

**City of Sherwood, Oregon
Special City Allotment
Resolution No. 96-656**

**A RESOLUTION APPROVING SPECIAL CITY ALLOTMENT AGREEMENT
TO RECEIVE STATE HIGHWAY FUNDS**

WHEREAS, under the provisions of ORS 366.800 and 366.805, there has been withdrawn from state highway funds appropriated for allocation to cities of the State of Oregon the sum of \$500,000 and an additional \$500,000 available to the Department of Transportation from the State Highway Fund. These sums have been set up in a separate account to be administered by the Department of Transportation. The \$1,000,000 shall be allotted each year by the Transportation Commission for use upon city streets that are not a part of the state highway system, that are within cities with populations of 5,000 or fewer persons, and that are inadequate for the capacity they serve or are in a condition detrimental to safety; and

WHEREAS, The City of Sherwood is an incorporated city of the State of Oregon and has a population of less than 5,000 as given by the latest official federal census; and

WHEREAS, Oregon Street in the City of Sherwood is not a part or parts of the state highway system, but is a street under the jurisdiction and control of said City, which is "inadequate for the capacity they serve or are in a condition detrimental to safety"; and

WHEREAS, said street is in need of repair, reconstruction or other major improvement.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS::

1. That the aforementioned named street of said City is in need of repair, reconstruction, or other major improvement.

2. That said street is in their present state and condition of disrepair by reason of excessive wear through sudden increase in population in the area or by heavy and unusual traffic.

3. That the Oregon Transportation Commission hereby is respectfully requested to consider and declare said street qualified for reconstruction, repair, or other improvements out of funds allocated and made available by and through the said \$1,000,000 appropriation of revenues which is to be administered and spent by the Transportation Commission.

4. That the City of Sherwood does hereby offer to Transportation Commission and does hereby pledge complete cooperation and assistance to the end, that said City may share and participate in the use and benefit of said special fund and appropriation; and therefore does designate City Manager Jon Bormet as the official representative of the City in all negotiations resulting from this request.

Duly passed and approved by the City Council this 22nd day of October 1996.



Walter A. Hitchcock, Mayor

Attest:


Jon Bormet, City Manager-Recorder

There is attached hereto and made a part hereof, a city map on which is indicated the street, streets, road, or roads, described in this resolution.

I hereby certify that the foregoing resolution was passed and approved by the City Council of the City of Sherwood at a regular or special meeting of said City Council, held on the 22nd day of October 1996, and the above copy is a true and correct copy of the original and of the whole thereof.

Dated this 25th day of October 1996.


Jon Bormet, City Manager-Recorder

SPECIAL CITY ALLOTMENT AGREEMENT

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the CITY OF SHERWOOD, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City".

WITNESSETH

RECITALS

1. By the authority granted in ORS 366.800 and 366.805, there has been withdrawn from State Highway Funds appropriated for allocation to cities of the State of Oregon the sum of \$500,000 and an additional \$500,000 available to the Department of Transportation from the State Highway Fund. These sums have been set up in a separate account to be administered by the Department of Transportation. The \$1,000,000 shall be allotted each year by the Transportation Commission for use upon city streets that are not a part of the state highway system, that are within cities with populations of 5,000 or fewer persons, and that are inadequate for the capacity they serve or are in a condition detrimental to safety. No one project can receive more than \$25,000.
2. By the authority granted in ORS 366.805(2), City has requested moneys from this account for the improvement of Oregon Street from the railroad tracks to SW Tonquin Road, hereinafter referred to as "project". Said project improvements shall consist of resurfacing the existing street. Attached hereto, marked "Exhibit A" and by this reference made a part hereof, is a sketch map showing the location and approximate limits of the project.
3. State has considered City's request for the project and has determined that this project is eligible for funding under the Special City Allotment Program.

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 administer the funds in the Special City Allotment Account in the following manner:

(a) State shall, upon execution of project agreement and concurrence on the plans and specifications, advance City one-half (50%) of the estimated cost of the project, not to exceed \$12,500.

(b) State shall, upon satisfactory final inspection by State and certification of acceptance of work by the City, accompanied by documentation of all project costs, make final payment to City. Total payments to City, including advance payment, shall not exceed a total of \$25,000.

CITY OBLIGATIONS

1. City shall provide all right-of-way at its sole expense. The acquisition of real property must comply with current Oregon law, namely ORS 281.045 through ORS 281.105.

2. City shall relocate or reconstruct, or cause to be relocated or reconstructed, all privately or publicly owned utility conduits, lines, poles, mains, pipes and all other facilities of every kind and nature where such relocation or reconstruction is made necessary by the plans of the project in order to conform the utilities and other facilities with the plans and the ultimate requirements of the project.

3. City shall prepare, or cause to be prepared, the plans and specifications for said project and advertise the project, contract the work, do the construction engineering, and make the necessary contract payments, unless otherwise agreed upon.

4. City shall submit plans and specifications to State for review and concurrence, prior to advertising the project for bids.

5. City shall, during the course of the work, accumulate and retain documentation for all project costs.

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CITY OF SHERWOOD

6. Upon completion of the project, City shall certify to State that the project is complete and in substantial conformance with the plans and controlling specifications. City shall submit a billing for the remaining cost of the project which, when added to the amount previously advanced by State, shall not exceed the actual total cost of the project or \$25,000, whichever is the lesser.
7. Upon completion of the project, City shall provide maintenance at its sole expense.
8. City understands those streets or portions of streets, upon which SCA funds have been expended, are not eligible for additional SCA funds for a period of 10 years following the approval for such funds.
9. City understands that if the project is canceled by City after City has received the advance of one-half (50%) of the estimated cost of the project, they are responsible to immediately repay to State the full amount of the advance.
10. City shall adopt an ordinance or resolution authorizing the Mayor and Recorder to enter into this agreement.

