

RESOLUTION NO. 2235

A RESOLUTION RECOGNIZING THE COMPLETION OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE I SUBDIVISION AND ACCEPTING THOSE IMPROVEMENTS INTO THE CITY OF TROUTDALE'S FIXED ASSET SYSTEM

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The construction of the Public Improvements associated with the Troutdale Reynolds Industrial Park Phase I ("TRIP I") subdivision was necessary to meet the demands of public health, safety and welfare. The Public Improvements are described in this resolution and more fully defined in an Intergovernmental Agreement ("IGA") which was completed June 1, 2009, modified and subsequently approved by the Port of Portland and the City of Troutdale pursuant to Resolution No. 2098 adopted by the Troutdale City Council on April 12, 2011. The IGA sets forth the terms and conditions for the dedication of TRIP I Public Improvements to the City of Troutdale, including the ongoing obligations of the Port of Portland, the City of Troutdale, and subsequent owners or lessees of the Port of Portland property for the TRIP I Public Improvements.
2. The construction of the Public Improvements has been completed by the Port of Portland, the developer of TRIP I and the owner of the former Reynolds plant, except for the parcel sold by the Port of Portland to FedEx Ground.
3. The Public Improvements associated with City of Troutdale-operated systems for TRIP I have been inspected and found to be in compliance with the *Construction Standards for Public Works Facilities* and the approved plans and specifications.
4. The Port of Portland, by letter dated October 23, 2013, a copy of which is attached as Exhibit "A," requested to dedicate the Public Improvements associated with City of Troutdale-operated systems to the City of Troutdale.
5. An infiltration of hazardous substances into the City of Troutdale facilities arising at or from the Port of Portland property was detected after completion of the Public Improvements by the Port of Portland. Pursuant to the Port of Portland's October 23, 2013 letter, the Port of Portland has represented to the City of Troutdale that the infiltration of hazardous substances from the Port of Portland property has been resolved.
6. The Port of Portland also stated in its October 23, 2013 letter that a similar infiltration of hazardous substances arising at or from the FedEx Ground facility on the TRIP site has occurred and is being investigated. Upon receiving the Port of Portland's October 23, 2013 letter, City of Troutdale staff and legal counsel for the City of Troutdale investigated this matter and discussed the status of the FedEx

Ground investigation and remedial measures taken by FedEx Ground to address the infiltration issue in order to determine whether to accept dedication of the Public Improvements.

7. As of January, 2014, representatives of FedEx Ground have represented to the City of Troutdale that the outcome of FedEx Ground's investigation, the success or failure of FedEx Ground's remedial measures to stop the infiltration, and the potential regulatory responses from the Oregon Department of Environmental Quality or the US Environmental Protection Agency, will not be known until mid to late 2014 or later because the potential for infiltration into the Public Improvements must be tested during fully saturated (high ground water) conditions.
8. The Port of Portland has confirmed that despite the uncertainty concerning the final results of the FedEx Ground investigation and the success or failure of the remedial measures undertaken by the Port of Portland or FedEx Ground, the Port of Portland agrees to fully reimburse and indemnify the City of Troutdale for any damages, losses, or claims made against the City of Troutdale resulting from the release of hazardous substances on or from the Port of Portland or FedEx Ground properties, and any related infiltration of hazardous substances into the Public Improvements, pursuant to Sections 6 and 7 of the IGA .

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

Section 1. Subject to the Port of Portland's agreement to fully reimburse and indemnify the City of Troutdale pursuant to Sections 6 and 7 of the IGA referred to in the findings above, the following Public Improvements associated with the Troutdale Reynolds Industrial Park Phase I subdivision are accepted into the City of Troutdale's fixed asset system, valued as follows:

Improvement

Estimated 2010 Value

Water system improvements consisting of:

\$683,000

- 288 LF of 10" DI water main
- 6,718 LF of 12" DI water main
- 2 EA 1½" copper water laterals (for new pump stations)
- 3 EA 1½" water meters
- 1 EA ¾" water sampling station
- 3 EA 1" air/vacuum assemblies
- 8 EA 2" blow off assemblies
- 6 EA 10" butterfly valves
- 23 EA 12" butterfly valves
- 6 EA fire hydrant assemblies

as shown on Sheets C64-C76 and C15B of the project as-built drawings.

Improvement**Estimated 2010 Value**

Sanitary Sewer system consisting of:

\$2,131,000

- 3,053 LF of PVC gravity sewer mains (Swigert/Graham)
 - 15 EA 48" manholes (Swigert/Graham)
 - Trench cut-off walls (Swigert/Graham)
 - 2,448 LF of 6" DI force main (Swigert/Graham)
 - Sanitary Sewer Pump Station No. 9 (Swigert)
 - 510 LF of 4" DI force main (Sundial)
 - Sanitary Sewer Pump Station No. 10 (Sundial)
- as shown on Sheets C66-C75, M2 and M12 of the project as-built drawings

Public street improvements comprising NW Swigert Way consisting of:

\$491,000

- 3,030 LF of 36'-wide commercial/industrial Level 3 HMAC street, terminating in a 50-foot radius cul-de-sac
 - 1 EA fence/gate at the east end of Swigert Way
 - 2,980 LF of 7'-wide PCC sidewalk
 - Commercial/industrial driveway approaches
- as shown on Sheets C25-C31 of the project as-built drawings

Utility access corridor between NW Swigert Way and NW Graham Road consisting of:

\$74,000

- 1,600 LF of 15-foot wide gravel access road
 - 1 EA Level 3 HMAC pavement transition pad
- as shown on Sheets C70-C73 of the project as-built drawings

Public storm drainage improvements in NW Swigert Way consisting of:

\$1,350,000

- 828 LF of 48" concrete sewer main
- 645 LF of 54" concrete sewer main
- 766 LF of 60" concrete sewer main
- 775 LF of 66" concrete sewer main
- 1 EA 72" manhole
- 6 EA 84" manholes
- 2 EA 96" manholes
- 4 EA 108" manholes
- 1 EA 120" manhole
- PCC trench cut-off walls
- 19 EA ditch inlets
- 19 EA 12" ditch inlet leads totaling 453 LF

as shown on Sheets C64-C70 of the project as-built drawings

Stormwater quality treatment facilities on Swigert Way consisting of:

\$40,000


- 6 EA 30 LF water quality swales
- 5 EA 60 LF water quality swales
- 1 EA 68 LF water quality swale
- 2 EA 90 LF water quality swales

Improvement**Estimated 2010 Value**

• 4 EA 120' LF water quality swales as shown on Sheets C64-C70 of the project as-built drawings	
PCC Curb and Gutter totaling 6,220 LF on NW Swigert Way as shown on Sheets C25-C31 of the project as-built drawings	\$77,000
86 EA 2" caliper street trees on NW Swigert Way	\$29,000
"40-mile loop trail" segment atop the flood control levy consisting of:	\$192,000
• 8,382 LF of 10'-wide Level 3 HMA trail	
• 4 EA bollards	
as shown on Sheets C32-C40 of the project as-built drawings	
Total Estimated Value	\$5,067,000

Section 2. This Resolution is effective upon adoption.

YEAS: 5
NAYS: 0
ABSTAINED: 0



Doug Daoust, Mayor
Date 1/29/14



Sarah Skroch, Deputy City Recorder

Adopted: January, 28, 2014