

County of Santa Clara  
California

TRANSMITTAL MEMORANDUM

S.D. 2

Page 1 of 2

DATE: February 25, 1975

*9*  
*APR 8 1975*

FOR: BOARD OF SUPERVISORS AGENDA OF March 11, 1975

FROM: MONTINI, TRANSPORTATION DEVELOPMENT

TITLE: REPORT ON STATUS OF COMPLIANCE WITH THE PROVISIONS OF THE EXISTING AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONNECTION OF MC LAUGHLIN AVENUE WITH CAPITOL EXPRESSWAY

DESCRIPTION:

*Roads C & A  
Cosh Shaving  
Capitol Expressway*

Introduction

The City of San Jose has not complied with all of the provisions of an Agreement entered into between the City and the County on November 6, 1972 and amended on December 17, 1973 relative to the connection of McLaughlin Avenue with Capitol Expressway. One of the property owners (Mr. Ed Gould) adjacent to the expressway has requested that the County take action in accordance with the provisions of said Agreement regarding non-compliance by the City.

Background

On October 14, 1970 the Transportation Policy Committee approved the request of the City of San Jose for a new public street opening on Capitol Expressway at McLaughlin Avenue subject to certain conditions. A revised Expressway Agreement between the City and the County reflecting this and other revisions was subsequently executed by both agencies.

On November 6, 1972 the City of San Jose and the County entered into an Agreement (attached) which defined the conditions under which the connection of McLaughlin Avenue to Capitol Expressway would be permitted. This Agreement contained a date of November 1, 1973 for compliance by the City of San Jose with the conditions. The Agreement was amended on December 17, 1973 to provide for the extension of the compliance date to November 1, 1974 (copy attached).

Issue

Condition 6 of the Agreement states that "If the total project as defined in conditions numbers 3 and 4, is not completed by November 1, 1973 (amended to read November 1, 1974), the County will take immediate action to permanently close the median opening at Tuers Road, relocate the Tuers Road traffic signal equipment to McLaughlin Avenue and stub the McLaughlin Avenue improvements on the

*EM* APPROVED: JAMES PORT *JP* HOWARD CAMPEN *RUH*

AGENDA DATA: DATE: \_\_\_\_\_ ITEM NO: \_\_\_\_\_

BOARD ACTION: APR 11 1975 *(7/13)*  
~~MAY 6 1975~~ ~~APR 22 1975~~ *B*  
MAY 27 1975 *P*

755 REV. 2/73  
*filed 4/7/78*

~~APR 8 1975~~ *B*

TRANSMITTAL MEMORANDUM

Page 2 of 2

DATE: February 25, 1975

DATE OF AGENDA: March 11, 1975

TITLE: REPORT ON STATUS OF COMPLIANCE WITH THE PROVISIONS OF THE EXISTING AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONNECTION OF MC LAUGHLIN AVENUE WITH CAPITOL EXPRESSWAY

north side of Capitol Expressway at the expressway right of way line. The City of San Jose will be billed upon completion of the work by the County for all costs involved and will remit payment for same within 30 days of receipt of invoice".

The City of San Jose has not complied with the conditions defined in the Agreement in that the connection between Loupe Avenue and Capitol Expressway on the north has not been accomplished. Mr. Ed Gould, the property owner involved, has been unsuccessful in his attempts to negotiate a satisfactory agreement with the City on this matter. The City did advertise a project in February, 1974 for this purpose, but the bids were too high and were rejected.

Alternatives:

1. Do nothing.
2. Enforce the provisions of the Agreement.

The "do nothing" alternative, if adopted, should include another amendment to the existing Agreement between the City and the County. This is not an acceptable alternative to the property owner involved and does not conform to the intent of the original Agreement.

Enforcement of the provisions of the original Agreement would not result in the construction of the connection between Loupe Avenue and the expressway but would satisfy the legal obligations of both the County and the City.

It is anticipated that both the property owner involved and representatives of the City of San Jose will appear at the Board meeting to present arguments supporting their preferences.

