

K60 JHL
6/16/05

06-Fre-180-KP R88.0/R90.4

(PM R54.7/R56.2)

In the City of Fresno from Marks Ave to
0.1 Mile west of SR 99.

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this 7th day of June, 2005, by and between the STATE OF CALIFORNIA, acting by and through the Department of Transportation (herein referred to as "STATE"), and the City of Fresno (herein referred to as "CITY"),

WITNESSETH:

WHEREAS, State Highway Route 180 has been declared to be a freeway by Resolution of the California Highway Commission on December 18, 1963, from Brawley Avenue to 0.1 mile west of Highland Avenue; and

WHEREAS, STATE and City have entered into Freeway Agreements, relating to that portion of State Route 180, dated October 10, 1968 between Marks Avenue and 0.4 miles west of State Route 99 and

WHEREAS, STATE and the County of Fresno have entered into a Freeway Agreement dated March 25, 1969, relating to that portion of State Route 180 between 0.1 mile east of Brawley Avenue and 0.4 miles east of State Route 99; and

WHEREAS, CITY has subsequently annexed certain areas including portions of such freeway covered by said Freeway Agreement with County of Fresno dated March 25, 1969; and

WHEREAS, a revised plan map for such freeway segment from Marks Avenue to 0.1 mile west of State Route 99 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 Agreement with CITY dated October 10, 1968, relating to that portion of State Route 180 between Marks Avenue and 0.4 miles west of State Route 99.
2. This Agreement partially supersedes that portion of said Freeway Agreement with County of Fresno dated March 25, 1969, from 0.1 mile east of Brawley Avenue to 0.4 mile east of State Route 99.
3. 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.

4. 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.
5. 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 CITY streets and CITY hereby authorizes STATE to acquire in its behalf all such necessary right of way.
6. 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 project as funds are budgeted and made lawfully available for such expenditures.
7. CITY will accept control and maintenance over each of the relocated or reconstructed CITY streets, and the frontage roads, and other STATE constructed CITY streets, 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 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

WILL KEMPTON

Director of Transportation

By: _____
J. MIKE LEONARDO
District 6 Director

Approved as to form and procedure:

Attorney
Department of Transportation

CITY OF FRESNO

By: Mike Kirn
MIKE KIRN
City Engineer

Attest:

