

#21

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, RELATING TO CAPITOL EXPRESSWAY

WHEREAS, the State of California Department of Public Works, Division of Highways, plans to acquire for use as a state highway portions of three parcels of land along proposed route for State Highway Route 68 Freeway; and

WHEREAS, the County of Santa Clara will require portions of the same parcels for the construction of the Capitol Expressway; and

WHEREAS, State and County desire to execute an agreement whereby State will acquire said parcels of property and convey the same to the County in return for County reimbursing State for the costs and expenses in connection therewith.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of this Board of Supervisors be, and is hereby, authorized and directed to execute that certain agreement between the State of California Department of Public Works, Division of Highways, and the County of Santa Clara to effectuate the aforementioned acquisition of said property, said agreement hereinabove referred to being attached hereto and made a part hereof by reference.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on June 17, 1963, by the following vote:

AYES: Supervisors, Levin Della Maggiore Spangler Mehrkens Sanchez
NOES: Supervisors, None
ABSENT: Supervisors, None

[Signature]
Chairman, Board of Supervisors

ATTEST: JEAN PULLAN, Clerk of the Board of Supervisors

[Signature]
JRK:mcb - 6/13/63

JUN 17 1963
ADOPT: YES: L D M S Sz
NO: ABSTAINS:
ABSENT:

AGREEMENT

1143

166116

1 The County of Santa Clara, a political subdivision of
2 the State of California, hereinafter referred to as "COUNTY",
3 and the State of California, Department of Public Works, Division
4 of Highways, hereinafter referred to as "STATE", do enter into
5 the following Agreement:

6 WHEREAS, State plans to acquire, for use as State highway,
7 portions of three parcels of land along the proposed route for
8 State Highway Route 68 Freeway, as said portions are delineated
9 on Drawings Nos. A-672.16, A-672.17, and A-672.17A entitled
10 "Appraisal Map", which said drawings are on file in the offices
11 of the Division of Highways, 150 Oak Street, San Francisco,
12 California, and which are by reference made a part of this
13 Agreement; and

14 WHEREAS, County will require portions of the same parcels
15 hereinbefore mentioned for the construction of its Capitol
16 Expressway and desires that State, at the sole expense of County,
17 acquire these additional property rights; and

18 WHEREAS, it is desired by County and State to set forth
19 herein the additional property rights to be acquired for County
20 by State, and for the reimbursement to State by County of
21 County's share of the costs of acquiring such property rights.

22 NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

23 SECTION I

24 For and in consideration of the covenants and conditions
25 to be kept and performed by County, as set forth in this
26 Agreement, State agrees:

- 27 1. To appraise and acquire necessary property rights for
28 those parcels of land designated Parcels 32208 and 32209 on the
29 aforementioned Drawing No. A -672.16 and Parcel designated
30 32211 on the aforementioned Drawing No. A-672.17A, and to
31 transfer said rights to County after all costs for said rights

DUPLICATE ORIGINAL

cc: Pub. Works

1 have been established and payments received therefor.

2 2. To furnish County upon completion of acquisition of
3 said property rights, a detailed report of expenditures made
4 therefor, and to refund to County any residual amount of County
5 funds deposited with State, as set forth hereinafter, remaining
6 after deducting the amount of said expenditures.

7 SECTION II

8 For and in consideration of the covenants and conditions
9 to be kept and performed by State, as set forth in this Agreement,
10 County agrees:

11 1. To bear County's share of the costs of obtaining
12 property rights as provided herein, such share to be an amount
13 calculated as follows:

14 (a) Property Rights. - The cost to the County for
15 the area of the respective Parcels 32208, 32209, and 32211
16 shall be a sum bearing the same proportion to the total
17 amount paid by State for combined State and County takings
18 from the aforementioned three parcels of land from which
19 both Parties hereto have right of way requirements as the
20 area of the lands to be acquired for County bears to the
21 total area of such lands.

22 (b) Damages. - The cost to County for damages from
23 all causes, including severance and the taking of access
24 rights to the remaining property of the respective par-
25 cels of land, shall be calculated in the same manner as
26 hereinbefore set forth in the same percentage of total
27 damages as percentage is determined pursuant to
28 Paragraph (a) of this Subsection.

29 (c) Costs of Relocating Existing Irrigation
30 Facilities. - The cost for the relocation of existing
31 irrigation facilities shall be the actual expense to State

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for the relocation of such facilities on those parcels of land to be acquired for County.

