

04-ALA-92-PM 0.0/6.8
In the City of Hayward
from west city limit to Santa Clara Street

04-ALA-880-PM 13.5/18.4
In the City of Hayward
from south city limit near Whipple Road
to West A Street

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this 14th day of February, 201¹², by and between the STATE OF CALIFORNIA acting by and through the Department of Transportation (herein referred to as "STATE"), and the City of Hayward (herein referred to as "CITY"),

WITNESSETH:

WHEREAS, the highways described above have been declared to be freeways by Resolutions of the California Highway Commission on November 18, 1943 and August 19, 1952; and

WHEREAS, STATE and County of Alameda have entered into a Freeway Agreement dated February 9, 1951, relating to that portion of State Highway Route 880 from 0.3 mile south of State Highway Route 92 to Lewelling Blvd; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated July 6, 1954, relating to that portion of State Highway Route 880 from the south city limit to Route 92; and

WHEREAS, STATE and County of Alameda have entered into a Freeway Agreement dated August 23, 1954, relating to that portion of State Highway Route 880 from Tennyson Rd to 0.3 mile south of State Highway Route 92; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated June 6, 1961, relating to that portion of State Highway Route 92 from Harder Road to Santa Clara Street; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated August 11, 1964, relating to that portion of State Highway Route 92 from the San Mateo County line to 0.1 mile west of Calaroga Avenue; and

WHEREAS, STATE and the County of Alameda have entered into a Freeway Agreement dated September 21, 1964, relating to that portion of State Highway Route 92 from 1.4 miles west of Eden Landing Road to Hesperian Boulevard; and

WHEREAS, STATE and County of Alameda have entered into a Freeway Agreement dated May 26, 1965, relating to that portion of State Highway Route 880 from 0.2 mile south of San Lorenzo Creek to 0.4 mile north of Route 92; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated September 26, 1967, relating to that portion of State Highway Route 92 from 0.3 mile west of Hesperian Boulevard to the East City limit at Ward Creek; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated January 22, 1991, relating to that portion of State Highway Route 880 from south city limit to 0.5 north of Industrial Parkway; and

WHEREAS, CITY has subsequently annexed certain areas including portions of such freeways covered by said Freeway Agreements dated February 9, 1951, August 23, 1954, September 21, 1964, and May 26, 1965, with the County of Alameda; and

WHEREAS, a revised plan map for such freeways 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 freeways;

NOW, THEREFORE, IT IS AGREED:

1. This Agreement supersedes in their entirety said Freeway Agreements related to State Highway Route 92 dated June 6, 1961, August 11, 1964, September 21, 1964, and September 26, 1967.
2. This Agreement supersedes in their entirety said Freeway Agreements related to State Highway Route 880 dated February 9, 1951, July 6, 1954, August 23, 1954, and January 22, 1991.
3. This Agreement supersedes that portion of said Freeway Agreement dated May 26, 1965 from 0.4 mile north of Route 92 to West A Street.
4. CITY agrees and consents to the closing of CITY streets, relocation of CITY streets, construction of frontage roads and other local streets, and other construction affecting CITY streets, all as shown on the plan map attached hereto, marked Exhibit A and made a part hereof by this reference.
5. The obligations of STATE and CITY with respect to the funding and construction of the freeway project will always be dealt with in separate Cooperative Agreement(s) between the parties, and any amendments thereto, or Encroachment Permits issued to the CITY. The parties responsible for the construction of the freeway shall make any changes affecting CITY streets only in accordance with the plan map attached hereto, marked Exhibit A.
6. The obligations of STATE and CITY with respect to the acquisition of the right of way required for the construction, reconstruction, or alteration of the freeway and CITY streets, frontage roads, and other local streets will always be dealt with in separate Cooperative

Agreement(s) between the parties, and any amendments thereto or Encroachment Permits issued to CITY.

7. 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 and CITY 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.

8. CITY will accept control and maintenance over each of the relocated or reconstructed CITY streets, any frontage roads, pedestrian crossings (excluding the one over Route 92) and other local streets constructed as part of the project, on receipt of written confirmation that the work thereon has been completed, except for any portion which is adopted by STATE as a part of the freeway proper. If acquired by STATE, CITY will accept title to the portions of such streets lying outside the freeway limits upon relinquishment by STATE.

