

12-ORA-241 PM 14.1/36.7
From 0.4 miles south of Oso Parkway to 1.3
miles north of Windy Ridge Rd
State Route 241 within the County of Orange
County Agreement No. MA-080-16011316

FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this _____ day of _____, 20____, by and between the STATE OF CALIFORNIA acting by and through the Department of Transportation (herein referred to as "STATE"), and the County of Orange (herein referred to as "COUNTY"),

WITNESSETH:

WHEREAS, Government Code Section 66484.3, added by Statutes 1984, Chapter 708, Section 1, and as amended by subsequent legislation, provided for the COUNTY's participation , through a joint exercise of powers agreement, to impose fees for the purpose of constructing major thoroughfares that are designed and constructed to STATE'S standards and specifications then in effect; and

WHEREAS, Government Code Section 66484.3 provides that any entity constructing major thoroughfares in the COUNTY may, at any time, transfer all or a portion of the major thoroughfares to the STATE subject to such terms and conditions as shall be satisfactory to the Director of the Department of Transportation; provided, however, that the major thoroughfares shall be designated as a portion of the State Highway System prior to their transfer; and

WHEREAS, Government Code Section 66484.3 provides that the participants in a joint exercise of powers agreement may, as a duly authorized original power, establish and collect toll charges only for the purpose of paying the costs of construction of the major thoroughfare and the costs of collecting tolls; and

WHEREAS, the Foothill/Eastern Transportation Corridor Agency ("Foothill/Eastern Agency") was formed pursuant to the Joint Exercise of Powers Act (Government Code sections 6500 et seq.) by a joint exercise of powers agreement dated January 30, 1986, amended and restated on October 21, 1988, entered into by and among the COUNTY and the cities of Anaheim, Irvine, Mission Viejo, Orange, Tustin, San Clemente, San Juan Capistrano, Santa Ana, and Yorba Linda, for the purpose of designing, financing and constructing the major thoroughfares and bridges collectively known as the Foothill and Eastern Transportation Corridors, which corridor is now known as State Route 241 (SR 241); and

WHEREAS, STATE and Foothill/Eastern Agency, among others, entered into an Agreement on November 14, 1988 which was supplemented by a Cooperative Agreement entered into on April 7, 1995, providing that STATE will accept ownership of each major thoroughfare after (1) the major thoroughfare has been made part of the State Highway System; and (2) construction has been completed in accordance with all applicable STATE and federal standards, practices and specifications in effect; and

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WHEREAS, on March 5, 1996, COUNTY executed a Major Thoroughfare Agreement with the Foothill/Eastern Agency, whereby the COUNTY agreed to the construction of the major thoroughfare (SR 241) and its effects on the local roads, the location of separations, including overcrossings and undercrossings, and interchanges related to SR 241 (formerly known as Route 231); and

WHEREAS, SR 241 has been adopted as a state highway by Resolution of the California Transportation Commission on July 9, 1993 and on August 19, 1998, and has been declared to be a freeway; and

WHEREAS, a plan map for such freeway has been prepared showing the proposed plan of the STATE as it affects streets of the COUNTY; and

NOW, THEREFORE, IT IS AGREED:

1. COUNTY agreed and consented to the closing of COUNTY roads, relocation of COUNTY roads, construction of frontage roads and other local roads, and other construction affecting COUNTY roads, all as shown on the plan map attached hereto marked Exhibit A and made a part hereof by this reference.
2. STATE has, pursuant to Government Code section 66484.3 and the Cooperative Agreement referred to in the recitals above, accepted ownership of SR 241.
3. The obligations of STATE and COUNTY with respect to any future funding, construction plan approval and construction regarding the freeway project shall be dealt with in separate Cooperative Agreement(s) between the parties, and any amendments thereto, or Encroachment Permits issued to COUNTY or to STATE. The parties responsible for such construction shall make any changes affecting COUNTY roads only in accordance with the plan map attached hereto, marked Exhibit A. Execution of this Freeway Agreement does not constitute COUNTY's or STATE's acknowledgment of any funding obligations.
4. The obligations of STATE and COUNTY with respect to the acquisition of the rights of way required for the construction, reconstruction, or alteration of the freeway and COUNTY roads, frontage roads, and other local roads shall be dealt in separate Cooperative Agreement(s) between the parties, and any amendments thereto, or Encroachment Permits issued to COUNTY or to STATE. Execution of this Freeway Agreement does not constitute COUNTY's or STATE's acknowledgment of any right of way obligations.
5. It is understood between the parties that the rights of way may be acquired in sections or units, and that both as to the acquisition of rights of way and the construction of the freeway projects, the obligations of STATE hereunder shall be carried out at such time

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and for such unit or units of the projects as funds are budgeted and made lawfully available for such expenditures.

6. COUNTY will accept control and maintenance over each of the relocated or reconstructed COUNTY roads, any frontage roads, and other local roads constructed by or on behalf of STATE on receipt of written notice to COUNTY from STATE that the work thereon has been completed in accordance with COUNTY approved plans as addressed in separate Cooperative Agreement(s) between the parties, and any amendments thereto, except for any portion which is adopted by STATE as part of the freeway proper. If acquired by STATE, COUNTY will accept title to the portions of such COUNTY roads lying outside the freeway limits upon relinquishment by STATE.

7. This Agreement may be modified at any time by the mutual written consent of the parties hereto, as may become necessary for the best accomplishment, through STATE and COUNTY cooperation, of the whole freeway project for the benefit of the people of the STATE and of the COUNTY.

8. Execution of this Freeway Agreement does not constitute STATE's approval of interchange design features. Design exceptions, as required, are subject to STATE's prior approval. Furthermore, execution of this Freeway Agreement does not constitute COUNTY's approval of design plans and other related documents impacting COUNTY roads nor County's acceptance of the proposed improvements.

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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

COUNTY OF ORANGE,
a political subdivision of
the State of California

RYAN CHAMBERLAIN
Director, Caltrans District 12

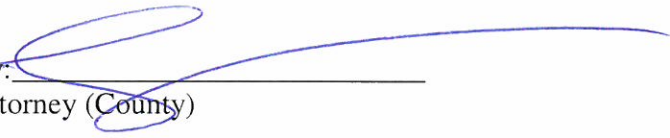
By: _____
Ryan Chamberlain

By: _____
Chairman of the Board of Supervisors

Approved as to Form

Approved as to Form

By: _____
Attorney (State)

By:  _____
Attorney (County)

Signed and Certified that a copy of
this Document has been delivered to
the Chair of the Board of Supervisors

By: _____
Robin Stielor
Clerk of the Board of Supervisors
of Orange County, California