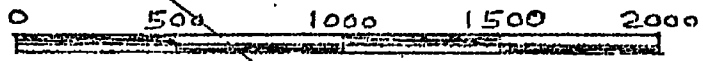
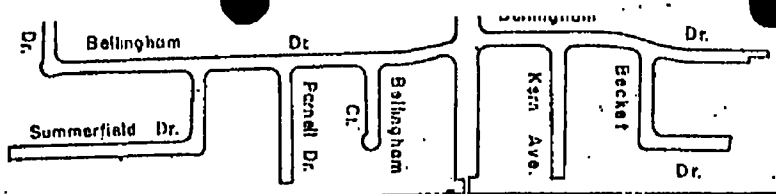
Recommendation

It is recommended that the Board of Supervisors direct the Transportation Agency to take the necessary actions to enforce the provisions of the existing Agreement.

LM:vlt

attachments

cc: Mr. Ed Gould  
Mr. A. R. Turturici and Mr. Jim Ferguson, City of San Jose



MEDIAN OPENING TO BE CLOSED  
UPON CONNECTION OF McLAUGHLIN AVE  
TO CAPITOL EXPRESSWAY.

AVE.



BAYSHORE

LOUPE

LIMITS  
OF REVISED  
AGREEMENT

EXPR. WAY

ROAD

McLAUGHLIN AVE.

JANMARIE CT.

CAPITOL EXPRESSWAY  
McLAUGHLIN AVE  
INTERSECTION  
EXHIBIT "D"

Coyote

TUERS

RD.

Creek

memorandum

LM



TO	Transportation Agency	FROM	Clerk, Board of Supervisors
SUBJECT	Report on status of compliance with provision of agreement with City of San Jose for connection of McLaughlin Avenue with Capitol Expressway	DATE	Nov. 5, 1975

The subject item was considered by the Board at its May 27 meeting, and referred to your department to agendize the matter at the Chairman's request.

*Vol 75 p. 12  
matter is done  
LM*

We are still holding it in our pending file. Will you please advise the status. Thank you.

ATTEST: DONALD M. RAINS, Clerk of the Board

By Marjory Sawyer  
Marjory Sawyer

*Vol 74/647  
nothing per  
Lui 3/78*

*w1  
Per Law Montain 1/27/77*

*Proposed development going thru city land  
presently & when complete. Montain used  
repts to B.S.*

REORDER # 983074  
25 REV 11/69

*STILL PENDING.*

*LM 12-4-75*

Approved 12-11-73

Roads c+A East  
Capital Expressway  
San Jose City

Stem 43  
Shari Clerk  
Room 116  
Sh. McLaughlin's  
ave connection

FIRST AMENDMENT TO AGREEMENT BETWEEN  
THE CITY OF SAN JOSE AND THE COUNTY  
OF SANTA CLARA FOR THE CONNECTION OF  
McLAUGHLIN AVENUE WITH CAPITOL EXPRESSWAY.

WHEREAS, by agreement executed on November 6, 1972, the  
CITY OF SAN JOSE and the COUNTY OF SANTA CLARA agreed to connect  
McLaughlin Avenue to the Capitol Expressway; and

WHEREAS, said agreement provided for such connection by  
November 1, 1973; and

WHEREAS, the parties to said agreement desire to provide  
for such connection by November 1, 1974 rather than November 1,  
1973.

NOW, THEREFORE, the said agreement is hereby amended to  
delete therefrom all references to "November 1, 1973" and sub-  
stitute therefor "November 1, 1974."

WITNESS THE EXECUTION hereof by City this 17<sup>th</sup> day of  
December, 1973, and by County this \_\_\_\_\_ day of  
JAN 8 1974, \_\_\_\_\_

APPROVED AS TO FORM:

CITY OF SAN JOSE, a municipal  
corporation

W B Mayfield  
WILLIAM B. MAYFIELD  
Deputy City Attorney

By Donna Bick  
Mayor

ATTEST:

"City"

FRANCIS L. GREINER  
By Linda Crosby Deputy  
City Clerk

APPROVED AS TO FORM:

COUNTY OF SANTA CLARA

Dwaine Thompson  
Assistant/Deputy County Counsel

By Liz Sanchez  
Chairman, Board of Supervisors

ATTEST:

"County"

Donald M. Rains  
DONALD M. RAINS, Clerk  
Board of Supervisors

Copies - San Jose City Clerk, S.J. Pub-Works, Counsel, Pub-Works - Eng.

January 8, 1974

City Clerk - Room 116  
City of San Jose  
801 N. First Street  
San Jose, California 95110

Attention: Linda Crosby, Deputy City Clerk

Subject: Amendment to Agreement between City of San Jose  
and County of Santa Clara Regarding Capitol  
Expressway at McLaughlin Avenue

Dear Sir:

Enclosed you will find a fully executed copy of the subject Amendment to Agreement between the City of San Jose and the County of Santa Clara. The Board of Supervisors at its regularly scheduled meeting on January 8, 1974 approved this Agreement on behalf of the County.

The enclosed copy is for your records.

Very truly yours,

BOARD OF SUPERVISORS  
Donald M. Rains, Clerk

By: \_\_\_\_\_  
Deputy Clerk

DMR/dgh

cc: Montini-Public Works, Engineering

TRANSMITTAL MEMORANDUM

S.D. 2

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Page      of     

DATE: December 26, 1973

FOR: BOARD OF SUPERVISORS AGENDA OF January 8, 1974

FROM: MONTINI, PUBLIC WORKS, ENGINEERING

TITLE: AMENDMENT TO AGREEMENT BETWEEN CITY OF SAN JOSE AND COUNTY OF SANTA CLARA REGARDING CAPITOL EXPRESSWAY AT MC LAUGHLIN AVENUE

DESCRIPTION:


This amendment provides for the completion of the connection of Mc Laughlin Avenue to Capitol Expressway prior to November 1, 1974. Under the original agreement the City of San Jose was obligated to complete this project by November 1, 1973.

The continued delay of this project has been a matter of concern to the Department of Public Works. However, we have received assurance from the City that a construction contract will be awarded prior to April 1, 1974 (letter attached).

Approval to execute this amendment is recommended.

LM:WS:vlh

attachments

*LM* APPROVED: JAMES POTT 

HOWARD CAMPEN           

AGENDA DATA: DATE:                       
ITEM NO:                     

BOARD ACTION: JAN 8 1974 *B*



CITY OF SAN JOSE  
CALIFORNIA

401 N. FIRST ST.  
SAN JOSE, CA 95113  
TELEPHONE (408) 277-4000

December 24, 1973

DEPARTMENT OF PUBLIC WORKS

James T. Pott  
Director of Public Works  
County of Santa Clara  
1555 Berger Drive  
San Jose, CA 95112

ATTN: Scott Bruce  
Wolfgang Schroeder

RE: City of San Jose Plans and Specifications  
for the Improvement of McLaughlin Avenue  
and Capitol Expressway

Gentlemen:

This is to verify that the City of San Jose has tentatively scheduled to award the contract for the above improvements before April 1, 1974.

Plans and Specifications were approved by City Council on December 18, 1973 (Res. # 45039).

Tentative Bid Opening Date - January 29, 1974.

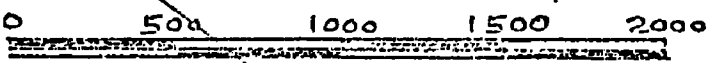
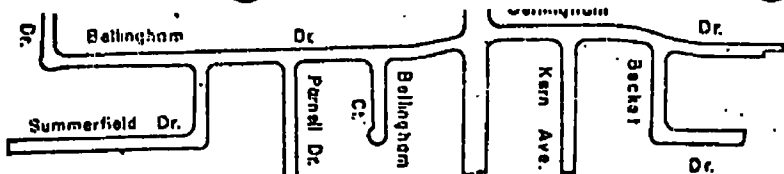
If more information is required, please call.

