

MICROFILM SLIPSHEET

AGREEMENT NO. ALA-025

COUNTY, ROUTE, POSTMILE ALA-880, PM. 27.1/31.0

LOCAL AGENCY OAKLAND

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December 22, 1958 Admendment

AGREEMENT

AN AGREEMENT TO AMEND THE FREEWAY MAINTENANCE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF OAKLAND DATED OCTOBER 4, 1949.

THIS AGREEMENT, made and entered into, in duplicate this 22d day of December, 1958, by and between the State of California, acting by and through the Department of Public Works, Division of Highways, hereinafter for convenience referred to as "the State", and the City of Oakland, hereinafter for convenience referred to as "the City", witnesseth:

WHEREAS, on October 4, 1949, a Freeway Maintenance Agreement was executed between the State and the City covering State Highway Route 69 between High Street and Oak Street, and

WHEREAS, a uniform State-wide policy has subsequently been adopted regarding the division of maintenance on grade separation facilities, and

WHEREAS, said policy differs in certain respects from said Freeway Maintenance Agreement dated October 4, 1949;

NOW, THEREFORE, it is agreed:

Sections 1, 2, and 3 of said Freeway Maintenance Agreement between the State and the City dated October 4, 1949, between High Street and Oak Street shall be amended to read as follows:

1. Except as hereinafter provided the City will maintain, at City's expense, all portions of City Streets and appurtenant structures and bordering areas colored in yellow and purple on the map marked Exhibit "A" attached to said Freeway Maintenance Agreement dated October 4, 1949, and made a part hereof by this reference.

2. Except as hereinafter provided the State will maintain, at State's expense, all portions of the freeway and those portions of City streets adopted hereby as a part of the freeway proper and as colored in pink and green on said map marked Exhibit "A" attached to

said Freeway Maintenance Agreement dated October 4, 1949.

3. EXCEPTIONS

a) 29th AVENUE, 23rd AVENUE AND 19th AVENUE VEHICULAR  
OVERCROSSINGS

The State will maintain, at State's expense, the entire structure below the deck surface. The City will maintain, at City's expense, the deck surface and/or surfacing and shall perform such work as may be necessary to insure an impervious and/or otherwise suitable surface. The City will also maintain all portions of the structure above the bridge deck, as above specified, as well as all traffic service facilities that may be required for the benefit or control of City street traffic.

b) HIGH STREET, FRUITVALE AVENUE, AND 5th AVENUE VEHICULAR  
UNDERCROSSINGS

The State will maintain the structure proper. The lower roadway section, including the traveled way, shoulders, curbs, side walks, walls, drainage and lighting installations, and traffic service facilities will be maintained by the City.

c) LIVINGSTON STREET PEDESTRIAN UNDERCROSSING

The State will maintain the structure from a structural standpoint. The City will maintain all drainage and lighting installations and will be responsible for all cleaning and painting as may be required to keep the undercrossing free from debris and obscenity.

STATE OF CALIFORNIA, Acting by and  
through the Department of Public Works

GEORGE T. McCOY  
State Highway Engineer

By /s/ G. T. McCoy  
State Highway Engineer DEC 22 1958

CITY OF OAKLAND

By /s/ Clifford E. Rishell  
Mayor

By /s/ Wayne E. Thompson  
City Manager

By /s/ George A. Dini  
Asst. City Clerk

APPROVAL RECOMMENDED

/s/ L. A. Weymouth, District  
Engineer

/s/ F. E. Baxter  
Maintenance Engineer

APPROVAL AS TO FORM

Attorney for the Department

OAKLAND CITY COUNCIL  
RESOLUTION NO. 37674 C.M. S.

Introduced by Councilman \_\_\_\_\_

RESOLUTION APPROVING THAT CERTAIN AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF OAKLAND RELATIVE TO THE MAINTENANCE OF THE NIMITZ FREEWAY BETWEEN HIGH STREET AND OAK STREET, ROAD IV-Ala-69-Oak; AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY MANAGER TO EXECUTE FOR AND ON BEHALF OF THE CITY OF OAKLAND IN DUPLICATE SAID AGREEMENT; AND DIRECTING THE CITY CLERK TO ATTACH CERTIFIED COPIES OF THIS RESOLUTION TO THE DUPLICATE COPIES OF SAID AGREEMENT.

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WHEREAS, the State of California through its Department of Public Works, Division of Highways, has presented an agreement to amend the Freeway Maintenance Agreement between the State of California and the City of Oakland covering the Nimitz Freeway between High Street and Oak Street, dated October 4, 1949, on Road IV-Ala-69-Oak, which said agreement of October 4, 1949 provided for the maintenance thereof; and

WHEREAS, a copy of the amended agreement has been filed on NOV 25 1958 in the office of the City Clerk, and the Council of the City of Oakland is familiar with the contents thereof; now, therefore,

BE IT RESOLVED: By the Council of the City of Oakland that the said agreement amending the original agreement of October 4, 1949 relative to the maintenance of Nimitz Freeway between Oak Street and High Street be and the same is hereby approved; and be it

FURTHER RESOLVED: That the Mayor and the City Manager are hereby authorized and directed to execute for an on behalf of the City of Oakland, in duplicate, the said agreement, and the City Clerk is hereby directed to attach certified copies of this resolution to the duplicate copies of said agreement.

MAROVICH,  
XXXXXXX

I certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland, California, on NOV 25 1958

GLAYDS H. MURPHY, City Clerk

Per /s/ K. C. Ziegler \_\_\_\_\_, Deputy