

**RESOLUTION NO. 48-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MAINTENANCE AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TO ALLOW THE CITY TO MAINTAIN THE PEDESTRIAN / BICYCLE PATH AND LIGHTING IN THE CITY OF RICHMOND**

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WHEREAS, the City of Richmond (the “CITY”) obtained an Encroachment Permit from the State of California Department of Transportation (the “STATE”) to construct a pedestrian/bicycle path (the “PATH”) within State right of way on Interstate Highway Route 80 at the abandoned ATSF Railroad tunnel in the City of Richmond in Contra Costa County hereinafter referred to as “PROJECT”; and

WHEREAS, in accordance with said Encroachment Permit (Permit No. 0409-NMC1181), it is stipulated that prior to or upon PROJECT completion, CITY and STATE will enter into a Maintenance Agreement; and

WHEREAS, the CITY and STATE hereto mutually desire to clarify the division of maintenance responsibility, as defined in Section 27 of the California Streets and Highways Code, and their respective responsibilities as to the project constructed under said Encroachment Permit; and

WHEREAS, there are existing Freeway Maintenance Agreements (FMA) with CITY; and

WHEREAS, the proposed Maintenance Agreement is not meant to replace or supersede the earlier agreements; and

WHEREAS, the CITY proposed to utilize and build the “PATH” for the completion of the Richmond Greenway Phase II Project; and

WHEREAS, the STATE required the CITY to assume the maintenance of the “PATH” as delineated in the maintenance agreement No. CC-80-PM 2.53.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Richmond that the City Manager is hereby authorized to sign the maintenance agreement, No. CC-80-PM 2.53 that is attached hereto as Exhibit 1.

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I certify that the foregoing Resolution was passed and adopted by Richmond City Council at a regular meeting held on May 4, 2010 by the following vote:

AYES: Councilmembers Butt, Lopez, Rogers, Vice Mayor Ritterman, Viramontes, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Bates.

DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        } : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 48-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 4, 2010.