Very truly yours,

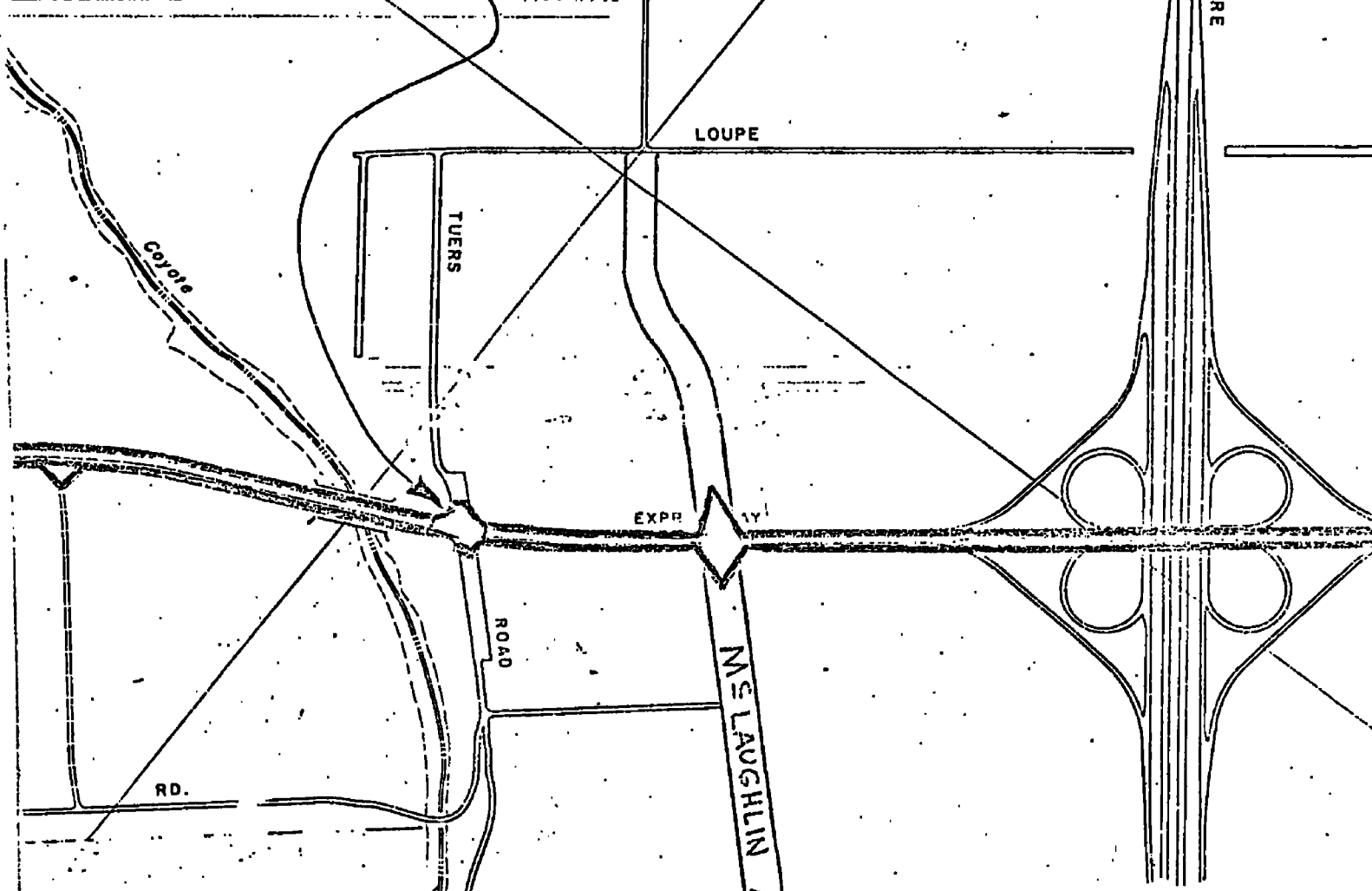
A. R. TURTURICI  
Director of Public Works

