

SCI-101,237-KP 73.0 (PM 45.4) to KP 74.3 (PM 46.2), KP 3.7 (PM 2.3) to KP 5.0 (PM 3.1) in the City of Sunnyvale on Route 101 from Borregas Avenue to the West City Limits and on Route 237 from 0.3 km (0.1 mile) south of Route 101 to 0.2 km (0.1 mile) north of Mathilda Avenue

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this Eleventh day of August, 1997, by and between the STATE OF CALIFORNIA, acting by and through the Department of Transportation (herein referred to as "STATE"), and the City of Sunnyvale (herein referred to as "CITY"),

WITNESSETH;

WHEREAS, the highways described above has been declared to be freeways by resolution of the California Transportation Commission on May 18, 1944, December 15, 1954 and September 17, 1958; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated September 8, 1959, relating to those portions of State Highway Route 101 and Route 237 between the West City Limits and the East City Limits; and

WHEREAS, STATE and CITY have also entered into a Freeway Agreement dated February 16, 1993 relating to that portion of State Route 237 from Maude Avenue to Route 101; and

WHEREAS, STATE and the County of Santa Clara have entered into a Freeway Agreement dated October 8, 1959, relating to that portion of State Highway Route 101 and Route 237 between Whisman Road and Borregas Avenue; and

WHEREAS, CITY has subsequently annexed certain areas including portions of such freeway covered by said Freeway Agreement dated October 8, 1959 with the County of Santa Clara; and

WHEREAS, a revised plan map for such freeway has been prepared showing the proposed plan of the STATE as it affects streets of the CITY; and

WHEREAS, it is the mutual desire of the parties hereto to enter into a new Freeway Agreement in accordance with the revised plan of said freeway;

NOW, THEREFORE, IT IS AGREED:

1. This Agreement supersedes that portion of Freeway Agreements dated September 8, 1959, October 8, 1959 and February 16, 1993 on State Highway Route 101 from Borregas Avenue to the West City Limits of Sunnyvale and on State Highway Route 237 from 0.3 kilometer (0.1 mile) south of State Highway Route 101 to 0.2 kilometer (0.1 mile) north of Mathilda Avenue.
2. CITY agrees and consents to the closing of CITY streets, relocation of CITY streets, construction of frontage roads and other local roads, and other construction affecting CITY streets, all as shown on said plan map attached hereto marked Exhibit A and made a part hereof by this reference.
3. STATE shall, in construction of the freeway and at STATE'S expense, make such changes affecting CITY streets in accordance with the plan map attached hereto marked Exhibit A.
4. STATE agrees to acquire all necessary right of way as may be required for construction, reconstruction, or alteration of CITY streets, frontage roads, and other local roads, and CITY hereby authorizes STATE to acquire in its behalf all such necessary right of way.
5. It is understood between the parties that the right of way may be acquired in sections or units, and that both as to the acquisition of right of way and the construction of the freeway projects, the obligations of STATE hereunder shall be carried out at such time and for such unit or units of the projects as funds are budgeted and made lawfully available for such expenditures.
6. CITY will accept control and maintenance over each of the relocated or reconstructed CITY streets, frontage roads and other STATE constructed local roads on receipt of written notice to CITY from STATE the work thereon has been completed, except for any portion which is adopted by STATE as a part of the freeway proper. CITY will accept title to the portions of such roads lying outside the freeway limits upon relinquishment by STATE.
7. This Agreement may be modified at any time by the mutual consent of the parties hereto, as may become necessary for the best accomplishment, through STATE and CITY cooperation, of the whole freeway project for the benefit of the people of the STATE and CITY.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers.

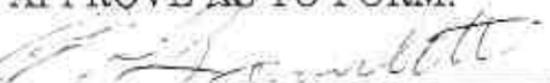
STATE OF CALIFORNIA
Department of Transportation

JAMES W. VAN LOBEN SELS
Director of Transportation

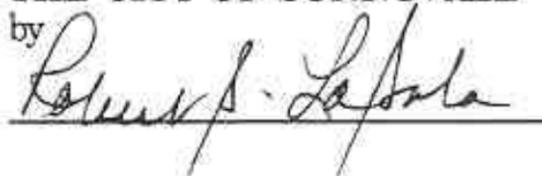
by


ROBERT L. BUCKLEY
Project Planning and Design Engineer

APPROVE AS TO FORM:


Attorney (State)

