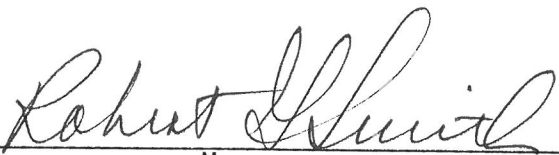


A RESOLUTION AUTHORIZING MAYOR AND ) RESOLUTION NO. 29  
CITY ADMINISTRATOR TO EXECUTE LOCAL ) for 1985  
AGENCY COOPERATIVE IMPROVEMENT )  
AGREEMENT WITH STATE DEPARTMENT )  
OF TRANSPORTATION. )


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

That the Mayor and City Administrator are hereby authorized to execute agreement with the State of Oregon, acting by and through its Department of Transportation, Highway Division, for project improving the N.C.L. Lebanon-S.P.R.R. X'ing Section of the Santiam Highway. A copy of said agreement is attached hereto and made a part hereof.

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 23rd day of October, 1985.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Administrator

DRAFT  
EDM:bkb/me  
9-18-85

Misc. Contracts and Agreements  
No. 8457

COOPERATIVE IMPROVEMENT AGREEMENT  
CONSTRUCTION FINANCE

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"; and the CITY OF LEBANON, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. The Santiam Highway, State Primary Highway No. 16, is part of the State highway system under the jurisdiction and control of the Oregon Transportation Commission.

2. State and City, in their judgement have deemed it necessary and desirable, in order to maintain a safer and more expeditious flow of traffic, to improve the N.C.L. Lebanon-S.P.R.R. X'ing Section of the Santiam Highway, hereinafter referred to as "project". The location of the project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.

The project will be financed with a combination of Federal, State and City funds. The State will utilize Federal Primary Funds and provide the required match. The City will pay for the additional costs necessary to install oversized storm sewers, up to a maximum amount of \$220,000; and for the removal of and installation of sidewalks (approximately 2,660 feet) up to a maximum of \$40,000.

3. It is proposed that the project will consist of grading, paving, curbs and storm sewers. The City requested that oversized storm sewers and sidewalks be added to the project. They will be responsible to pay for all project costs related to those items, up to \$260,000.

4. By the authority granted in ORS 366.770, State may enter into cooperate agreements with cities for the performance of work on certain type of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

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

#### STATE OBLIGATIONS

1. State shall conduct the necessary field surveys and traffic investigations, identify and obtain all permits, perform all preliminary engineering and design work required to produce plans, specifications and estimates, advertise for construction bid proposals and award all contracts.

Upon award of a construction contract, the State shall furnish all construction engineering, material testing, technical inspection and project manager services for administration of the contract. The traffic signal installation and intertie may be accomplished by the use of State forces, by contract or by any combination of these methods, as the State shall elect.

2. State shall relocate or cause to be relocated, all existing privately owned utility conduits, lines, poles, mains, pipes and other such facilities that are located on private property where such relocation is necessary to conform said utilities and facilities to the plans for the project.

3. State shall, in the first instance, pay all costs of the project.

4. State shall compile accurate cost accounting records and furnish the City with an itemized statement of actual costs attributed to installation of oversized storm sewers. When the actual total cost for the City's portion of the project has been computed, the State shall furnish the City with an itemized statement of said final costs, up to \$260,000 construction engineering, contract payments and all contingency items attributable to their portion of the project.

#### CITY OBLIGATIONS

1. City shall review and approve all plans and specifications for the sewer work prior to advertisement for construction bid proposals.

2. City shall, upon completion of construction, continue to maintain and operate the sewer lines and sidewalks.

3. City shall adopt an ordinance or resolution authorizing its designated City Officials to enter into and execute this agreement, and the same shall be attached hereto and become a part hereof.

4. City agrees that should it cancel or terminate the project after award of bid and prior to its completion, it will reimburse State for any costs that the State incurred on behalf of the project.

5. City shall, following completion and acceptance of the project by the State and upon receipt of an itemized statement of the actual total cost of the project, promptly (allowing adequate time for the sale of bonds receipt of funds, and formation of an L.I.D.) reimburse the State in the amount defined in Item 2 of RECITALS.

IN WITNESS WHEREOF, the parties hereto 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 Ordinance or Resolution No. 29, passed by its City Council on the 23rd day of October, 1985.

This project was approved by the Oregon Transportation Commission on January 18, 1984 as a part of the Six Year Highway Improvement Program (page 21).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

APPROVAL RECOMMENDED

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

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

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

Date \_\_\_\_\_

APPROVED AS TO  
LEGAL SUFFICIENCY

By \_\_\_\_\_  
Asst. Attorney General

CITY OF LEBANON, by and through  
its City Officials

By Robert Schmitt  
Mayor

APPROVED AS TO  
LEGAL SUFFICIENCY

By \_\_\_\_\_  
City Attorney

By Allen L. Henderson  
City Administrator