

**RESOLUTION NO. 1393**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH MULTNOMAH COUNTY FOR THE COLUMBIA RIVER HIGHWAY SIDEWALK PROJECT**

**WHEREAS**, in August of 1993, the City applied for Federal cost-sharing funds under the Intermodal Surface Transportation Efficiency Act (ISTEA) Transportation Enhancement Program to make improvements along the Historic Columbia River Highway between Kibling Avenue and the Community Park; and

**WHEREAS**, the project was reduced in scope so that it now consists only of the construction of a sidewalk on the southwest side of the Historic Columbia River Highway between Kibling Avenue and the bridge over Beaver Creek, along with related drainage improvements; and

**WHEREAS**, Multnomah County, as owner of the road, will provide engineering design and construction contract administration; and

**WHEREAS**, the City, as applicant, will provide the 20% local funding; and

**WHEREAS**, this project is included in the City's Capital Improvement Plan which supports the assessment of transportation system development charges; and

**WHEREAS**, funding for this project is included in the City's FY 1998-99 Street Improvement Fund Budget.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE**

That the Mayor is authorized to enter into an Intergovernmental Agreement with Multnomah County for the Columbia River Highway Sidewalk Project.

**YEAS:**   1    
**NAYS:**   0    
**ABSTAINED:**   0  

  
Paul Thayer, Mayor

Dated: 8-17-98

  
George Martinez, City Recorder

Adopted: 8-11-98

**INTERGOVERNMENTAL AGREEMENT**  
**BETWEEN MULTNOMAH COUNTY AND THE CITY OF TROUTDALE**  
**FOR THE COLUMBIA RIVER HIGHWAY SIDEWALK PROJECT**

This Agreement is entered into on Sept. 11, 1998, between the City of Troutdale, Oregon (City), and Multnomah County, Oregon (County), pursuant to the authority granted in ORS Chapter 190.

**RECITALS**

**WHEREAS**, the purpose of this Agreement is to detail the responsibilities, compensation and services to be provided by both Multnomah County and the City of Troutdale regarding the construction of a sidewalk and related improvements on the Columbia River Highway between SE Kibling Avenue and the bridge over Beaver Creek; and

**WHEREAS**, the Board of County Commissioners and the Troutdale City Council both recognize the need to construct sidewalks along the Columbia River Highway; and

**WHEREAS**, the City of Troutdale submitted a request for federal cost-sharing for this project under the Intermodal Surface Transportation Efficiency Act Enhancement Program; and

**WHEREAS**, the request was approved and a grant authoring cost-sharing of 80% federal, 20% local, up to \$104,000 was made; and

**WHEREAS**, the City and the County have agreed that it is desirable to the County to perform the engineering and construction management functions for this project.

**NOW, THEREFORE**, the parties do mutually agree as follows:

**I. SCOPE OF WORK**

A. The County agrees to perform the following services:

1. Complete project design plans and specifications and prepare the contract and bidding documents for advertisement and award by the Oregon Department of Transportation.
2. Perform construction management and project inspection services.

3. Confer with the City on a regular basis and promptly respond to any inquiries from City personnel in regard to this project.
- B. The City agrees to perform the following services:
1. Provide the local cost share funding, not to exceed \$30,000.
  2. Provide input and response to inquiries received from the County.

## II. TIME PERFORMANCE/SCHEDULE

- A. The County shall complete project design and preparation of bidding documents by March 31, 1999.
- B. In the event of unforeseen circumstances beyond the control of the County, the "Time of Performance" may be amended as set forth in Section VI, "Amendment of Agreement."

## III. EFFECTIVE AND TERMINATION DATES

This Agreement shall be effective as of the signing of this agreement and shall terminate as of December 31, 1999.

## IV. ESTIMATED COST

The estimated cost for construction of a sidewalk on the south side of the Columbia River Highway from SE Kibling Avenue to the bridge over Beaver Creek, along with related pavement and drainage work, is \$104,000.

## V. COMPENSATION BY CITY

- A. The City shall submit its payment as requested by the County within 30 days following a written request for funds.
- B. The County shall return any excess funds to the City within 30 days following project completion.

## VI. AMENDMENT OF AGREEMENT

The City and the County may amend this agreement from time to time by mutual written agreement.

**VII. NON-APPROPRIATION CLAUSE**

This agreement is subject to future appropriations by any future City Council or Board of County Commissioners.

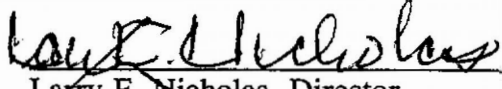
**VIII. INDEMNIFICATION**

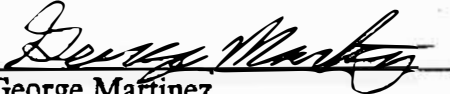
Subject to the limitations and conditions of the Oregon Constitution and Oregon Tort Claims Act (ORS 30.260 et seq), the County and the City each shall be solely responsible for any loss or injury caused to third parties arising from County's or City's own acts or omissions under the agreement; and County or City shall defend, hold harmless, and indemnify the other party to this agreement with respect to any claim, litigation, or liability arising from County's or City's own acts or omissions under this agreement.

CITY OF TROUTDALE, OREGON

MULTNOMAH COUNTY, OREGON

By:   
Paul Thalhoffer  
Mayor

By:   
Larry F. Nicholas, Director  
Dept. of Environmental Services

Attest:   
George Martinez  
City Recorder

REVIEWED 

THOMAS SPONSLER, County Counsel  
For Multnomah County, Oregon

By:   
Deputy County Counsel