THE CITY OF SUNNYVALE
by



APPROVE AS TO FORM:

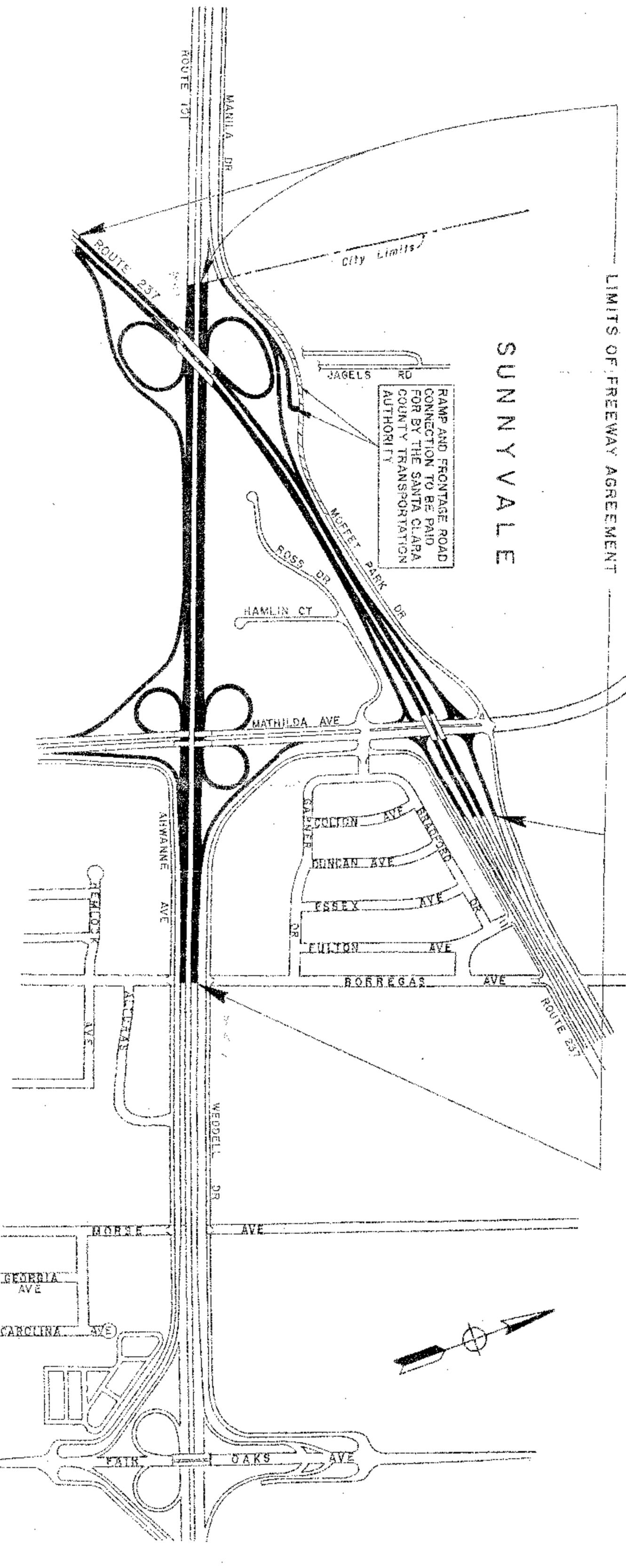

Attorney (City)

AGREEMENT DATE

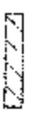
August 11, 1997

SUNNYVALE

RAMP AND FRONTAGE ROAD CONNECTION TO BE PAID FOR BY THE SANTA CLARA COUNTY TRANSPORTATION AUTHORITY



LEGEND

-  FREEWAY AND CONNECTION
-  ROAD CLOSURES
-  FRONTAGE ROAD OR OTHER LOCAL ROAD

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION

04 - SCI - 101 KP 73.0 (PM 45.4) TO KP 74.3 (PM 46.2)
 04 - SCI - 237 KP 3.7 (PM 2.5) TO KP 5.0 (PM 3.1)

FREEWAY

IN THE CITY OF SUNNYVALE
 ON ROUTE 101
 FROM BORREGAS AVENUE
 TO THE WEST CITY LIMITS AND
 ON ROUTE 237

FROM 0.3 KM (0.1 MILE) SOUTH OF ROUTE 101
 TO 0.2 KM (0.1 MILE) NORTH OF MATHILDA AVENUE

SCALE=1:4800