

RESOLUTION No. 203

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER AND MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF TROUTDALE BETWEEN THE STATE OF OREGON, OREGON TRANSPORTATION COMMISSION AND SAID CITY AND PROVIDING FOR THE IMPROVEMENT OF S.W. 7th STREET (Kings Byway to Buxton St.).

WHEREAS, The State of Oregon, acting by and through its Oregon Transportation Commission, has caused to be prepared and submitted to the City of Troutdale an agreement providing for the improvement of S.W. 7th St. (Kings Byway to Buxton St.) within said City; and

WHEREAS, said agreement has been read in full to the Common Council of the City of Troutdale and approved as submitted;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE that the Mayor and Recorder are hereby authorized and directed to execute said agreement on behalf of the City of Troutdale.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS  
14th DAY OF NOVEMBER, 1978.

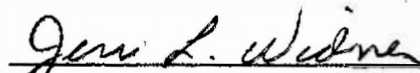
YEAS: 4

NAYS: 0



\_\_\_\_\_  
R. M. Sturges, Mayor

ATTEST:

  
\_\_\_\_\_  
Jerri L. Widner, City Recorder/Finance Director

Misc. Contracts & Agreements  
No. 6816

SPECIAL CITY ALLOTMENT AGREEMENT  
Project by State

THIS AGREEMENT, made and entered into by and between the STATE OF OREGON, by and through its Department of Transportation, Highway Division, hereinafter called "State", and the CITY OF TROUTDALE, a municipal corporation created and existing under the laws of the State of Oregon, by and through the corporate officers, hereinafter called "City";

W I T N E S S E T H

RECITALS

1. Pursuant to the provisions of ORS 366.800 and 366.805, there has been withdrawn from state highway funds appropriated for allocation to the several cities of the State of Oregon the sum of Two Hundred Fifty Thousand and No/100 (\$250,000) Dollars, and said sum has been set up in a separate account to be administered by the Transportation Commission and to be spent each year by said Commission upon streets not a part of the state highway system within cities which are receiving excessive wear through sudden increases in population in the area or heavy and unusual traffic.

2. By the authority granted in ORS 366.805(3), City has requested State to consider a project for the improvement of:

S.W. 7th Str. (Kings Byway to Buxton St.)

a. Said improvement shall consist of:

Grade, Base and Pave.

Attached hereto, marked Exhibit "A" and by this reference made a part hereof, is a sketch map showing the location and approximate limits of said project.

3. State has considered request of City for project and has determined that street, or streets, or portions thereof, need to be improved.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, and IN CONSIDERATION of the covenants, conditions, provisions, and terms hereinafter set forth, it is agreed by and between State and City as follows:

THINGS TO BE DONE BY STATE

1. State shall perform all preliminary engineering including, but not limited to: field survey, preparation of final plans, specifications, and estimates, and advertise the project for bids at sole expense of State, for the first \$40,000 of project costs. On projects exceeding \$40,000, preliminary engineering shall be charged at a pro-rata basis to the project.

2. Construction engineering services and supervision shall be included in the cost of the project.

3. State shall submit plans to City for their review and approval prior to advertising the project for contract bids.

4. State shall, upon receipt of city's advance deposit, award contract and supervise construction of said project.

5. State shall, upon receipt of City's approval and final costs are compiled off the completed project, furnish City with an itemized statement of the project costs and dependent upon total cost of project, either refund the unused amount of City's advance deposit or request an additional payment for City's share of project.

THINGS TO BE DONE BY CITY

1. City shall adopt an ordinance or resolution, as the case may be, authorizing the Mayor and Recorder to enter into this agreement, and the same shall be made a part hereof and attached hereto.

2. The city must provide all right-of-way at its sole expense. The acquisition of real property must comply with current Oregon law, namely ORS 281.045 through ORS 281.105.

3. The city shall relocate or reconstruct, or cause to be relocated or reconstructed, all privately or publicly-owned utility conduits, lines, poles, mains, pipes, and all other facilities of every kind and nature where such relocation or reconstruction is made necessary by the plans of the project in order to conform the utilities and other facilities with the plans and the ultimate requirements of the project, at their sole expense, and certify same to the State.

4. City shall certify to State, five weeks prior to bid opening that all rights-of-way and easements have been acquired and that utilities have been relocated and/or adjusted.