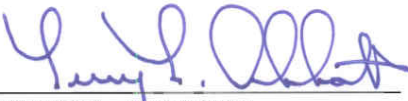
9. This Agreement may be modified at any time by the mutual consent of the parties hereto, as needed to best accomplish, through STATE and CITY cooperation, the completion of the whole freeway project for the benefit of the people of the STATE and of the CITY.

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 HAYWARD

MALCOLM DOUGHERTY
Acting Director of Transportation



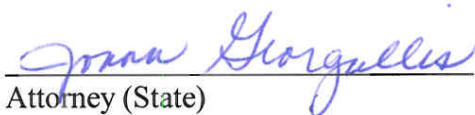
TERRY L. ABBOTT
Chief Design Engineer



By: _____
FRANCES DAVID
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:



Attorney (State)



By: _____
MICHAEL LAWSON
City Attorney



Attest: _____
MIRIAM LENS
City Clerk

Dated: February 14, 2012

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-004

Introduced by Council Member Zermefio

APPROVING FREEWAY AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF HAYWARD RELATING TO THAT PORTION OF STATE HIGHWAY 92 FROM WEST CITY LIMIT TO SANTA CLARA STREET AND STATE HIGHWAY 880 FROM SOUTH CITY LIMIT NEAR WHIPPLE ROAD TO WEST A STREET

WHEREAS, the City Council approved a freeway agreement with Caltrans on September 26, 2006 for the I-880/SR 92 Interchange Reconstruction Project, and

WHEREAS, a slightly revised agreement has been presented to the City, and

WHEREAS, this agreement supersedes all prior freeway agreements and covers all portions of the freeways in Hayward, and

WHEREAS, the City Council has considered said agreement in full and is familiar with the content thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute the agreement on behalf of the City in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA January 10, 2012

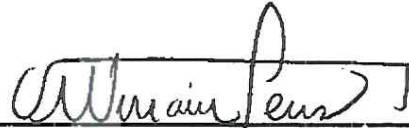
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermefio, Quirk, Peixoto, Salinas, Henson
MAYOR: Sweeney

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: Halliday

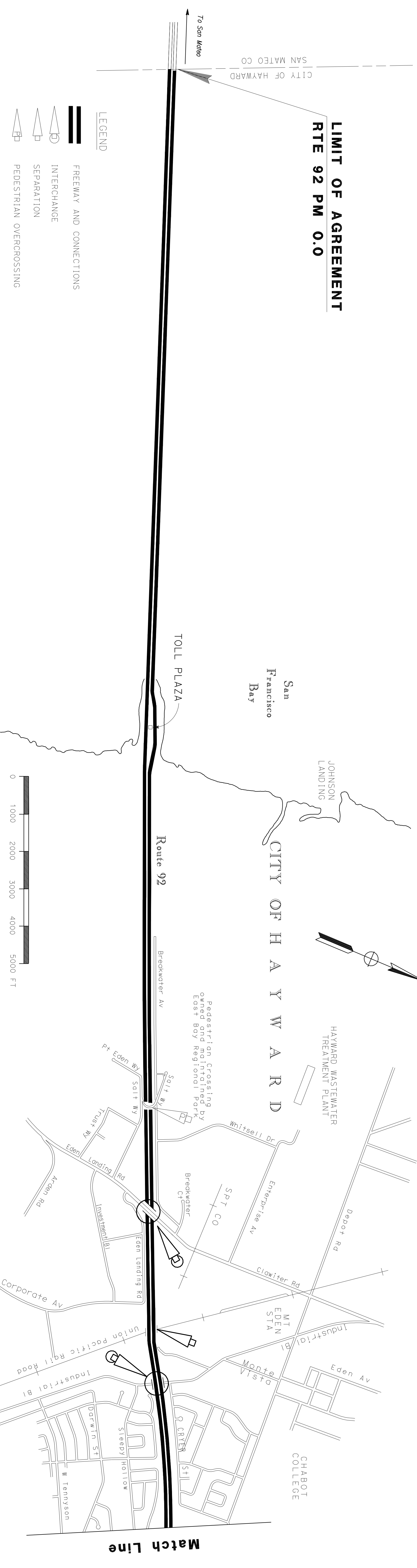
ABSENT: COUNCIL MEMBERS: None

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward

LIMIT OF AGREEMENT
RTE 92 PM 0.0



Match Line

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
4-ALA 92 PM 0.0/6.8
4-ALA 880 PM 13.5./18.4

