



Subject: ROUTE 87 RIGHT OF WAY AGREEMENT

**Council Agenda: 06-07-11
Item: 2.iD**

City Council Action Request

Department: Transportation	CEQA: Route 87 Freeway Project EIR, Resolution No. 65071	Coordination: PBCE, Budget Office, City Attorney's Office, Office of Economic Development	CMO Approval:  Dept. Approval: /s/ Hans F. Larsen 05-11-11
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RECOMMENDED ACTION:

Approval of the Amendment to the Route 87 Freeway Project Right of Way Cooperative Agreement between the State of California and the City of San José, extending the termination date of the agreement to December 31, 2012.

BASIS FOR RECOMMENDATION:

The City of San José, in conjunction with Caltrans, implemented the Route 87 Freeway Project. This project converted Guadalupe Parkway, a City arterial, to a six-lane freeway from Julian Street to Route 101 with interchanges at Taylor Street and at Skyport Drive. In addition, this freeway project widened northbound Route 101 for the new collector road off ramp from north of Brokaw Road to north of Trimble Road, and the modified Trimble Road interchange to a partial-cloverleaf interchange.

On June 24, 1997, Caltrans and the City of San José executed a Right of Way Cooperative Agreement for the project, which expired on December 31, 2010. While a number of property transactions have been completed, there are still transactions and conveyances that have not yet started. As such, the City and Caltrans desire to re-affirm the terms and conditions of the agreement and extend the term to December 31, 2012.

ANALYSIS

Despite resource concerns and other right of way activities, Caltrans believes that a two-year extension is sufficient time to fulfill the obligations of the agreement. In recognition of resource concerns and other right of way activities, Caltrans has agreed to work with the City to prioritize the conveyance of property rights associated with the Route 87 project, e.g., the relinquishment of the Guadalupe Parkway frontage road to the City.

Both City and Caltrans staff agree that the reaffirmation or continuance of the terms and conditions of the original agreement, with minor updates, is needed in order to complete the right of way close out activities.

COST AND FUNDING SOURCE:

There are no costs associated with this agreement.

FOR QUESTIONS CONTACT: Ray Salvano, Regional Projects Manager, 975-3706