(d) Overhead Costs. - The cost to County for overhead costs, including indirect charges for undistributed right of way overhead costs shall be a fixed charge of \$750.00 per parcel, but in those cases where it becomes necessary for State to acquire by Eminent Doman proceedings, the costs of such proceedings shall be prorated between County and State in the same manner as hereinbefore set forth in the same percentage of total costs as percentage is determined pursuant to Paragraph (a) of this Subsection.

2. To deposit with State promptly upon receipt of statement therefor, the sum of \$70,000.00, said sum being the estimated amount of County's entire proportionate share of obtaining property rights on the aforesaid lands, including cost of acquisition.

3. To pay State promptly upon receipt of statement therefor, any amount over and above the aforesaid deposit required to complete the financing of County's proportionate share of the actual costs to State for obtaining the aforesaid property rights.

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IN WITNESS WHEREOF, the Parties hereto have caused
this Agreement to be executed by their respective
Officers, duly authorized: By the County, this _____ day
of JUN 17 1963, 1963, and by the State, this 27th day
of June, 1963.

APPROVAL RECOMMENDED:

H. [Signature]
District Engineer

[Signature]
Headquarters Right of
Way Office

APPROVED AS TO FORM AND
PROCEDURE:

Edward J. Conroy
Attorney, Department of
Public Works

[Signature]
deputy County Counsel

DEPARTMENT OF PUBLIC WORKS
Acting through the
Division of Highways
State of California

J. C. Womack
State Highway Engineer

By [Signature]
Deputy State Highway Engineer

COUNTY OF SANTA CLARA

By [Signature]
Chairman, Board of Supervisors

By [Signature]
Clerk, Board of Supervisors

#21

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 18

June 10, 1963

PLEASE REFER
TO FILE NO.

IV-SC1-68-C, SJs

Mr. James B. Enochs
Director of Public Works
County of Santa Clara
20 West Rosa Street
San Jose, California

Dear Mr. Enochs:

Attached, are the original and four copies of a proposed Agreement between the State and the County of Santa Clara to provide for State at sole expense of County to acquire portions of three parcels of real property for County's Capitol Expressway in connection with State's acquisitions for the Capitol Expressway Interchange on Road IV-SC1-68-C, SJs.

The parcels to be acquired for County are designated as parcels 32208, 32209, and 32211 on the Appraisal Maps A-672.16, A-672.17 and A-672.17A, attached in duplicate to this letter. It is estimated that the costs for these parcels including overhead, relocation of irrigation facilities, etc., will be \$70,000.

If the attached proposed Agreement is satisfactory to the County, please have the appropriate County officials execute the original and three copies and return them to this office for execution by the State.

Also, please furnish four certified copies of a Resolution adopted by the Board of Supervisors approving the Agreement and authorizing its execution.

The County's cooperation in this matter is appreciated by the Department.

Yours very truly,
J. P. Sinclair
Assistant State Highway Engineer

By *Allen M. Fortney*
Allen M. Fortney
City and County
Cooperative Projects Engineer

Capital Expressway
Capital 713

21.

June 13, 1963

File No. IV-SCI-68-C,SJa

Mr. J. P. Sinclair
Asst. State Highway Engineer
State Division of Highways
P. O. Box 3366, Rincon Annex
San Francisco 19, California

Attention Mr. Allen M. Fortney

Subject: Agreement relating to acquisitions of
right of way - Capitol Expressway

Dear Mr. Sinclair:

Enclosed you will find the original and three copies of an agreement between the State of California and the County of Santa Clara which relate to the acquisition of certain properties needed for the construction of the Capitol Expressway.

The Board of Supervisors, at its regularly scheduled meeting on June 17, 1963, adopted a resolution authorizing its Chairman to execute this agreement on behalf of the County of Santa Clara. Enclosed you will find four certified copies of this resolution as requested.

After execution on behalf of the State of California, we would appreciate your forwarding a fully executed copy of the agreement to this office.

Very truly yours,

BOARD OF SUPERVISORS

Mrs. Jean Pullan, Clerk
of the Board of Supervisors

JP:DMR:bc

Encl

cc: Public Works Dept.

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
DISTRICT IV
180 OAK STREET
SAN FRANCISCO 2, CALIFORNIA
UNDERHILL 3-0222

*Capital Expressway
Gen*

ADDRESS ALL COMMUNICATIONS TO
P. O. BOX 3386, RINCON ANNEX
SAN FRANCISCO 19

July 5, 1963

PLEASE REFER
TO FILE NO.

