

A RESOLUTION AUTHORIZING THE MAYOR)
AND RECORDER TO ENTER INTO AN)
AGREEMENT WITH THE STATE OF OREGON)
THRU THE HIGHWAY DIVISION OF THE)
DEPARTMENT OF TRANSPORTATION AND)
WITH L. H. INTERNATIONAL DEVELOPMENT)
FOR THE INSTALLATION OF A TRAFFIC)
CONTROL SIGNAL AT THE INTERSECTION)
OF WALKER ROAD AND THE SANTIAM HIGHWAY.)

RESOLUTION NO. 43
for 1978

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, AS FOLLOWS:

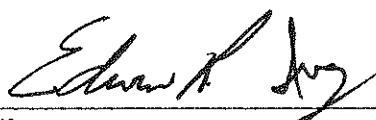
Section 1: The Mayor and Recorder of the City of Lebanon are hereby authorized and directed to enter into the agreement with the State of Oregon and L. H. International Development, as attached hereto and made a part hereof, for the construction and maintenance of a traffic control signal at the intersection of Walker Road and Santiam Highway.

Passed by the Council by a vote of 6 for and 0 against
and approved by the Mayor this 26th day of JULY, 1978.



Mayor

ATTEST:



Recorder

Approved: L. E. George
MCH:lm1
6-23-78

Misc. Contracts & Agreements
No. 6636

COOPERATIVE CONSTRUCTION-FINANCE AGREEMENT
TRAFFIC SIGNAL INSTALLATION

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; the CITY OF LEBANON, a municipal corporation within the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City"; and L.H. INTERNATIONAL DEVELOPMENT, a company authorized to conduct business in the State of Oregon, acting by and through its Company Officers, hereinafter referred to as "Company".

W I T N E S S E T H

RECITALS

1. For the purpose of providing adequate access to a proposed development on property owned or controlled by L. H. Development, State, City and Company plan and propose to install traffic control signal equipment at Mile Point 14.47 (near Dewey Road) on the Santiam Highway, State Primary Highway No. 16, lying within the corporate boundaries of the City of Lebanon. Hereinafter, all acts necessary to effectively accomplish this installation shall be referred to as "project".

2. By the authority granted in ORS 487.850, State is authorized to determine the character or type of traffic control signals to be used, and to place or erect them upon state highways at places where state deems necessary for the safe and expeditious control of traffic. No traffic control signals shall be erected or maintained upon any state highway by any authority other than State, except with its written approval.

3. By the authority granted in ORS 366.245, State may accept deposits of money from any person, firm or corporation for the purpose of locating, grading, surfacing or performing other work upon any public highway within the State. When any monies are so deposited, the State shall proceed with the proposed project.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

THINGS TO BE DONE BY STATE

1. State shall, at Company expense, perform all preliminary engineering, prepare the plans and contract documents, advertise for bids, award all contracts, and supervise construction of the project.

2. Upon completion of the project, State shall, at its own expense, thereafter perform all necessary maintenance operations for the traffic control signal equipment.

3. The work may be accomplished by the use of state forces, by contract, or by a combination of these methods, as State shall elect.

4. State shall compile accurate cost accounting records and, upon completion of the project, submit to Company an itemized statement of the actual cost of the traffic signal installation, including preliminary and construction engineering, design work, contract items, and all contingencies.

THINGS TO BE DONE BY CITY

1. City shall, upon completion of the project, assume the responsibility for, and pay all costs of electrical energy consumed by operation of the traffic control signals.

2. City shall make no changes in the timing program established for operation of the traffic signals without prior approval of State.

3. City shall adopt a resolution authorizing its Mayor and City Recorder to enter into this agreement and the same shall be attached hereto and become a part hereof.

THINGS TO BE DONE BY COMPANY

1. Company shall, upon execution of this agreement, deposit with State the sum of \$4,500, said sum being equal to the estimated total cost of preliminary engineering and preparation of the plans, specifications and estimates.

2. Company shall, within 30 days following the opening of bids, deposit with State a sum of money equal to 100 percent of the total estimated cost of the project, including construction engineering, contract items, and all contingencies. No contract shall be awarded or work commence until said advance deposit has been received by State. If the low bid is more than 10 percent over the engineer's estimate, Company shall have the right to request State to reject all bids.

Upon completion of the project and receipt from State of an itemized statement, Company shall pay any costs which, when added to Company's advance deposits, shall equal 100 percent of the final total actual cost of the project. Any portion of said advance deposits which is in excess of the actual total cost of the project shall be refunded to Company.

GENERAL PROVISIONS

1. Provisions of State and Federal laws governing public contracts and agreements of this type are hereby incorporated by reference as if fully set forth herein.

2. The parties hereto agree and understand that a mutual review of the plans, specifications and estimates shall be conducted to the satisfaction of all parties prior to advertisement for bids on the project.

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals as of the day and year hereinafter written. City Officials have acted in this matter pursuant to Resolution No. 43 adopted by its City Council on the 26th day of July, 1978.

The Oregon Transportation Commission, by a duly adopted delegation order, authorized its Chairman or Vice-Chairman to act in its behalf in approving this agreement. Approval was given for this agreement on August 23, 1978, by CHAIRMAN JACKSON, which approval is on file in the Commission records. The delegation order also authorized the State Highway Engineer to execute the agreement on behalf of the Commission.

APPROVED

E. J. ...
Mgr., Office of Technical Services

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

J. S. ...
State Highway Engineer

RECOMMENDED FOR APPROVAL

B. D. ...
Region Engineer

CITY OF LEBANON, by and through its
City Officials

By *W. J. ...*
Mayor

By *Edwin P. ...*
City Recorder

L. H. INTERNATIONAL DEVELOPMENT, by
and through its Company Officers

By *[Signature]*

Title *President*