

04-SC1-237-PM 3.1/5.4
In the City of Sunnyvale
From 0.2 mile west of
Borregas Avenue to the
east city limits near
Calabazas Creek

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of July, 1990, 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 highway described above has been declared to be a freeway by Resolution of the California Highway Commission on December 15, 1954; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated March 15, 1983, relating to that portion of State Highway Route 237 from 0.2 mile east of Borregas Avenue to the east city limits near Calabazas Creek; and

WHEREAS, STATE and the County of Santa Clara have entered into a Freeway Agreement dated December 10, 1956, relating to that portion of State Highway Route 237 from 0.4 mile south of Route

101 to 0.2 mile west of Lawrence Station Road; and

WHEREAS, CITY has subsequently annexed certain areas including portions of such freeway covered by said Freeway Agreement with the County of Santa Clara dated December 10, 1956; and

WHEREAS, a revised plan map for such freeway has been prepared showing the proposed plan of 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; and

NOW, THEREFORE, IT IS AGREED:

1. This Agreement supersedes in its entirety said Freeway Agreement dated March 15, 1983, and supersedes that portion of Route 237 of said Freeway Agreement dated December 10, 1956, from 0.2 mile west of Borregas Avenue to the east city limits near Calabazas Creek.

2. CITY agrees and consents to the closing of CITY streets, all as shown on said plan map attached hereto marked Exhibit A and make 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. It is understood by both parties that STATE's obligations to

construct the freeway is conditioned upon execution of cooperative agreements with the Santa Clara County Traffic Authority specifying construction participation.

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 CITY hereby authorizes STATE to acquire in its behalf all such necessary right of way. It is understood by both parties that STATE's obligation to acquire right of way is conditioned upon execution of cooperative agreements with the Santa Clara County Traffic Authority specifying right of way participation.

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 project, the obligations of STATE hereunder shall be carried out at such time and for such unit or units of the project 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, and the frontage roads, and other STATE constructed local roads on receipt of written notice to CITY from STATE that 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 of the 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 W.P. Smith
Chief, Office of Project
Planning and Design

APPROVED AS TO FORM:

Joseph C. Early
Attorney, (State)

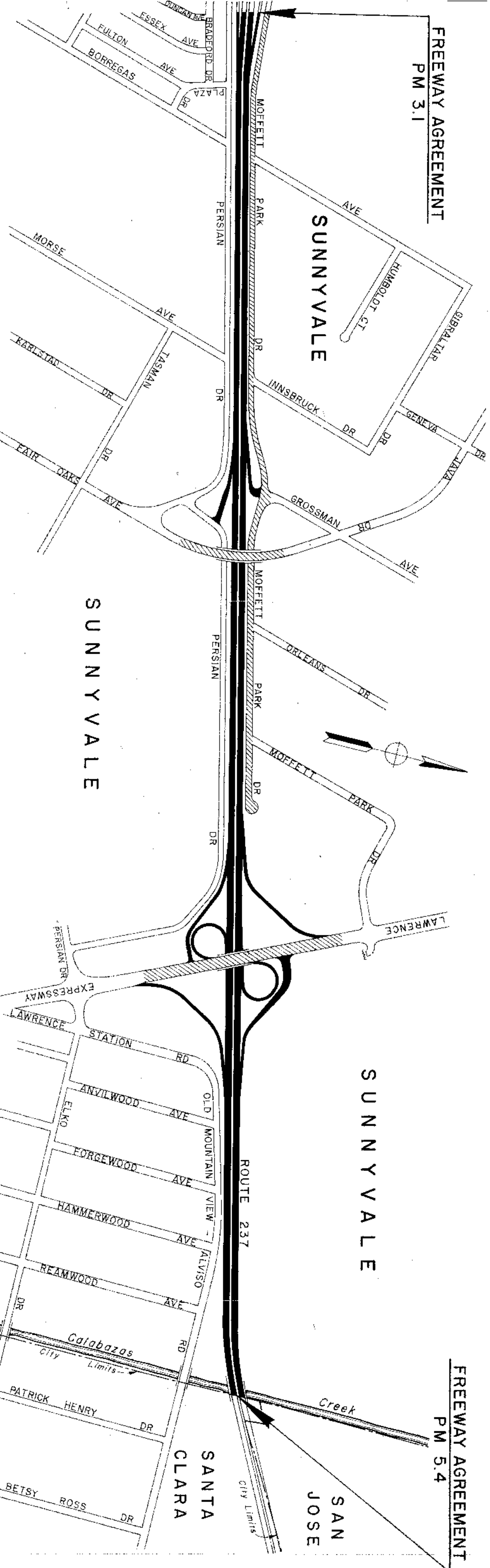
CITY OF SUNNYVALE

By John D. Luvick

APPROVED AS TO FORM:

Valeria A. Armentrout
Attorney (City)

PM 3.1



PM 5.4