IV-SC1-68-C, SJs

Mrs. Jean Pullan, Clerk
Board of Supervisors
County of Santa Clara
70 West Rosa Street
San Jose, California

Dear Mrs. Pullan:

Attached, for the files of the County of Santa Clara, is one fully executed copy of an Agreement between the State and the County to provide for the acquisition of 3 parcels of land in connection with the Capitol Expressway Interchange, Road IV-SC1-68-C, SJs.

The County's cooperation in this matter is appreciated by the Department.

Yours very truly,

J. P. Sinclair
Assistant State Highway Engineer

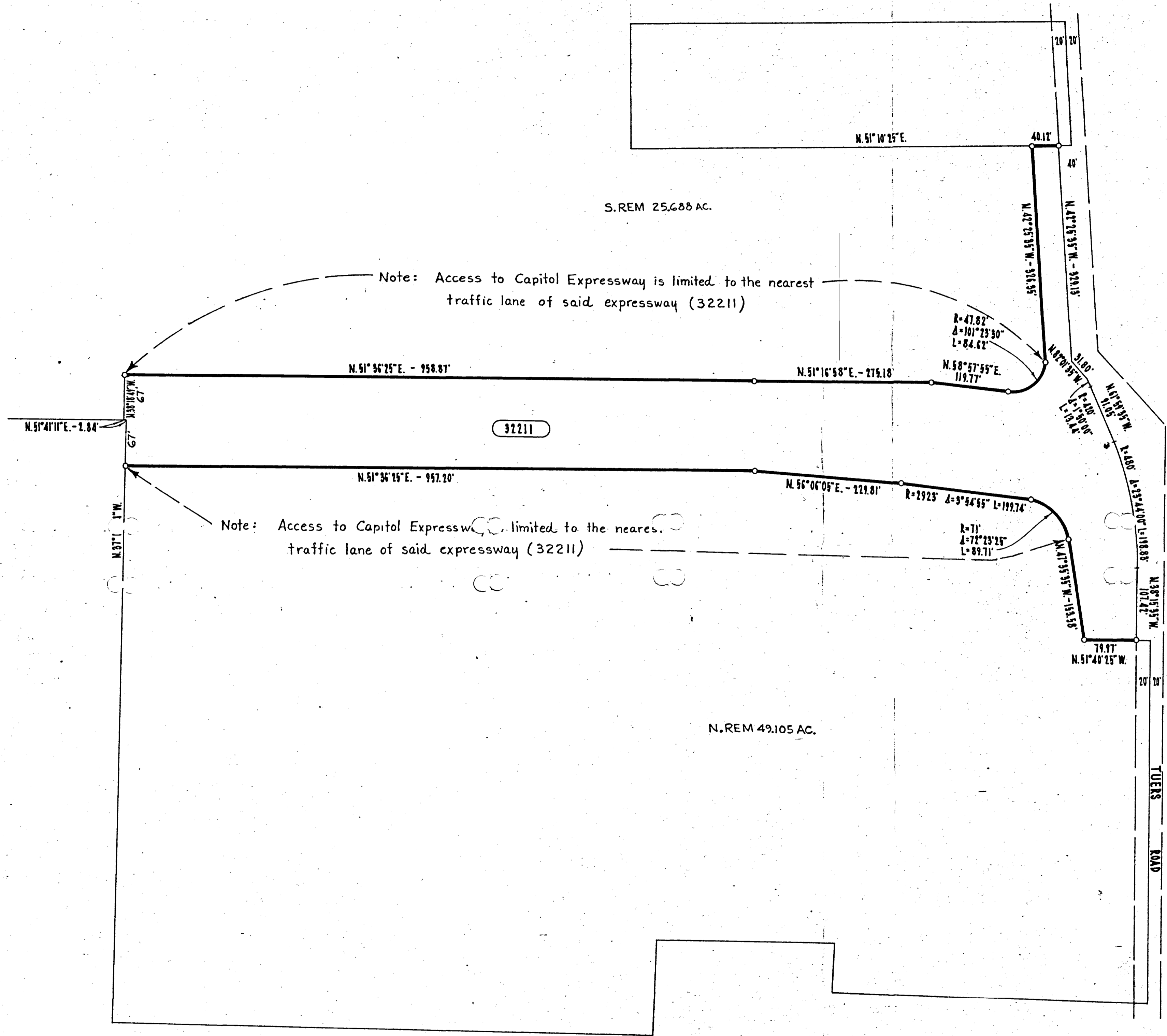
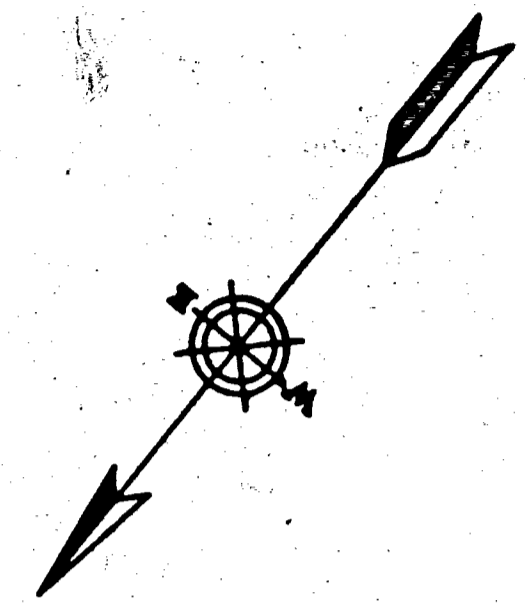
By *Allen M. Fortney*
Allen M. Fortney
City and County
Cooperative Projects Engineer