5. City understands and agrees that State's participation in said project is solely for benefit of City and that State, by said participation does not assume any jurisdiction or control over said street or streets, or portions thereof.

6. Upon completion of project, city shall, unless otherwise agreed, maintain the project.

7. City acknowledges the effect and scope of ORS 105.760 and agrees that all acts necessary to complete the construction of the project which may alter or change the grade of existing city streets are being accomplished by State at the direct request of City.

8. In the event that the project requires funds in excess of Twenty-five Thousand and No/100 (\$25,000) Dollars, the City shall upon request by State deposit such a sum of money as when added to the said Twenty-five Thousand and No/100 (\$25,000) Dollars will equal the estimated cost of the project as revised pursuant to the successful contractor's bid; it being further understood that in the event City is required to make said deposit, that when the entire project has been completed and the total cost thereof determined if the said sum deposited exceeds the City's share of the total cost of said project, then the surplus shall be refunded to City. If, however, the said sum deposited does not equal City's share of the total cost of the project, then City shall upon receipt of an itemized bill from State, pay to State such an amount of money as when added to the said sum deposited will equal City's share of the total cost.

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9. City shall save harmless and blameless and shall indemnify the State of Oregon, its Transportation Commission and members thereof, its officers, employees, contractors and agents from all lawful claims, demands, damages, actions and suits and costs of actions and suits, whatsoever, arising out of or as a result of the acquisition, appropriation, or use of said rights-of-way, easements, rights and other interests in real property and the relocation and reconstruction, or failure to properly relocate or reconstruct said utility facilities of every kind and nature.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, THE STATE OF OREGON, acting by and through its Oregon Transportation Commission, has caused to be prepared and submitted to the CITY OF TROUTDALE an agreement providing for the improvement of S.W. 7th Str. (Kings Byway to Buxton St.)

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within said City; and

WHEREAS, said agreement has been read in full to the Council of said City and approved as submitted;

NOW, THEREFORE, BE IT RESOLVED by the City of Troutdale that the Mayor and Recorder are hereby authorized and directed to execute said agreement on behalf of City.

\* \* \* \* \*

The foregoing resolution was duly adopted by the Council of the City of Troutdale on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By \_\_\_\_\_ Mayor

ATTEST

\_\_\_\_\_  
City Recorder

10. City understands that if the project is canceled by City, City shall be responsible for reimbursement of any costs incurred.

GENERAL PROVISIONS

1. The parties hereto mutually agree and understand that the costs of said project shall be apportioned between and paid for by State and City as follows: State shall pay the cost of the project, not to exceed Twenty-five Thousand and No/100 (\$25,000) Dollars, and City shall pay any additional cost of the project in excess of said Twenty-five Thousand and No/100 (\$25,000) Dollars.

The estimated cost of said project is \$66,900.00 Dollars; however, the actual costs, whether more or less than said estimate, shall govern and control.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals. City has acted in this matter pursuant to Resolution No. \_\_\_\_\_ adopted by its City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The project, the basis for the within agreement, was approved by the Oregon Transportation Commission on October 24, 1978, 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 \_\_\_\_\_, Page \_\_\_\_\_ Minute Book of the Oregon Transportation Commission.

