

## **DRAFT RESOLUTION 2022-**

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING THE PROJECT SPECIFIC MAINTENANCE AGREEMENT (AGREEMENT) FOR THE LOS GATOS CREEK TRAIL WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT**

**WHEREAS**, the design work on the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505) began in October 2019 to install bicycle and pedestrian connections between Highway 9 and the Los Gatos Creek Trail, including the installation of a bicycle and pedestrian bridge across Los Gatos Creek just south of the Highway 9, and a pedestrian switchback ramp on the north side of Highway 9; and

**WHEREAS**, Los Gatos Creek and Los Gatos Creek Trail along Highway 17 between the Forbes Mill footbridge and Roberts Road West are within California Department of Transportation's operation right-of-way, and Town staff has been closely coordinating with the State Transportation Department on the Connector Project; and

**WHEREAS**, property rights for the Los Gatos Creek Trail were intended to be transferred to the Town when the trail was constructed in 1994, but the transfer was never completed; and

**WHEREAS**, California Department of Transportation is requiring the execution of the Project Specific Maintenance Agreement for Los Gatos Creek Trail as a condition to approve the encroachment permit to allow the work in their right-of-way for construction; and

**WHEREAS**, the Project Specific Maintenance Agreement (Agreement) is meant to replace and supersede an existing Delegated Maintenance Agreement for the Creek Trail between the Town and Caltrans from 1975; and

**WHEREAS**, the Agreement requires the Town to maintain the improvements from the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project and other improvements made to the Creek Trail between the Forbes Mill footbridge and Roberts Road West; and

**WHEREAS**, execution of the Maintenance Agreement is a needed step to facilitate the California Department of Transportation's consideration to approve the encroachment permit for construction of the Trailhead Connector Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Los Gatos approves the Project Specific Maintenance Agreement for Los Gatos Creek Trail with the California Department of Transportation; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Los Gatos authorizes the Town Manager to execute the Project Specific Maintenance Agreement for Los Gatos Creek Trail.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 18<sup>th</sup> of October 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA