

RESOLUTION NO. XCII

A RESOLUTION RELATING TO THE IMPROVEMENT OF THE CANBY-MARQUAM HIGHWAY WITHIN THE CITY LIMITS OF CANBY; AUTHORIZING A CONTRACT WITH THE STATE OF OREGON TO SHARE THE WORK AND COSTS OF THE PROJECT AND AUTHORIZING THE EXPENDITURE OF NECESSARY FUNDS BY THE CITY.

WHEREAS, the Canby-Marquam Highway, State Secondary Highway No. 170, extends between the Pacific Highway East and Mundorff Road in the City of Canby and consists of a paved highway less than 44 feet in width, and said highway has and will have a considerable amount of increased vehicular and foot traffic because of the recent construction of the secondary school on Mundorff Road and also because of the construction of the new community swimming pool facility immediately adjacent to said highway; and

WHEREAS, the City and State may, pursuant to O.R.S. 366.775 and O.R.S. 373.030, enter into agreements for the construction, reconstruction, improvement or repair of any street, highway or road; and the State may with the consent of the City change the grade of any street, highway or road over which the State highway traffic is routed; and

WHEREAS, the State and City propose to enter into an agreement for the purpose of providing a pavement width of 44 feet and to construct curbs and sidewalks on both sides of said highway and to share the work and costs of such project; and

WHEREAS, the State proposes to provide to the City such engineering consultation as is necessary; do all grading required for completion of the project; and upon completion of the City's portion of the work, will place base rock and pave the area between the edges of the existing pavement and the curbs; and

WHEREAS, the City shall, pursuant to the proposed contract, construct at its sole expense curbs and sidewalks on both sides of the highway in the section covered by the project and install all necessary drainage; and the City also to save and hold harmless and indemnify the State of Oregon, the State Highway Commission,

the members thereof, its officers, employees and agents, from any claim, suit or action of whatsoever nature for damages to property or injury to or death of any person or persons resulting from or arising out of the activities of the City, or the City's contractor or subcontractors, or agents, officials or employees, during the construction of the project; and

WHEREAS, the City's Public Works Department has investigated the matter and made a full report to the Canby City Council which has carefully considered the matter and the proposed project, and is of the opinion that the proposed contract and work project is in the best interests of the City and the inhabitants thereof and is needed immediately for the purpose of completing said project to the end that human lives may be saved, property damage minimized, transportation by motor vehicles promoted, and that the highway traffic in general be safeguarded and the general welfare of the public be promoted and protected; now, therefore,

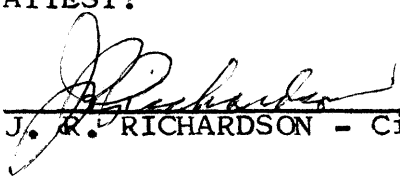
BE IT RESOLVED that the City of Canby approve of the proposed project to widen and improve the Canby-Marquam Highway, State Secondary Highway No. 170, within the City limits of Canby, and the Mayor and City Recorder of the City of Canby are authorized and directed to execute on behalf of the City an appropriate contract with the State of Oregon by and through its State Highway Commission for the construction of said project; and the City to construct at its sole expense curbs and sidewalks on both sides of the highway and install necessary drainage in the section covered by the project; and that the City's share of the costs of such project be paid from the Street Department's General Fund ~~budgeted for street improvements~~ and to the extent of available funds for such purposes, and that the excess of any costs be paid from the Contingency Fund, it being determined that an emergency exists, and that any expenditure of the Contingency Fund for such

improvement project is justified.

Adopted this 4th day of February, 1970, at a special meeting of the Canby City Council.


LAWRENCE J. HOUSEN - Mayor

ATTEST:


J. R. RICHARDSON - City Recorder