

ORDINANCE NO. 756

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, TO EXECUTE A CONSTRUCTION FINANCE AGREEMENT WITH THE STATE OF OREGON, DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, FOR STRIPING NO-PASSING ZONES ON THE STREETS OF THE CITY OF CANBY, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, it is in the public interest and safety to stripe no-passing zones on horizontal and vertical curves on the streets within the corporate limits of the City of Canby; and

WHEREAS, such striping must be done on both existing highway routes and on current federal-aid construction projects where striping work has not yet been completed in accordance with Title II, Hazard Elimination Project of the Federal Highway Administration; and

WHEREAS, the State of Oregon, by and through its Department of Transportation, Highway Division, is authorized by ORS 366.770 and 366.775 to enter into agreements with cities for performance of work; and

WHEREAS, the State of Oregon, by and through its Department of Transportation has proposed a Construction-Finance Agreement to be entered into to complete such striping between the Highway Division and the City of Canby.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and City Recorder of the City of Canby, Oregon, are hereby authorized and directed to enter into an agreement with the State of Oregon, Department of Transportation, Highway Division, for horizontal/vertical no-passing zone striping on streets within the corporate limits of the City of Canby.

Section 2. A copy of said agreement shall be marked "Exhibit A" attached hereto and become a part hereof.

Section 3. Inasmuch as it necessary to proceed with the striping of these no-passing zones as quickly as possible, an emergency is hereby declared to exist and this ordinance shall take effect immediately after final reading and enactment by the Canby City Council.

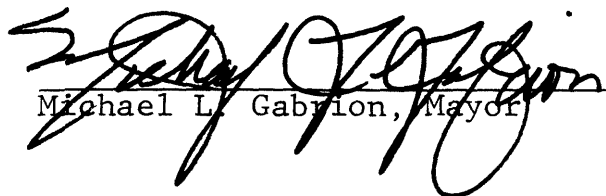
Submitted to the Canby City Council and read the first time at a regular meeting thereof on the 3rd day of October, 1984, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days as authorized by the Canby City

Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on the 17th day of October, 1984, commencing at the hour of 7:30 o'clock p.m., at the Council's meeting chambers at the Canby City Hall, in Canby, Oregon.


Marilyn K. Perkett, City Recorder

Passed on second and final reading by the Canby City Council at a Regular meeting thereof on the 17th day of October, 1984, by the following vote:

YEA 4 NAY 0 ABSTENTION 0


Michael L. Gabriel, Mayor

ATTEST:


Marilyn K. Perkett, City Recorder

FINAL
DNH:pf
8/22/84

Misc. Contracts & Agreements
No.

CONSTRUCTION-FINANCE AGREEMENT
TITLE II, HAZARD ELIMINATION PROJECT
~~HORIZONTAL/VERTICAL NO-PASSING ZONE STRIPING~~

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, Highway Division, hereinafter referred to as "State"; and the CITY OR COUNTY, commonly referred to as "Local Government Agency", acting by and through its elected officials, hereinafter referred to as "Agency".

W I T N E S S E T H

RECITALS

1. The Federal Highway Administration requires compliance with the National Manual on Uniform Traffic Control Devices for striping no-passing zones on horizontal and vertical curves. Such striping must be done on both existing highway routes and on current federal-aid construction projects where striping work has not yet been completed.

2. State and Agency, in their judgement, have deemed it necessary and desirable to inventory, paint, and mark all required no-passing zones appropriately as identified on a statewide basis. Such inventory, painting and marking will hereinafter be referred to as "project".

3. By the authority granted by certain provisions of the ORS, State and Agency may enter into agreements for the improvement of any road, highway or street with the allocation of costs on terms mutually agreeable to the contracting parties.

4. Title II, Hazard Elimination Program of the Highway Safety Act of 1978 and the 1982 Surface Transportation Assistance Act, authorizes use of funds for projects at specific locations having a high-hazard experience or which constitutes a danger to vehicles or pedestrians. The cost sharing ratio for projects undertaken through this program is basically on a 90 percent Federal Funds and 10 percent Local Matching Funds. The State, and/or Federal Highway Administration in this instance, shall provide the initial Local Match and there will be no expense to the Agency for either the inventory or striping portions of the project.

Exhibit "A"

b. Compile accurate accounting records and when the actual total cost of the project has been computed, furnish the State with an itemized statement of said costs.

5. Upon completion of the initial striping project, Agency shall thereafter, at its own cost and expense, maintain and operate that portion of the project under its jurisdiction in a manner satisfactory to the State and/or Federal Highway Administration.

6. Agency shall adopt an ordinance or resolution authorizing its designated elected Officials to enter into and execute this agreement, and the same shall be attached hereto and become a part hereof.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. Agency has acted in this matter pursuant to Ordinance or Resolution No. _____, adopted by its elected officials on the _____ day of _____, 1984.

This project was approved by the State Highway Engineer on August 17, 1984 under delegated authority from the Oregon Transportation Commission.

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority is set forth on page 5686 in the Minutes of the Oregon Transportation Commission, dated July 31, 1984.

APPROVAL RECOMMENDED

By _____
Traffic Engineer

STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

By _____
State Highway Engineer

Date _____

FORMAT
APPROVED AS TO
LEGAL SUFFICIENCY

By *James L. Seccia*
Assistant Attorney General

Date July 17, 1984

AGENCY _____,
by and through its elected Officials

By _____
Mayor, Chairman, Judge

By _____
City Recorder/County Clerk

By _____

By _____