ART:AM:cb





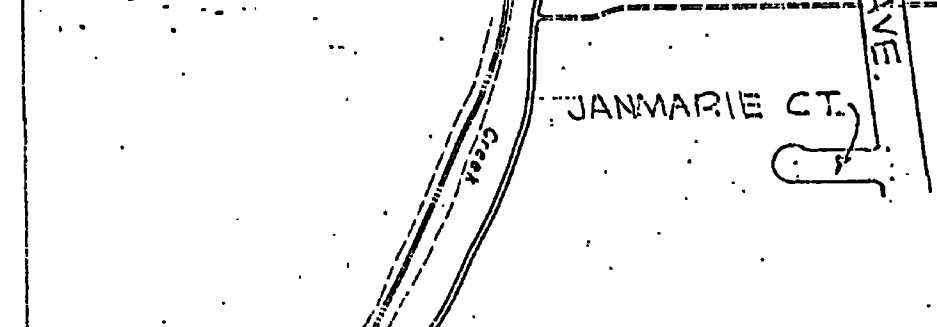
MEDIAN OPENING TO BE CLOSED  
UPON CONNECTION OF McLAUGHLIN AVE  
TO CAPITAL EXPRESSWAY.



LOCATION MAP

CAPITOL EXPRESSWAY  
McLAUGHLIN AVE.  
INTERSECTION

JANMARIE CT.





CITY CLERK

CITY OF SAN JOSE  
CALIFORNIA

CITY HALL

TELEPHONE 277-4000

December 18, 1973

County of Santa Clara  
Board of Supervisors  
70 West Hedding Street  
San Jose, CA

FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF  
SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE  
CONNECTION OF McLAUGHLIN AVENUE WITH CAPITOL  
EXPRESSWAY

Enclosed are two copies of the amendment which  
was approved by the Council of the City of San  
Jose on December 11, 1973.

Please execute, date, retain your copy and return  
the "Clerk" copy to my attention in Room 116, 801  
North First Street, San Jose, California 95110.

Thank you for your cooperation.

Linda Crosby  
Deputy City Clerk

Enclosures

12-18-73  
116  
116  
116

BOARD OF SUPERVISORS  
RECEIVED  
Dec 20 1 40 PM '73  
COUNTY OF  
SANTA CLARA



CITY CLERK

CITY OF SAN JOSE  
CALIFORNIA

*Roads Cont Agents*  
*Cost Sharing - Capital*  
*Supply*  
CITY HALL  
San Jose City  
TELEPHONE 292-3041  
*sh - McLaughlin Ave*  
*Connection*

November 10, 1972

Board of Supervisors  
Santa Clara County  
Room 524  
70 West Hedding Street  
San Jose, CA 95110

Gentlemen:

Enclosed is an executed copy of Agreement for the Connection  
of McLaughlin Avenue with Capitol Expressway

for your files.

Sincerely,

Roy H. Hubbard  
Assistant City Clerk

By: Linda Crosby  
Deputy City Clerk

Enclosure

7.

Ps. 42913

AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONNECTION OF MC LAUGHLIN AVENUE WITH CAPITOL EXPRESSWAY

This is an agreement between County of Santa Clara, hereinafter called "County" and the City of San Jose hereinafter called "City".

WHEREAS, City has applied before the Transportation Policy Committee for the connection of McLaughlin Avenue with Capitol Expressway; and

WHEREAS, the Transportation Policy Committee has approved such connection subject to certain conditions; and

WHEREAS, City and County desire to enter into an agreement providing for the connection of McLaughlin Avenue to Capitol Expressway;

NOW, THEREFORE, it is agreed:

1. The plans and specifications for this project shall be prepared under the direction of the City of San Jose, except that the County Public Works' staff will prepare the signal relocation plans and specifications.
2. City of San Jose will submit these plans and specifications (total project) to the County for approval. County will issue the City of San Jose an encroachment permit for all work to be performed within the expressway right of way to include inspection of same.
3. All lands necessary to complete said connection of McLaughlin Avenue to Capitol Expressway to the ultimate right of way requirements for Capitol Expressway at this location shall be dedicated by record of survey to County. The intersecting street width of McLaughlin Avenue on both the north and south approaches to Capitol Expressway shall be 106 feet right of way. The connection shall include standard acceleration and deceleration lanes and tapers on both the north and south side of Capitol Expressway as determined by County staff.