RECEIVED
BOARD OF SUPERVISORS

JUL 8 8 05 AM '63

COUNTY OF
SANTA CLARA

| | | | | | |
|-------------------|--------|---------------------|-------------|-----------|--------------|
| B.P. No. | STATE | FEDERAL PROJECT NO. | FISCAL YEAR | SHEET NO. | TOTAL SHEETS |
| 7 | CALIF. | | | | |
| DIST. | COUNTY | ROUTE | SECTION | SHEET NO. | TOTAL SHEETS |
| IV | SCI | 68 | C | | |
| APPROVED _____ | | | | | |
| DISTRICT ENGINEER | | | | | |



Note: Access to Capitol Expressway is limited to the nearest traffic lane of said expressway (32211)

Note: Access to Capitol Expressway is limited to the nearest traffic lane of said expressway (32211)

LEGEND

Access Prohibited [Symbol]

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
DISTRICT IV

APPRAISAL MAP

DRAWN BY H. LEE DATE 3-19-63
CHECKED BY SCALE 1"=100'
REVISED DR. NO. A-1117A

CO. RTE. SEC. NO.
SCI 68 C

Approved: *R.A. Hayler*
District Engineer

| No. | Property Owner | Area (Ac.) | | | Remarks |
|-------|----------------|------------|-------|------|-----------------------------|
| | | Total | R/W | Rem. | |
| 32211 | E. G. Gould | | 5.737 | | Coop. Agreement with County |
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|------------------|------|-----------------|------|-------------------------|------|
| Project Engineer | Date | Design Engineer | Date | Approval Recommended By | Date |
|------------------|------|-----------------|------|-------------------------|------|

V 32211 41463

S.38°23'35"E - 70.00' S.38°23'35"E - 70.00'

NOTE: Access To Capitol Expressway Is Limited To The Nearest Traffic Lane Of Said Expressway.(32208 & 32209)

| No. | Property Owner | Area (Ac.) | | | Remarks |
|-------|-----------------------|------------|-------|--------|------------------------------------|
| | | Total | R/W | Rem. | |
| 29908 | G.S. Meuer | 18.54 | 6.256 | 12.284 | Ac |
| 31048 | A. B. Paschoal, et ux | 24.290 | 0.714 | 23.576 | Co-Operative Agreement With County |
| 32208 | | | 0.696 | 23.880 | Co-Operative Agreement With County |
| 31049 | C. Orlando, et al | 32.951 | 7.175 | 25.776 | Co-Operative Agreement With County |
| 32209 | | | 0.311 | 24.854 | Co-Operative Agreement With County |

LEGEND

Access Prohibited [Symbol]

| 3 | | | |
|--|---------|-------------------------|-----------------|
| 2 | | | |
| 1 | 12-4-61 | Add Parcel 32208, 32209 | H. Lee |
| No. | DATE | DESCRIPTION | BY |
| TABLE OF REVISIONS | | | |
| CAUTION: CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION | | | DR. No. 1672.16 |
| CO. | RTE. | SEC. | NO. |
| SCI | 68 | C | |

