

RESOLUTION NO. 1553

A RESOLUTION APPROVING CONTRACT AMENDMENT NO. 3 TO INTERGOVERNMENTAL AGREEMENT NO. 4600001441 (formerly No. 301755) WITH MULTNOMAH COUNTY PERTAINING TO TRANSPORTATION-RELATED DEVELOPMENT PROCEDURES.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City Council approved Intergovernmental Agreement (IGA) No. 4600001441 (formerly No. 301755) with Multnomah County by adopting Resolution No. 1155 on January 24, 1995. The IGA was subsequently signed on March 9, 1995. That IGA dealt with the transfer of certain County Roads to the City, along with a delineation of responsibilities of each party regarding rights-of-way and transportation-related matters, including development procedures.
2. The IGA was amended by Resolution No. 1404 on September 8, 1998 to revise the method for calculation of funds transferred annually by the County to the City and by Resolution No. 1527 on October 10, 2000 to add additional roadways being transferred from the County to the City.
3. Section III of the IGA authorized the transfer from the County to the City of certain authority, including access management, access permitting, establishment of development conditions, and issuance of development permits for County roads within Troutdale. Over the intervening years, the actual transfer of this authority has not occurred and, upon review, neither jurisdiction now believes such transfer of authority to be in its best interests nor in the best interests of the public.
4. This proposed change to the IGA would simply document the current working relationship between the two jurisdictions. It includes a provision that the County would share with the City any costs associated with defending a County-requested condition of approval contained in a Troutdale land use decision. It also grants to Troutdale authority to approve temporary banner signs for community and special events at the northeast corner of 257th Drive and the Historic Columbia River Highway.
5. All other portions of the original IGA and its two existing amendments remain unchanged.

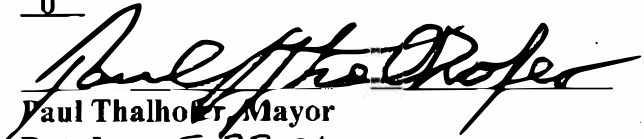
NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

That Contract Amendment No. 3 to Intergovernmental Agreement No. 4600001441 (formerly No. 301755) with Multnomah County pertaining to transportation-related development procedures, as attached hereto and made a part hereof, is approved.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Debbie Stickney, City Recorder



Paul Thalhofer, Mayor
Dated: 5-23-01

Adopted: May 22, 2001

C:\RESOL01

**CONTRACT AMENDMENT NO. 3
TO INTERGOVERNMENTAL AGREEMENT WITH CITY OF TROUTDALE
REGARDING ROAD TRANSFERS AND APPROPRIATE FUNDING
(Amendment to Change Agreement Provisions)**

CONTRACT NO. 4600001441

This is an amendment to Multnomah County Contract No. 4600001441 (formerly No. 301755) effective March 9, 1995, between Multnomah County, hereinafter referred to as County, and The City of Troutdale hereinafter referred to as Troutdale.

The parties agree:

1. The following changes are made to Contract No. 4600001441:

SECTION III. DEVELOPMENT REVIEW AND PERMIT ISSUANCE

- A. ACCESS MANAGEMENT/PERMITTING. The COUNTY will retain access management authority, including the issuance of access permits, for COUNTY roads within TROUTDALE. If requested, a variance will be considered by the COUNTY following the process defined in the COUNTY'S Street Standards—Code and Rules.
- B. STANDARDS. TROUTDALE and COUNTY agree that COUNTY standards shall apply to COUNTY roads within TROUTDALE per the adopted Multnomah County Design and Construction Manual.
- C. LAND USE/DEVELOPMENT REVIEW. TROUTDALE is the land use authority within its jurisdiction. As such, TROUTDALE will perform pre-application conferences, land use approvals/disapprovals, plan receipt and review, and issuance of development permits. When any land use action is adjacent to or likely to impact COUNTY right-of-way, TROUTDALE will provide the COUNTY with timely notice and an opportunity to comment. TROUTDALE will incorporate the COUNTY comments in the Conditions of Approval or other applicable portion of the land use permit ("COUNTY Condition"), provided the COUNTY agrees to share equally with TROUTDALE for all costs incurred in defending a decision against any claims or appeals that are filed challenging the COUNTY Condition, including court costs and attorneys fees. All appeals will be filed with TROUTDALE. Implementation of COUNTY Conditions, such as preparing a project agreement, a payment in-lieu of, a non-remonstrance clause, an easement, or a land dedication shall be the COUNTY'S responsibility.
- D. BANNER PERMITS. The COUNTY transfers to TROUTDALE the authority to approve temporary banner signs as provided herein on the iron railing of the railroad overpass located at the northeast corner of the intersection of N.E. 257th Drive and Historic Columbia River Highway. This transfer of authority is limited to only the right to approve the temporary placement of banner signs for "community events" and "special events" as defined in TROUTDALE'S Development Code at Chapter 10 (Signs), Section .015, Subsections .09, 10, .47 and .48, (2001). Provided, that if the County for any reason needs to access the iron railing area, the County reserves the right to remove any banners there placed, to view the area or to do all necessary work or repair the structure.

SECTION VII. INDEMNIFICATION

Subject to the limitations and conditions of the Oregon Constitution and Oregon Tort Claims Act (ORS 30.260 et seq), and specifically within the financial limits of ORS 30.270, 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.

2. All other terms and conditions of the contract shall remain the same.

DATED: May 23, _____, 2001.

MULTNOMAH COUNTY, OREGON

CITY OF TROUTDALE

By Bill Farver
Bill Farver, Interim County Chair

By Paul Stalhofer
Mayor

By [Signature]
City Administrator

Reviewed:
Thomas Sponsler, County Attorney
For Multnomah County, Oregon

Approved as to form:

By Matthew O. Ryan
Matthew O. Ryan
Assistant County Attorney

Debbie Stickney
City Recorder

MLCK2644.AGR (TRANPIGAR520)

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-5 DATE 04/19/01
DEB BCGSTAD, BOARD CLERK