

## DEPARTMENT OF TRANSPORTATION

BOX 7310  
SAN FRANCISCO, CA 94120  
(415) 923-4444



October 13, 1989

04-SC1-85-12.9/15.4  
04285-437181

City Council  
City of Saratoga  
13777 Fruitvale Avenue  
Saratoga CA 95070

#513-14  
Missing

Attached for your permanent record is the fully executed copy of the revised Freeway Agreement between the State and the City of Sagatoga for State Highway Route 85 from Quito Road to Prospect Avenue.

It is requested that this office be consulted regarding any projects (public or private), or other activities that could affect the right of way, operation or integrity of this freeway as soon as you or your staff become aware of them. In this way we will be able to advise you, well in advance, if these will or could have a detrimental impact on the freeway.

Copies of this letter and attachments are being transmitted to the City Planning Commission, the City Manager, the City Engineer, and the City Building Inspector.

Sincerely yours,

BURCH C. BACHTOLD  
District Director

By *Harry G. Yehata*  
H. Y. YAHATA  
Deputy District Director

Attachment

04-SC1-85-P.M. 12.9/15.4  
In the City of Saratoga  
from Quito Road to Prospect  
Road

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into this 19<sup>th</sup> day of September, 1989, by and between the STATE OF CALIFORNIA, acting by and through the Department of Transportation (herein referred to as "STATE"), and the City of Saratoga (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 November 25, 1957; and

WHEREAS, STATE and CITY have entered into Freeway Agreements dated January 26, 1961 and March 2, 1988, relating to that portion of State Highway Route 85 from Quito Road to Prospect Road; 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 in its entirety said Freeway Agreements dated January 26, 1961 and March 2, 1988.
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. 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 other local 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 obligations 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. It is mutually agreed to impose a maximum gross truck weight limit of 9,000 pounds on Route 85 from State Highway Route 280 to State Highway Route 101 in San Jose as provided for in Section 35722 of the Vehicle Code, and the Santa Clara County Ordinance No. NS-703.5.

7. 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.

8. 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

THE CITY OF SARATOGA

ROBERT K. BEST  
Director of Transportation

By Maucha Cleverger

By W.P. Smith  
CHIEF, OFFICE OF PROJECT  
PLANNING AND DESIGN

APPROVED AS TO FORM:

Donald Joppel  
ATTORNEY, (City)

APPROVED AS TO FORM:

Joseph C. Eastley  
ATTORNEY, (State)

RESOLUTION NO. 2543

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA  
APPROVING REVISED FREEWAY AGREEMENT  
AND REVISED PERFORMANCE AGREEMENT

WHEREAS, the State of California, through its Department of Transportation, and the City of Saratoga have previously approved Freeway Agreements respecting that portion of State Highway Route 85 from Quito Road to Prospect Road on January 26, 1961, and March 2, 1988, and

WHEREAS, similarly, the Santa Clara County Traffic Authority and the City of Saratoga have previously approved a Performance Agreement respecting the same portion of State Highway Route 85, on March 2, 1988, and

WHEREAS, a revised plan for such freeway has been prepared showing the proposed plan of the State as it affects the streets of the City, and

WHEREAS, the City Council has considered the revised Freeway Agreement and revised Performance Agreement in full, and is familiar with the contents thereof, and has allowed the matter to be considered at a public hearing held on January 18, 1989, and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Saratoga that said Agreements be and the same are hereby approved and the Mayor is directed to execute said agreements on behalf of the City.

The above and foregoing resolution was passed and adopted by the Saratoga City Council at a meeting held on the 18th day of January, 1989, by the following vote:

AYES: Councilmembers Clevenger, Moyles, Peterson and Mayor Anderson

NOES: Councilmember Stutzman

ABSENT: None

ATTEST:

Grace E. Coyle  
Deputy City Clerk

Walter J. Anderson  
Mayor

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST 8-11 19 89  
CITY CLERK OF THE CITY OF SARATOGA  
BY Grace E. Coyle  
DEPUTY CITY CLERK

04-SC1-85-P.M. 12.9/15.4  
In the City of Saratoga  
from Quito Road to Prospect  
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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.
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STATE OF CALIFORNIA  
Department of Transportation