*Co. Council  
TPC  
Public Works  
Finance*

*Confirmed Copy to:*

4. McLaughlin Avenue between Loupe Avenue and Capitol Expressway on the north, and McLaughlin Avenue between Janmarie Court and Capitol Expressway on the south shall be constructed to a minimum paved surface width of 30 feet. The existing median opening at Tuers Road on Capitol Expressway shall be permanently closed and the traffic signal equipment at this location relocated to the McLaughlin Avenue-Capitol Expressway intersection.
5. City of San Jose shall be permitted to construct the right turn only connections to the south side of Capitol Expressway from McLaughlin Avenue as the first stage of construction provided that the total project as defined in conditions number 3 and 4 above is completed by November 1, 1973. Immediately upon the commencement of any work on the project the Tuers Road intersection shall be posted with the appropriate notices indicating that the median opening at Tuers Road and Capitol Expressway will be permanently closed by November 1, 1973.
6. If the total project as defined in conditions numbers 3 and 4, is not completed by November 1, 1973, the County will take immediate action to permanently close the median opening at Tuers Road, relocate the Tuers Road traffic signal equipment to McLaughlin Avenue, and stub the McLaughlin Avenue improvements on the north side of Capitol Expressway at the Expressway right of way line. The City of San Jose will be billed upon completion of the work by the County for all costs involved and will remit payment for same within 30 days of receipt of invoice.
7. County shall inspect those portions of the project located within the right of way limits of Capitol Expressway. City shall inspect all other portions of the project.
8. All costs associated with the work to complete said project shall be paid for by City. These costs include but are not limited to the cost incurred by County for inspection of work performed within the expressway right

of way. Said inspection costs by County shall be the actual labor costs including normal fringe benefits and overhead costs. Payment shall be made within 30 days of receipt of an invoice from County requesting payment. Said invoice shall be forwarded after the completion and acceptance of the improvement.

9. Upon acceptance of said project County shall assume all maintenance of the improvements within Capitol Expressway.
10. City 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 said project is accepted by City, public liability insurance of Five Hundred Thousand Dollars (\$500,000) and property damage liability insurance of Two Hundred Fifty Thousand Dollars (\$250,000) per occurrence and Five Hundred Thousand (\$500,000) aggregate. Insurance shall be satisfactory and acceptable to both City and the County, insuring City and the 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. Said 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.

CITY OF SAN JOSE, a municipal corporation

By *Thomas J. Fitch*  
Mayor  
"City"

APPROVED AS TO FORM:

*Shane M. Lee*  
Deputy City Attorney:

ATTEST:

FRANCIS L. GREINER  
By *F. L. Greiner* Deputy  
City Clerk

COUNTY OF SANTA CLARA

By *Charles A. Zinner*  
Chairman, Board of Supervisors

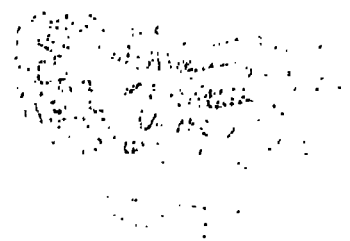
"County" SEP 12 1972

ATTEST: DONALD M. RAINS, Clerk  
Board of Supervisors

*Donald M. Rains*

APPROVED AS TO FORM:

*Harold J. Thompson*  
Assistant/Deputy County Counsel





No. \_\_\_\_\_

Job No. \_\_\_\_\_

Change Order No. \_\_\_\_\_

**BOARD OF SUPERVISORS  
SANTA CLARA COUNTY**

DATE September 14, 1972

Agreement

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

September 12, 1972

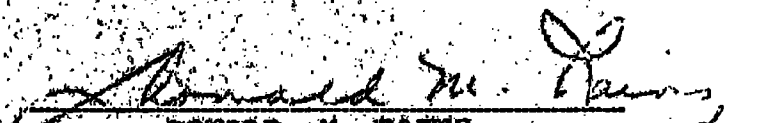
Project to be charged: Agreement between the City of San Jose and County of Santa Clara for the connection of McLaughlin Avenue with Capitol Expressway