APPROVED

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

\_\_\_\_\_  
Mgr., Office of Technical Services

\_\_\_\_\_  
State Highway Engineer

RECOMMENDED FOR APPROVAL

Date \_\_\_\_\_

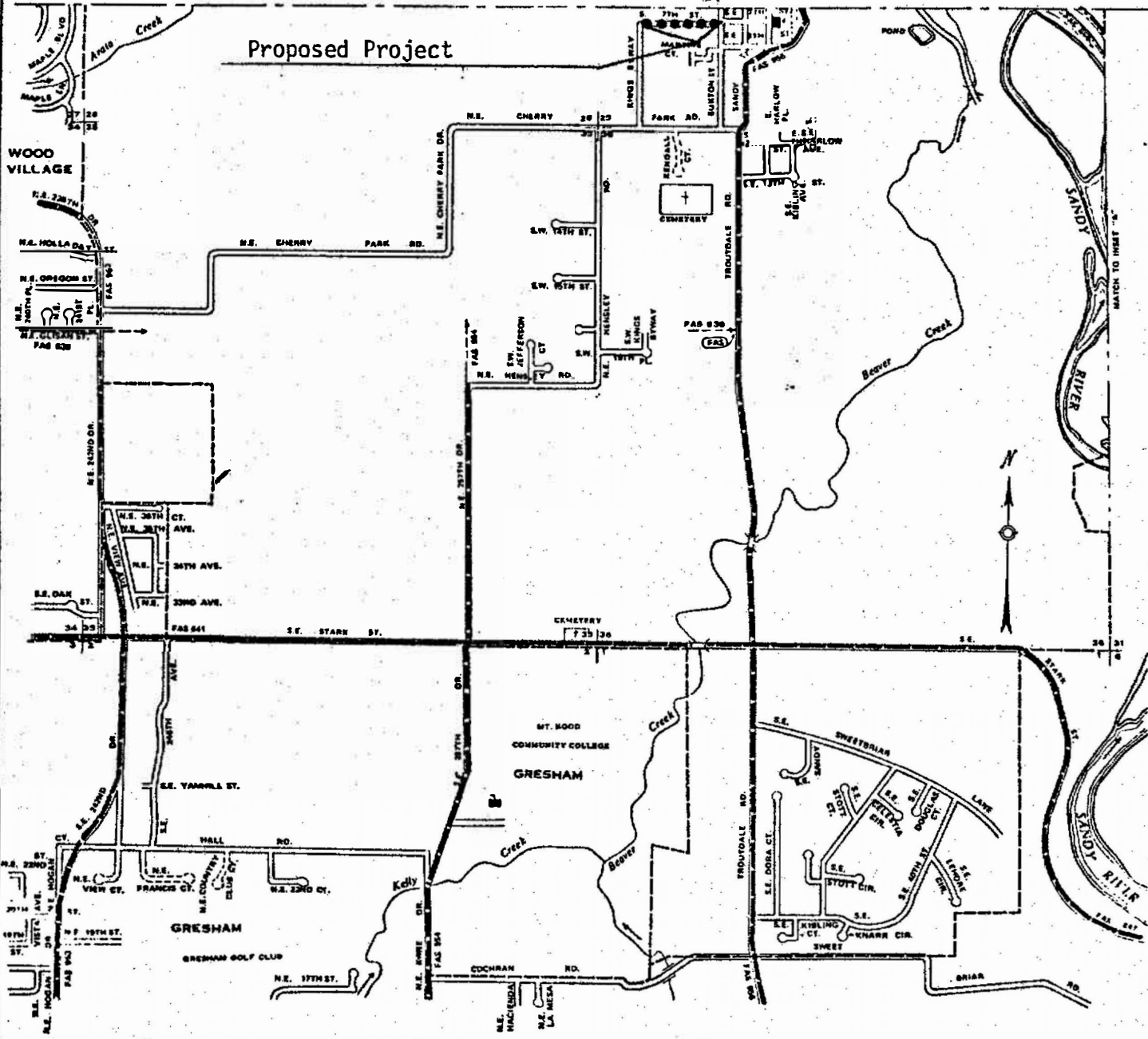
CITY OF TROUTDALE, OREGON a  
municipal corporation acting by and  
through its corporate officers

\_\_\_\_\_  
Region Engineer

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
City Recorder

# Proposed Project



71N T18 R3E W.M.

## EXHIBIT A

## TROUTDALE

MULTNOMAH COUNTY, OREGON

- FEDERAL AID INTERSTATE SYSTEM
- FEDERAL AID PRIMARY SYSTEM
- FEDERAL AID SECONDARY SYSTEM-STATE
- FEDERAL AID SECONDARY SYSTEM-COUNTY
- OTHER FEDERAL AID SECONDARY-LOCAL
- TERMINATION OF FA SYSTEM
- DIVIDED HIGHWAY
- UNDIVIDED HIGHWAY-NO. OF LANES
- STREET OPEN FOR TRAVEL
- STREET DEDICATED BUT NOT OPEN

### LEGEND

- INTERSTATE NUMBERED ROUTE (FAI)
- U.S. NUMBERED ROUTE
- STATE NUMBERED ROUTE
- POST OFFICE
- SCHOOL
- CITY CENTER
- R.R. DEPOT
- CITY LIMITS
- PUBLIC BLDG.
- CITY HALL
- COURT HOUSE
- ARMORY
- LIBRARY

ORIGINATION BY  
OREGON STATE HIGHWAY DEPARTMENT

IN PARTIAL FULFILLMENT OF  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

Population 1,680

Scale in Feet

REVISED FEB. 1973

SHEET ARRANGEMENT