GENERAL PROVISIONS

1. The contractor, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers compensation coverage for all their subject workers.
2. The parties hereto mutually agree and understand that the cost of said project shall be paid for by Special City Allotment funds and by City as follows: Special City Allotment funds will pay for eligible project costs up to an amount not to exceed \$25,000, and City shall pay any costs in excess of \$25,000.
3. Documented cost of preliminary engineering and construction engineering services performed by the City or the City's consultant are eligible project costs.
4. The parties agree that this agreement shall become null and void if the contract for construction of this project is not completed within 2 calendar years of the date State executes this agreement, unless a written extension is granted by State.

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IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The 1997 funding for the Special City Allotment Program was approved by the Transportation Commission on September 13, 1995, as a part of the 1996-1998 Statewide Transportation Improvement Program, page 187.

The project was approved on October 1, 1996 by the Financial Services Branch Manager.

On March 7, 1996, the Oregon Transportation Commission adopted Delegation Order No. 2 which grants authority to the Region Manager to approve and execute agreements for work in the current Statewide Transportation Improvement Program.

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region Manager

Date _____

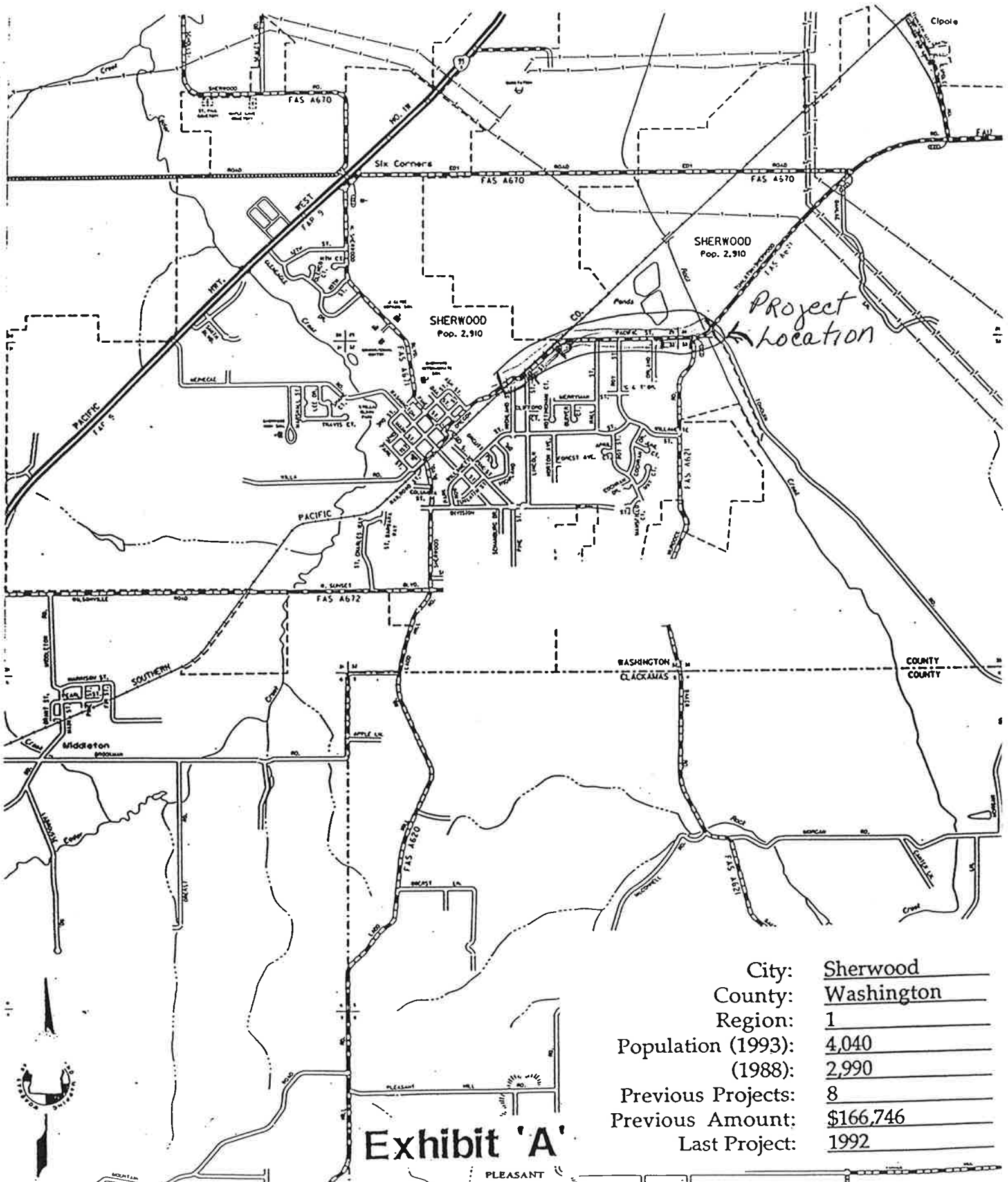
CITY OF SHERWOOD,
by and through its
Elected Officials

By Walter H. Johnson
Mayor

By Jan Cornett
City Recorder

Date 10.23.96

FORM APPROVED BY LEGAL COUNSEL
October 7, 1996
Dale K. Hormann, Assistant Attorney General



City:	Sherwood
County:	Washington
Region:	1
Population (1993):	4,040
(1988):	2,990
Previous Projects:	8
Previous Amount:	\$166,746
Last Project:	1992

Exhibit 'A'

PLEASANT