

12-ORA-55- PM R5.5/R6.0 (K.P. R8.9/R9.7)

12-ORA-73- PM R7.7/R7.8 (K.P. R12.4/R12.6)

12-ORA-405- PM 8.7/12.4 (K.P. 14.0/20.0)

In the City of Costa Mesa

On Route 55 between Paularino Avenue and Route 405

On Route 73 between 0.16 km south of Route 405 and Route 405

On Route 405 between Route 55 and the Santa Ana River

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this _____ day of _____, 2007, by and between the STATE OF CALIFORNIA acting by and through the Department of Transportation (herein referred to as "STATE"), and the CITY OF COSTA MESA (herein referred to as "CITY"),

WITNESSETH:

WHEREAS, Route 55 as described above has been declared to be freeway by Resolution of the California Transportation Commission on July 20, 1944; and

WHEREAS, Route 73 as described above has been declared to be freeway by Resolution of the California Transportation Commission on November 27, 1962; and

WHEREAS, Route 405 as described above has been declared to be freeway by Resolution of the California Transportation Commission on February 19, 1953; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated May 1, 2000, relating to that portion of State Highway Route 55 from PM R5.5/R6.0 (K.P. R8.9/R9.7), State Highway Route 73 from PM R7.7/R7.8 (K.P. R12.4/R12.6) and State Highway Route 405 from PM 8.7/12.4 (K.P. 14.0/20.0); and

WHEREAS, a revised plan map for such freeways has been prepared showing the proposed plan of the STATE as it affects roads 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 said Freeway Agreement dated May 1, 2000, relating to State Highway Route 405 from PM 8.7/12.4 (K.P. 14.0/20.0).

2. CITY agrees and consents to the closing of CITY roads, relocation of CITY roads, construction of frontage roads and other local roads, and other construction affecting CITY roads, all as shown on the 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 roads in accordance with the plan map attached hereto marked Exhibit A, except as provided for in subsequent cooperative agreements with CITY specifying construction participation.

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4. STATE agrees to acquire all necessary right of way as may be required for construction , reconstruction, or alteration of CITY roads and 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, and the frontage streets, and other STATE constructed local 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 streets 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

CITY OF COSTA MESA
By:

WILL KEMPTON
Director of Transportation

By:

MARK LEJA
Chief Design Engineer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Attorney (State)

Attorney (City)