By: Erika Leyva 6/13/05
Deputy

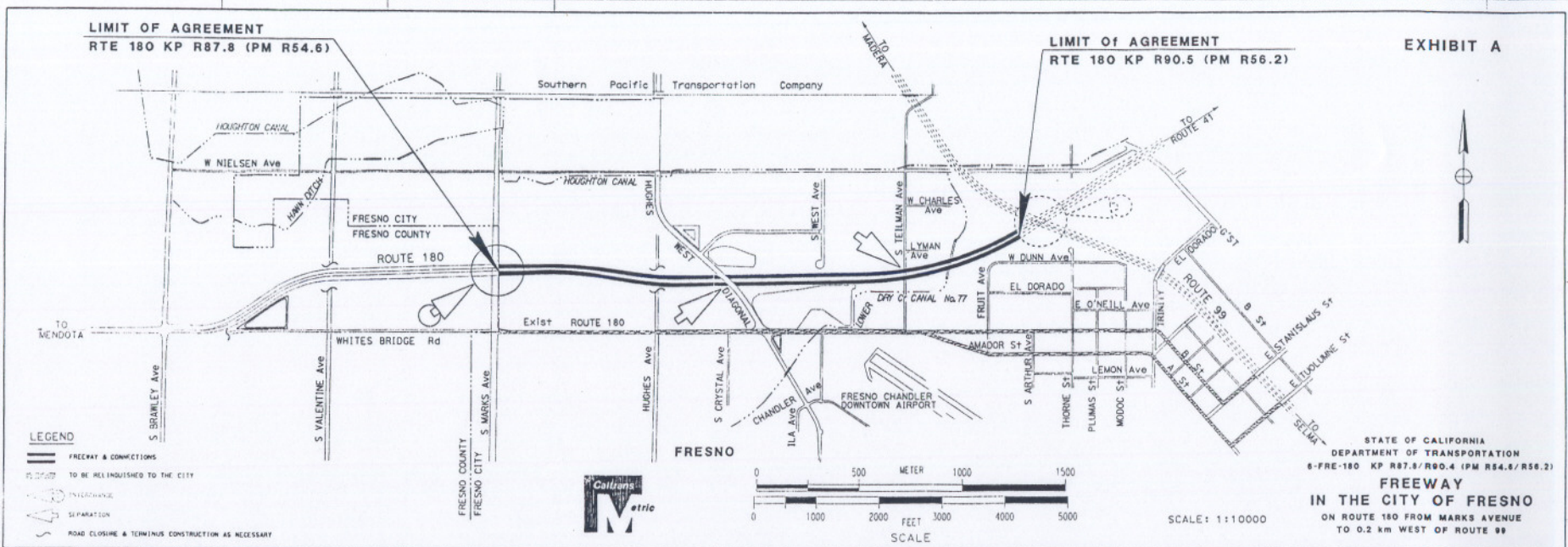
Approved as to form

By: Agnes Kida
City Attorney

LIMIT OF AGREEMENT
RTE 180 KP R87.8 (PM R54.6)

LIMIT OF AGREEMENT
RTE 180 KP R90.5 (PM R56.2)

EXHIBIT A



STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 6-FRE-180 KP R87.8/R90.4 (PM R54.6/R56.2)
FREWAY
IN THE CITY OF FRESNO
 ON ROUTE 180 FROM MARKS AVENUE
 TO 0.2 km WEST OF ROUTE 99

SCALE: 1:10000



Rebecca E. Klisch
City Clerk

RESOLUTION 2005-192

CLERK'S CERTIFICATION

I, **ERIKA LEYVA**, Deputy City Clerk, of the City of Fresno, California, hereby certify the foregoing to be a full, true and correct copy of City Council Resolution No. 2005 - 192, on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fresno, California, this 13th day of June, 2005.

WHEREAS, on December 18, 1963 the California Highway Commission, by resolution, declared that the future alignment of State Highway Route 180, from Brawley to 0.1 miles west of Highland Avenue be designated a freeway; and

WHEREAS, on October 10, 1968 the State Department of Transportation and the City of Fresno entered into a Freeway Agreement for that portion of State Route 180 from Marks Avenue to 0.4 mile west of Freeway 99; and

WHEREAS, on March 25, 1969 the State Department of Transportation and Fresno County entered into a Freeway Agreement for that portion of State Route 180 from 0.1 mile east of Brawley Avenue to 0.4 mile east of Freeway 99; and

WHEREAS, the City has subsequently annexed certain areas including portions of the completed Freeway 180 covered by the Freeway Agreement with Fresno County, dated March 25, 1969; and

WHEREAS, a revised plan map for the freeway segment from Marks Avenue to 0.1 mile west of Freeway 99, 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 State and City enter into a new Freeway Agreement in accordance with the revised plan of Freeway 180.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO AS FOLLOWS:

1. The City Council approves the Freeway Agreement with the California Department of Transportation for Freeway 180 from Marks Avenue to 0.1 mile west of Freeway 99.
2. The City Council authorizes the Public Works Director or his designee to

City Hall • 2600 Fresno Street • Fresno, California 93721 • 559-621-7650 • FAX 559-488-1005

Adopted _____
Approved 6/17/05
Effective 6/13/05

Certified Copy EL
City Clerk's Office

Date 6/13/05

2005-192

STATE OF CALIFORNIA)
COUNTY OF FRESNO) SS.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 7th day of June, 2005.

AYES : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: N/A, 2005

Mayor Approval/No Return: N/A, 2005

Mayor Veto: N/A, 2005

Council Override Veto: N/A, 2005

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
~~Deputy~~

APPROVED AS TO FORM

HILDA CANTU MONTROY
CITY ATTORNEY

BY: Hilda Cantu Montroy
Deputy

Certified Copy EL
City Clerk's Office
Date 6/13/05