For the amount of \$ See Agreement

Contractor City Clerk, City of San Jose, 801 N. First St., San Jose, Ca. 95110

Completion Date See Agreement

Budget Item \_\_\_\_\_ (for Controller's use)

  
DONALD M. PAYNE  
Clerk of the Board

DMR:CC

WHITE ----- CONTROLLER  
CANARY ----- FILE  
PINK ----- PUBLIC WORKS  
GOLD. ROD. PUBLIC WORKS

County of Santa Clara

California

Office of the Board of Supervisors  
524 County Administration Building  
70 West Hedding Street  
San Jose, California 95110  
299-2323 Area Code 408

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

September 14, 1972

City of San Jose  
City Clerk  
801 N. First St.  
San Jose, Ca. 95110

Attn: Mr. A. R. Turturici

Subject: Agreement with City of San Jose  
for Connection of McLaughlin Avenue  
with Capitol Expressway

Dear Sir:

Enclosed you will find an original and one copy of an agreement between the County of Santa Clara and the parties named above. The Board of Supervisors at its regularly scheduled meeting on September 12, 1972 authorized its Chairman to execute this agreement on behalf of the County.

After execution of all copies, we would appreciate your returning the original to this office.

Very truly yours,

BOARD OF SUPERVISORS  
Donald M. Rains, Clerk

By: Arina Collins  
Deputy Clerk

DMR: dc  
Encls. (2)

cc: Public Works, Engineering

County of Santa Clara

California

TRANSMITTAL MEMORANDUM

S.D. 2

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DATE: August 28, 1972

FOR: BOARD OF SUPERVISORS AGENDA OF September 12, 1972

FROM: MONTINI, PUBLIC WORKS, ENGINEERING

TITLE: AGREEMENT WITH THE CITY OF SAN JOSE FOR THE CONNECTION OF  
MC LAUGHLIN AVENUE WITH CAPITOL EXPRESSWAY

DESCRIPTION:

On October 14, 1970 The Transportation Policy Committee approved the request of the City of San Jose for a new public street opening on Capitol Expressway at Mc Laughlin Avenue subject to certain conditions. Since then, there have been several exchanges of correspondence between City and County staffs, but there has not yet been any formal commitment by San Jose to satisfy the Transportation Policy Committee's requirements. The attached agreement will accomplish this objective.

Execution of this agreement is necessary because a large housing development south of Capitol Expressway is under construction and the connection of McLaughlin Avenue to the Expressway is very important once their development is built.

Approval is recommended.


Upon execution please forward to the City of San Jose (attention: A. R. Turturici) for execution by San Jose.

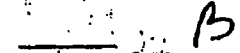
LM:vlh

attachments

cc: Dudley W. Frost, Jr.  
Hugh F. Magee, Jr.  
James McCoy  
A. R. Turturici

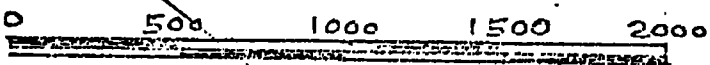
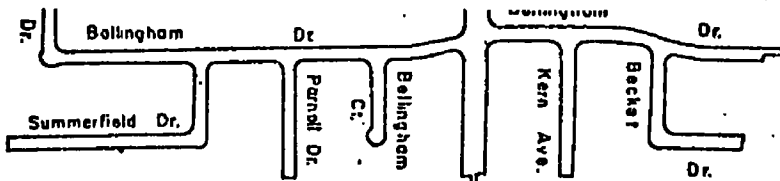
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APPROVED: JAMES POT 

