

RESOLUTION NO. CCXLII (242)

A RESOLUTION APPROVING AN AGREEMENT FOR THE INSTALLATION AND MAINTENANCE OF TRAFFIC SIGNALS AT INTERSECTION OF N.W. BERG PARKWAY AND PACIFIC HIGHWAY EAST

WHEREAS, the City of Canby, the State Transportation Commission of the State of Oregon and E and Z Development Company of Portland, Oregon have negotiated an agreement under ORS 366.770 and 366.775 for the erection and maintenance of traffic control signals at the intersection of N.W. Berg Parkway and Pacific Highway East in the City of Canby, Clackamas County, Oregon; and

WHEREAS, said project is necessary in order to obtain a safer and more expeditious flow of traffic at said intersection and is deemed by all concerned and particularly the Canby City Council, to be in the best interest of the City and the residence thereof; and

WHEREAS, the proposed agreement and project will not impose any financial responsibility on the City of Canby, except for costs of electrical power consumed by the traffic signal; and

WHEREAS, the proposed agreement was previously approved by the Canby City Council, and signed on behalf of the City by then, Mayor Paul N. Roth, and attested by Harold A. Wyman, City Recorder, but the agreement requires formal ratification by this City Council and approval of its execution by former Mayor Roth and City Recorder Wyman. A copy of the said AGREEMENT numbered 5786 by the State Transportation Commission is attached hereto, marked "Exhibit A" for identification purposes and by this reference and its attachment hereto, is hereby made a part of this Resolution.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Canby City Council that:

Section 1: The previously negotiated agreement (Agreement Number 5786) between the State Transportation Commission of the State of Oregon, the City of Canby and E and Z Development Company Inc. of Portland, Oregon (a copy of which is attached hereto marked "Exhibit A") is hereby approved, ratified and con-

firmed; and the signatures to the Agreement by former Mayor Paul N. Roth and City Recorder, Harold A. Wyman, are also ratified, approved and confirmed as authorized signatures on behalf of the City of Canby.

Adopted by the Canby City Council at a regular meeting thereof this 7th day of June, 1978.

Robt E Rapp
ROBT. E. RAPP - MAYOR

ATTEST:

Harold A. Wyman
HAROLD A. WYMAN - CITY RECORDER

A G R E E M E N T

THIS AGREEMENT, made by and between the STATE OF OREGON, by and through its STATE TRANSPORTATION COMMISSION, hereinafter called "State", and the CITY OF CANBY, a municipal corporation of the State of Oregon, by and through its City officials, hereinafter called "City", and E and Z Development Company, Inc. of Portland, hereinafter called "Corporation":

W I T N E S S E T H

RECITALS:

1. The Pacific Highway East, State Primary Highway No. 1E, is a State Highway under the jurisdiction and control of the State and is routed through the corporate limits of City.
2. Under ORS 366.770 and 366.775, the State, City, and Corporation may enter into agreements for the construction, improvement, repair or maintenance of any State Highway, road or street, and provide for allocation of the cost of the project to the contracting parties.
3. Under ORS 483.040, State is authorized to determine the type of, erect and maintain traffic control signals. Under ORS 366.450, State is authorized to erect and maintain directional road signs and other signs on State Highways.
4. State, City and Corporation in their judgment have deemed it necessary in order to obtain a safer and more expeditious flow of traffic to install traffic signals at the intersection of Berg Parkway a City street and Pacific Highway East.

Hereinafter, all acts necessary to accomplish this installation shall be referred to as the "project".

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

THINGS TO BE DONE BY STATE:

1. State approves the RECITALS herein, THINGS TO BE DONE BY CITY, THINGS TO BE DONE BY CORPORATION, and all other provisions of this agreement.
2. State shall prepare all plans, let and award all contracts and supervise the work of the project.
3. State shall do the work of the project either by its own forces or by contract. State shall, in the first instance, pay all of the cost of the project, but the actual total cost of the project shall, upon final itemization by the State, be paid by the Corporation.

EXHIBIT "A"

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals.

This agreement was approved by the Oregon Transportation Commission on _____, 1976, at which time the State Highway Engineer was authorized and directed to sign said agreement for and on behalf of the Commission. Said authority is set forth in Volume _____, Minute Book of the Oregon Transportation Commission.

APPROVED:

STATE OF OREGON, BY AND THROUGH
ITS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

Assistant State Highway Engineer

State Highway Engineer

APPROVED AS TO FORM

CITY OF CANBY, by and through its
City officials:

/s/ Walt Barrie
Assistant Attorney General and
Counsel

By: Paul N. Roth
Mayor

Assistant Attorney General

By: Harold A. Wyman
Recorder

E AND Z DEVELOPMENT COMPANY, INC. OF
PORTLAND, by and through its Corporate
Officials:

By: _____
Title

By: _____
Title

(Attach certified copy of City ordinance or resolution approving the contract.)