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
DISTRICT IV

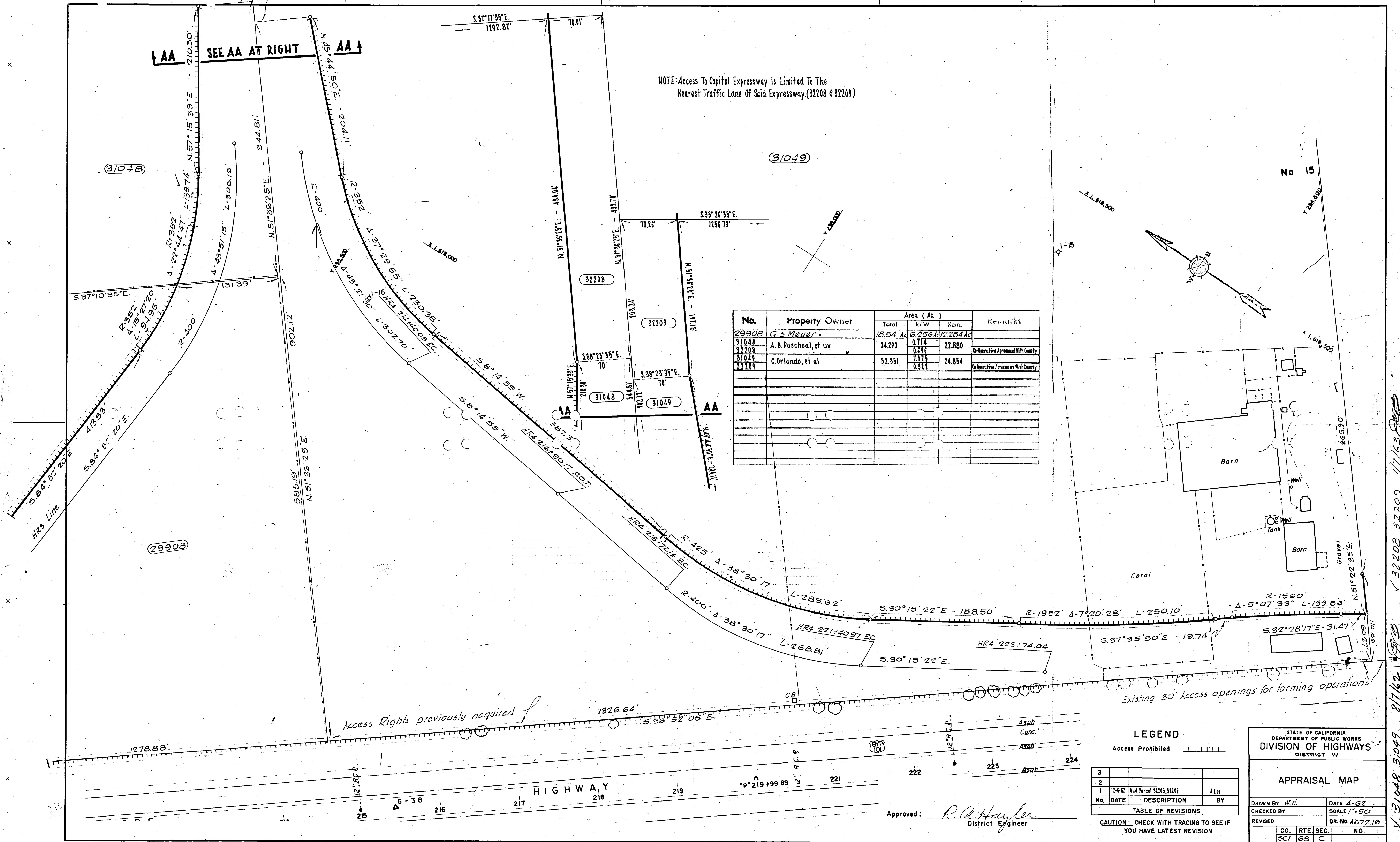
APPRaisal MAP

Drawn By: W.H. DATE: 4-62
Checked By: SCALE: 1"=50'
Revised: DR. No. 1672.16

Approved: *R.A. Hayler*
District Engineer

Access Rights previously acquired

Existing 30' Access openings for farming operations



V. 31048, 31049 8/1/62
V. 32208, 32209 1/1/63