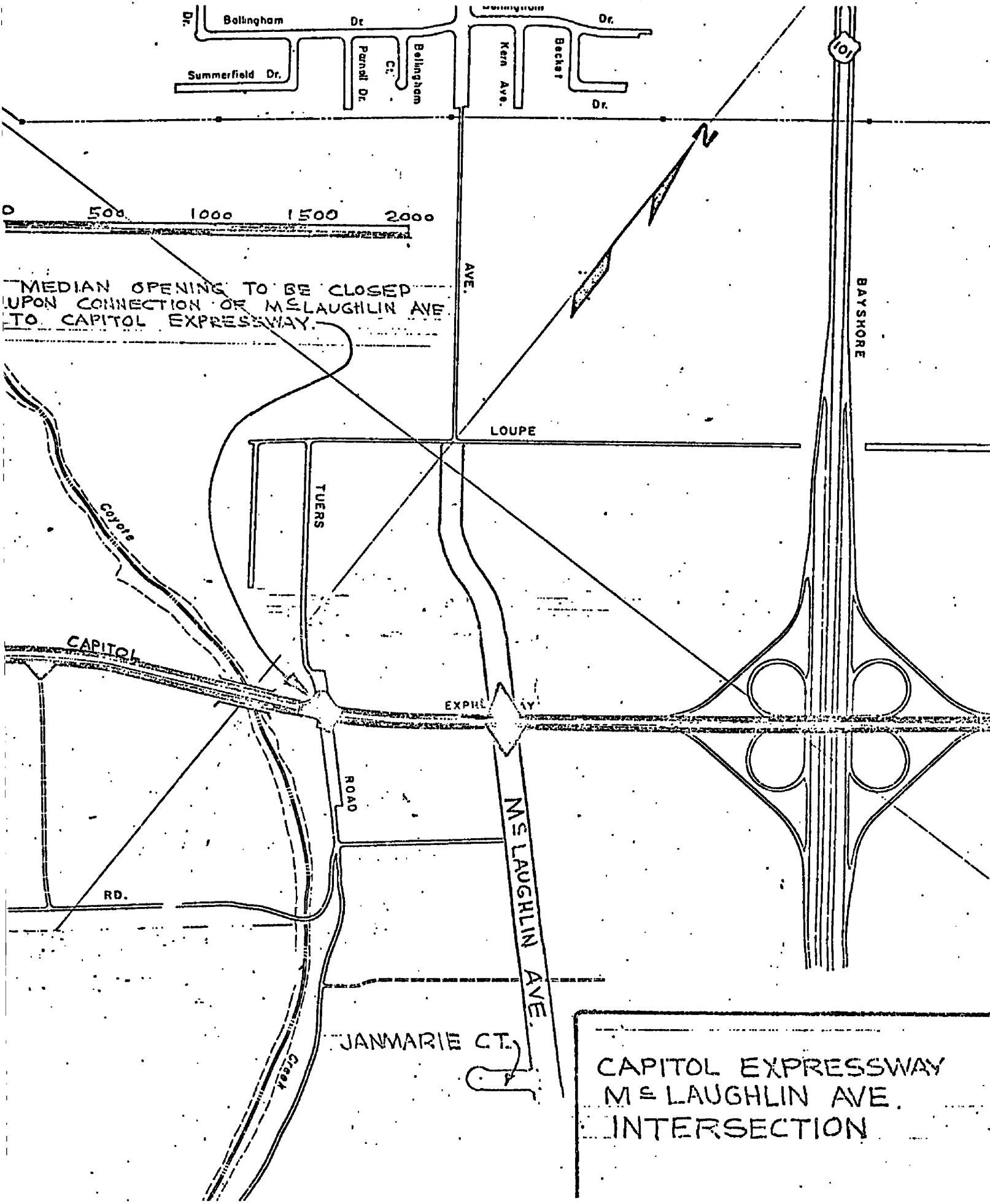
HOWARD CAMPEN  B

AGENDA DATA: DATE: \_\_\_\_\_ BOARD ACTION: SEP 12 1972

ITEM NO: \_\_\_\_\_



MEDIAN OPENING TO BE CLOSED UPON CONNECTION OF McLAUGHLIN AVE TO CAPITOL EXPRESSWAY.



CAPITOL EXPRESSWAY  
 McLAUGHLIN AVE.  
 INTERSECTION