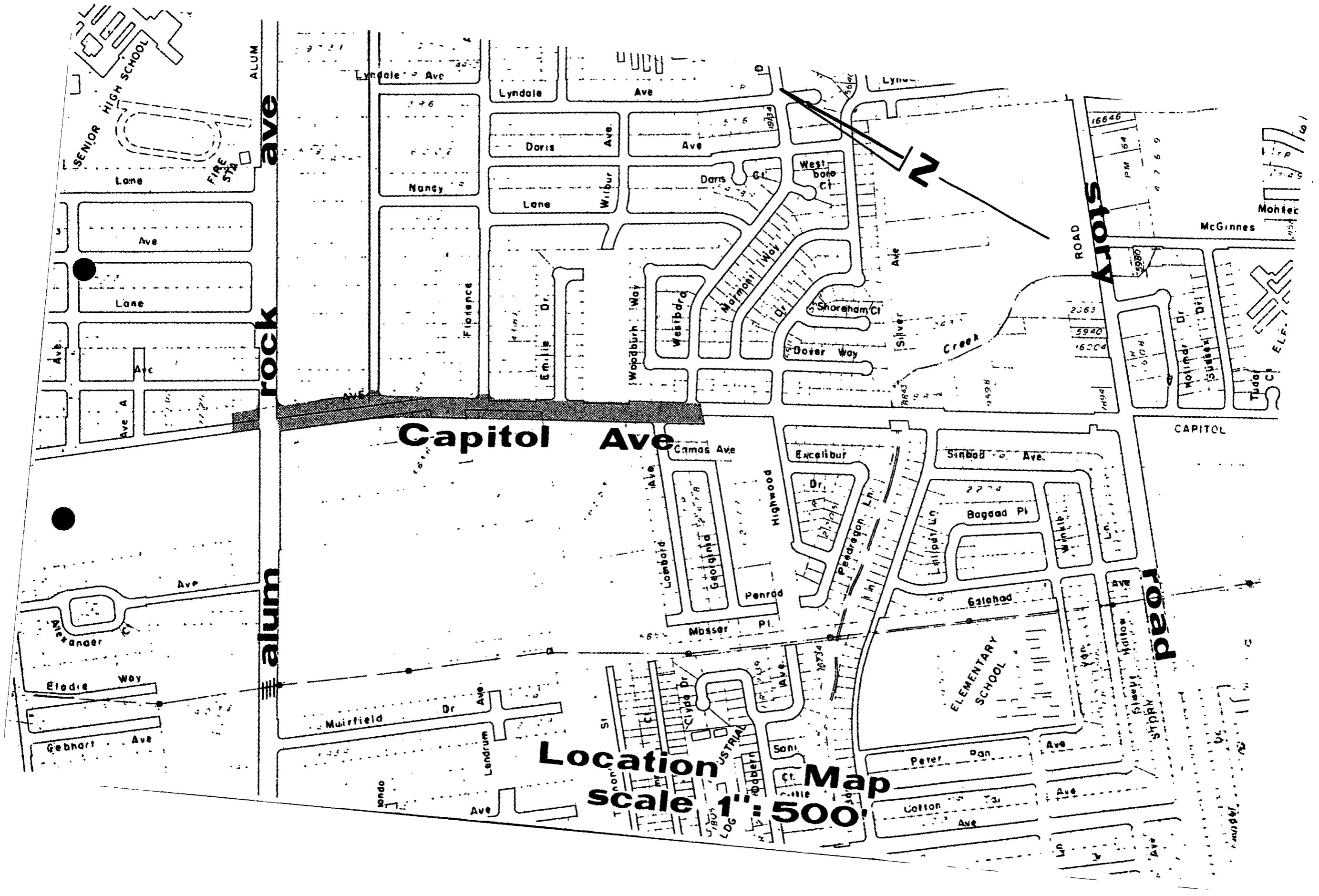
APPROVED:

James T. Pott

JAMES T. POTT, COUNTY ENGINEER

<u>AGENDA DATA</u>	
DATE:	_____
ITEM NO:	_____
BOARD ACTION	_____

SEP 2 1969



SENIOR HIGH SCHOOL
Lane
FIRE STA

ALUM
rock
alum

Lyndale Ave

Lyndale Ave

Ave

Lyndale Ave

Doris Ave

Ave

Nancy Lane

Lane

Wilbur Lane

Doris Ave

Westboro Ct

16646

PM 64
4769

McGinnes

Montec

Florence

Emilia Dr

Woodburn Way

Westboro

Norman Way

Shoreham Ct

Ave

Creek

Dover Way

ROAD

Story

3980

2063

5940

16004

Hollister Dr

Sussex Dr

Tudor Ct

ELF Ln

Capitol Ave

Camas Ave

Excelibur Dr

Sinbad Ave

CAPITOL

Lombard Ave

Highwood

Pendragon Ln

2274

Bagdad Pl

Winkle Ln

Galohad

ELEMENTARY SCHOOL

Ave

peop

Story

Ave

Elodie Way

Gebhart Ave

Muirfield Dr

Lendrum Ave

Location Map
Scale 1" = 500'

INDUSTRIAL

Peter Pan Ave

Cotton Ave

Ave

Lp

Ave



CITY CLERK

CITY OF SAN JOSE
CALIFORNIA

CITY HALL

TELEPHONE 292-3141

August 14, 1969

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

Gentlemen:

Enclosed are 2 copies of Agreement Relating to Improvement of Capitol Avenue between 150 Feet North of Alum Rock Avenue and Westboro Drive.

for your signature. Please type name and title under signature.

After completion, return all signed copies to: Mrs. Judy Smith

City Clerk's Office, Room 408, 801 N. 1st Street, San Jose, California
95110.

An executed copy will be returned to you for your files.

Sincerely,

ROY H. HUBBARD
ASSISTANT CITY CLERK

By: Judith C. Smith
Deputy City Clerk

Enc.

memorandum



TO	Public Works Department	FROM	Jean Pullan, Clerk of the Board
SUBJECT	AGREEMENT WITH CITY OF SAN JOSE RELATING TO IMPROVEMENT OF CAPITOL AVENUE BETWEEN 150 FEET NO. OF ALUM ROCK AVE. AND WESTBORO DRIVE	DATE	August 15, 1969

Attached please find transmittal letter from the City of San Jose, along with two copies of the captioned Agreement executed by the City. Please review this agreement and place on the Board of Supervisors with your recommendation. Please return all of the attached material to this office at that time.

JP, kb
Attachments