

ROADS  
COUNTY OF SANTA CLARA  
COST SHARING - STEVENS CR. BLVD  
CUPERTINO CITY  
Stevens Creek 2275-3  
Bertha P. Craft, etc.

AGREEMENT

THIS AGREEMENT entered into by and between the COUNTY OF SANTA CLARA, State of California (hereinafter called "County") and the CITY OF CUPERTINO, County of Santa Clara, State of California (hereinafter called "City"),

W I T N E S S E T H :

WHEREAS, County at its sole expense has installed and constructed certain improvements in connection with the widening of Stevens Creek Boulevard, a portion of which lies within City;

WHEREAS, County and City have heretofore agreed that City would acquire and furnish the necessary right-of-way for said widening with respect to the portions of said Boulevard lying within City;

WHEREAS, to avoid delay in said installation and construction of improvements County commenced an action in eminent domain to acquire a portion of said right-of-way to be furnished by City, being case No. 178857, entitled County of Santa Clara, Plaintiff, vs. Bertha P. Craft, et al., Defendants, in the Superior Court of the State of California, in and for the County of Santa Clara;

WHEREAS, County advanced the sum of \$100,000 for a deposit in said action for the purpose of obtaining immediate possession of the parcel to be acquired in said action, which parcel contains 1.205 acres;

WHEREAS, said case No. 178857 has been fully and finally settled and disposed of, and said right-of-way acquired, for a total cost of \$100,898.36, all of which has been advanced by County;

WHEREAS, County recognizes and acknowledges that it should be responsible for the cost of acquiring a portion of said parcel

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to be acquired in said action, namely .375 acres thereof;

NOW, THEREFORE, it is mutually agreed as follows:

1. County shall bear .375/1.205ths of the cost of acquiring said parcel to be acquired in said action, subject only to a maximum share of said cost of \$31,120.00.

2. City shall reimburse County in the amount of \$69,778.36, which amount shall constitute full and complete satisfaction of its obligations to County with respect to acquisition of the right-of-way for said widening of Stevens Creek Boulevard within City.

IN WITNESS WHEREOF, County and City have hereunto subscribed their names by their officers thereunto duly authorized as of this \_\_\_\_\_ day of JAN 6 1969, 1968.

COUNTY OF SANTA CLARA

ATTEST:

By *R. W. ...*  
Title Chairman of the Board of Supervisors

*Jean Pullan*  
Clerk of the Board of Supervisors

CITY OF CUPERTINO

ATTEST:

By *Cyril G. Hoel*  
Title Mayor  
City of Cupertino

*B. E. ...*  
City Clerk

App. 22 to Form  
*J. ...*  
City Atty

APPROVED AS TO FORM  
*James ...*  
DEPUTY COUNTY COUNSEL  
12/17/68

RESOLUTION NO. 925-33

A RESOLUTION OF THE CITY COUNCIL OF CUPERTINO  
AUTHORIZING THE EXECUTION OF AN AGREEMENT  
BY THE MAYOR AND THE CITY CLERK

WHEREAS, there has been presented to the City Council an Agreement by and between the COUNTY OF SANTA CLARA, State of California and the CITY OF CUPERTINO, County of Santa Clara, State of California, for the installation and construction of certain improvements in connection with the widening of Stevens Creek Boulevard, a portion of which lies within the City of Cupertino; and said Agreement having been approved by the City Engineer and by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City Clerk are hereby authorized to execute the Agreement herein referred to in behalf of the City of Cupertino.

PASSED AND ADOPTED this 18th day of November, 1968, by the following Vote:

AYES: Councilmen - Beaven, Fitzgerald, Stokes, Noel

NOES: Councilmen - None

ABSENT: Councilmen - Dempster

ATTEST:

APPROVED:

/s/ Wm. E. Ryder  
City Clerk

/s/ Clyde L. Noel  
Mayor, City of Cupertino

CITY OF CUPERTINO  
COUNTY OF SANTA CLARA  
STATE OF CALIFORNIA

I, Wm. E. Ryder, City Clerk of the City of Cupertino  
and ex officio clerk of the legislative body of said City do hereby  
certify that the within and annexed instrument is a true and correct copy  
of the original of the Resolution on file in my office.

IN WITNESS WHEREOF I have hereunto set my hand and City Seal this 27th  
day of November, 19 68.