THE CITY OF SARATOGA

ROBERT K. BEST  
Director of Transportation

By Maisha Cleveland

By W.P. Smith  
CHIEF, OFFICE OF PROJECT  
PLANNING AND DESIGN

APPROVED AS TO FORM:

Donald J. Joppel  
ATTORNEY, (City)

APPROVED AS TO FORM:

Joseph C. Caskey  
ATTORNEY, (State)

# EXHIBIT A

LIMIT OF AGREEMENT  
PM 12.9

LIMIT OF AGREEMENT  
PM 15.4

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PM 12.9

LIMIT OF AGREEMENT  
PM 15.4

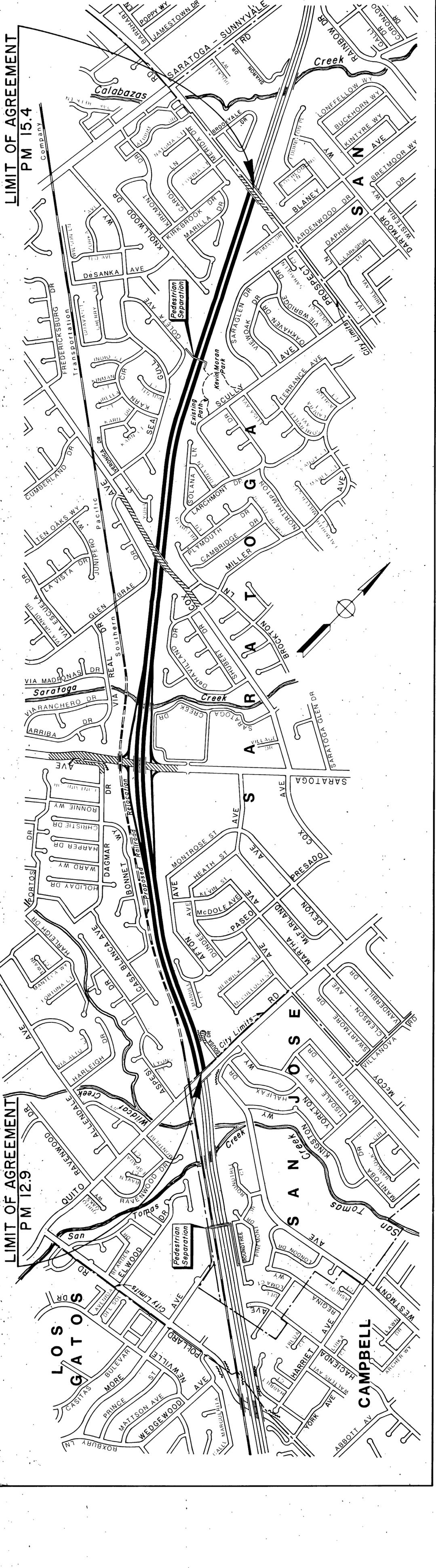
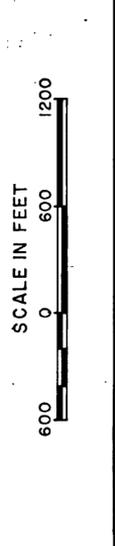
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PM 15.4

- LEGEND**
-  FREEWAY AND CONNECTIONS
  -  FRONTAGE ROAD OR OTHER LOCAL ROADS
  -  ROAD CLOSURES AND TERMINUS CONSTRUCTION AS NECESSARY

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
04-S-CI-85-PM 12.9 TO PM 15.4