FREEWAY
IN THE CITY OF HAYWARD

ON ROUTE 92 FROM WEST CITY LIMIT
TO SANTA CLARA STREET AND ON
ROUTE 880 FROM SOUTH CITY LIMIT
NEAR WHIPPLE ROAD TO WEST A STREET

IN ALAMEDA CO., ON RTE 92 PM 0.0/6.8
AND ON RTE 880 PM 13.5./18.4

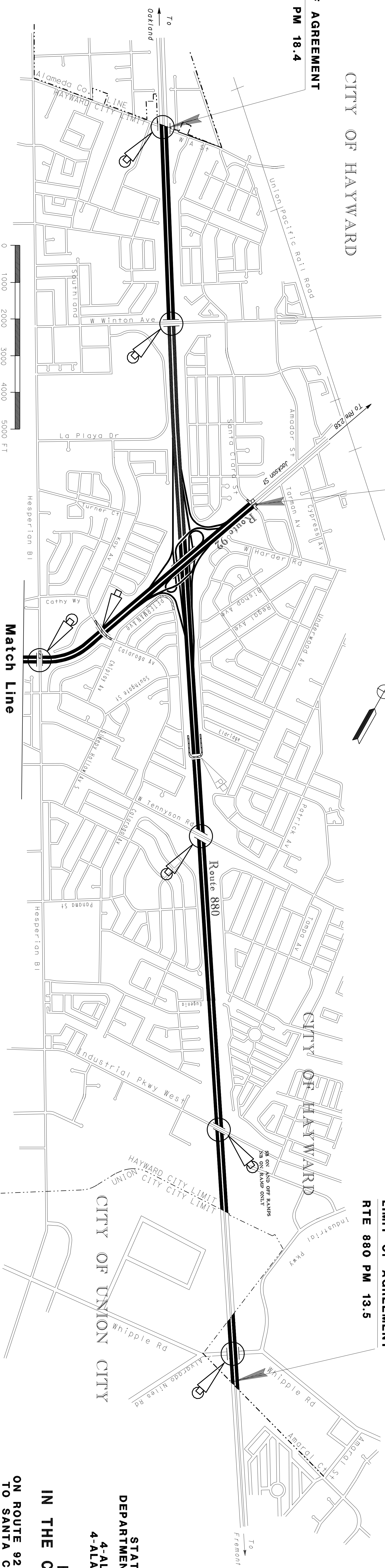
LIMIT OF AGREEMENT
RTE 92 PM 6.8

LIMIT OF AGREEMENT
RTE 880 PM 13.5

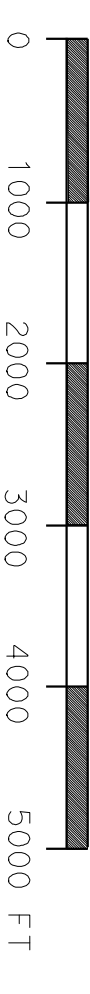
CITY OF HAYWARD

LIMIT OF AGREEMENT
RTE 880 PM 18.4

ALAMEDA COUNTY



- LEGEND**
- FREEMWAY AND CONNECTIONS
 - INTERCHANGE
 - SEPARATION
 - PEDESTRIAN OVERCROSSING
 - ROAD TO BE CONSTRUCTED, RECONSTRUCTED OR RELOCATED



Match Line

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
4-ALA 92 PM 0.0/6.8
4-ALA 880 PM 13.5/18.4

FREEWAY
IN THE CITY OF HAYWARD

ON ROUTE 92 FROM WEST CITY LIMIT TO SANTA CLARA STREET AND ON ROUTE 880 FROM SOUTH CITY LIMIT NEAR WHIPPLE ROAD TO WEST A STREET

IN ALAMEDA CO. ON RTE 92 PM 0.0/6.8 AND ON RTE 880 PM 13.5/18.4