W. E. Ryder

#2

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA AUTHORIZING  
THE CHAIRMAN OF THE BOARD TO EXECUTE AN  
AGREEMENT WITH THE CITY OF CUPERTINO

WHEREAS, pursuant to a cooperative venture between the County of Santa Clara and the City of Cupertino to widen and improve a certain portion of Stevens Creek Boulevard lying partly within the City of Cupertino, the County of Santa Clara has acquired by condemnation proceedings certain real property lying partly within and partly without the City of Cupertino, as said real property is described in that certain Resolution to Condemn duly and regularly passed and adopted by the Board of Supervisors on April 18, 1966; and

WHEREAS, said acquisition was made by the County upon the express understanding that the City of Cupertino would bear its proportionate share of the cost of acquisition for so much of said real property as lies within said City; and

WHEREAS, pursuant to Resolution No. 925-33, passed and adopted by the City Council of the City of Cupertino on November 18, 1968, the said City did execute an agreement to reimburse the County for the acquisition of said property in the amount of \$69,778.36;

NOW, THEREFORE, BE IT RESOLVED, that this Board does hereby ratify and approve said reimbursement agreement, and does hereby authorize the Chairman of the Board to execute it on behalf of the County of Santa Clara, and to deliver the executed agreement to the City of Cupertino.


PASSED AND ADOPTED by the Board of Supervisors of the County

of Santa Clara, State of California, on JAN 6 1969,  
by the following vote:

AYES: Supervisors, ~~Della Maggiore~~ Spangler Mehrkens Sanchez Quina

NOES: Supervisors, None

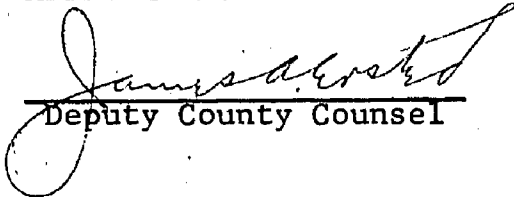
ABSENT: Supervisors, Della Maggiore

  
Chairman, Board of Supervisors

ATTEST: JEAN PULLAN, Clerk  
Board of Supervisors

  
\_\_\_\_\_

APPROVED AS TO FORM:

  
Deputy County Counsel

JAE:mo  
12/17/68

# memorandum



TO	James A. Ersted, Dep. County Counsel	FROM	Kay Burnett, Board of Supervisors	
SUBJECT	AGREEMENT BETWEEN COUNTY OF SANTA CLARA AND THE		DATE	Office January 6, 1969

CITY OF CUPERTINO re Acquisition of Property for  
the Improvement of Stevens Creek Boulevard -  
Parcel 2278-3 - Bertha P. Craft, etc. - No. 128.82  
(Agenda Item 2 - 1-6-69)

In accordance with your request, attached please find five copies of Resolution authorizing the Chairman of the Board to execute the captioned Agreement with the City of Cupertino, along with a duplicate original agreement and four copies. It is our understanding that you will transmit the duplicate original to the City of Cupertino with a certified Resolution, and that the City of Cupertino's check will be deposited in the appropriate fund.

kb  
attachments

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

No. ....

JOB No. ....

Change Order No. ....

BOARD OF SUPERVISORS  
SANTA CLARA COUNTY

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DATE 1-6-69

**Agreement**

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

~~Agreement~~ **Agreement btw County and City of Cupertino re Acquisition of Property -**  
Project to be charged **Improvement of Stevens Creek Boulevard**  
January 6 19 69

For the amount of \$ **As per Agreement attached**

~~Contractor~~ **Reimbursement to County by City of Cupertino -**

Completion Date **-**

Budget Item **-** (for Controller's use)

**JEAN PULLAN**  
Clerk of the Board



County of Santa Clara

California

TRANSMITTAL MEMORANDUM

S.D. 5

#2

DATE: December 31, 1968

FOR: BOARD OF SUPERVISORS AGENDA OF January 6, 1969

FROM: ROBERT J. PERRICH, ASSISTANT DIRECTOR

TITLE: AGREEMENT WITH CITY OF CUPERTINO RELATING TO  
ACQUISITION OF PROPERTY FOR STEVENS CREEK BLVD.  
RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

DESCRIPTION:

In accordance with a cooperative agreement with the City of Cupertino and the City of San Jose to improve Stevens Creek Blvd. between Lawrence Expressway and Highway 85, the County acquired certain rights-of-way to complete the project in accordance with the approved design. Condemnation was authorized on April 18, 1966 with the transaction finally being settled in 1968.

The City of Cupertino has executed an agreement covering the transaction and forwarded a check in the amount of \$69,778.36 as their share.

It is recommended that the attached agreement be executed on behalf of the County and that the check be deposited in the appropriate fund.

RJP:aoh  
Attachment  
cc: EDH

APPROVED: James T. Pott  
JAMES T. POTT, COUNTY ENGINEER

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

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