## FREEWAY IN THE CITY OF SARATOGA ON ROUTE 85 FROM QUITO ROAD TO PROSPECT ROAD



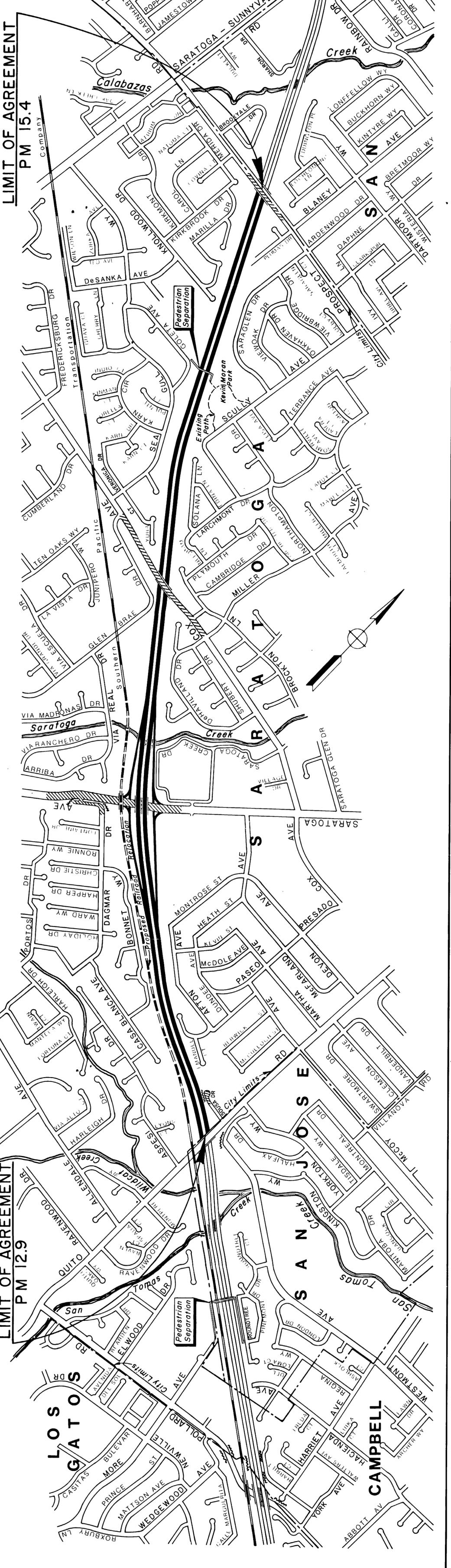
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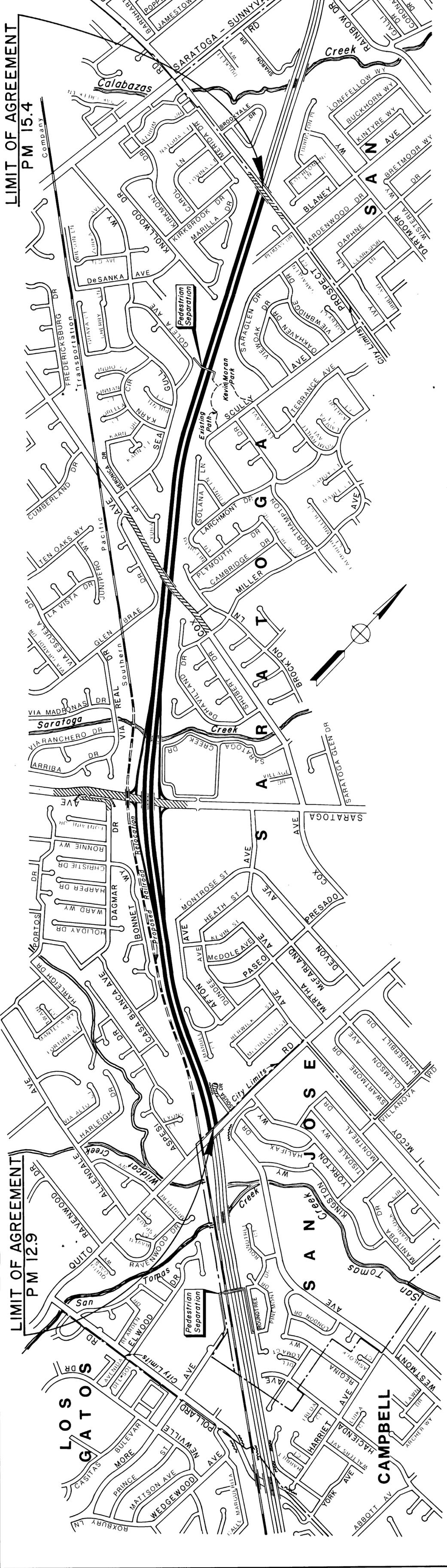
STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 04-SCI-85-PM 12.9 TO PM 15.4

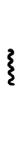
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STATE OF CALIFORNIA  
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 04-SCI-85-PM 12.9 TO PM 15.4  
**FREEWAY**

IN THE CITY OF SARATOGA  
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