

RESOLUTION NO. 1797

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE MAYOR TO SIGN CORRECTED AMENDMENT NO. 4 TO THE FUND EXCHANGE AGREEMENT (#15,690) WITH THE STATE OF OREGON FOR IMPROVEMENTS ALONG THE WILSONVILLE ROAD CORRIDOR.

WHEREAS, on March 18, 2002, the City Council authorized the Mayor to sign Amendment No. 4 to Fund Exchange Agreement (#15,690); and

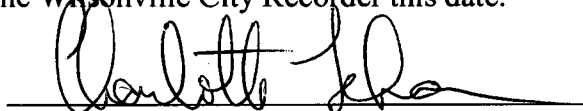
WHEREAS, the State of Oregon, acting by and through its Oregon Department of Transportation (ODOT) has determined there was an error in Amendment No.4 and;

WHEREAS, ODOT has prepared a corrected copy of Amendment No.4; and

NOW THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

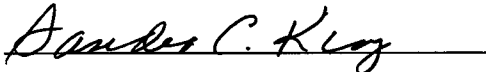
1. That the City Council does hereby approve and authorize the Mayor to sign the corrected Amendment No. 4 to the Fund Exchange Agreement (#15,690) between the City of Wilsonville and the State of Oregon, acting by and through its Oregon Department of Transportation, a copy of which is attached and incorporated herein.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof, on the 7th day of October 2002, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Lehan	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Kirk	<u>Yes</u>

Misc. Contracts & Agreements
No. 15,690

AMENDMENT NO. 4
FUND EXCHANGE AGREEMENT
Boberg Road – Barber Street to Boeckman Road
Wilsonville Road from Brown Road to Meadows Parkway

The State of Oregon, acting by and through its Department of Transportation (State), and City of Wilsonville, acting by and through its Elected Officials (Agency), entered into Local Agency Agreement No. 15,690 on December 4, 1997; Amendment No. 1 on July 1, 1999; and Amendment No. 2 on June 11, 2000; and Amendment No. 3 on December 8, 2000. Said agreements cover a fund exchange project for the construction of sidewalks and the installation of landscaping and streetlights on Boberg Road between Barber Street and Boeckman Road and on sections of Wilsonville Road from Brown Road to Meadows Parkway, hereinafter referred to as "Project."

It has now been determined by State and Agency that the agreements referenced above, although remaining in full force and effect, shall be amended by this agreement to add the excess funding that is available from the City's 1995 Project. The combined allocation will be used to continue the project as described above. The following changes shall be made:

Page 1, Amendment No.3, Paragraph 4 which reads:

"4. To assist in funding the project, Agency has requested State to exchange 1997, 1998, 1999 and 2000 Federal funds which have been allocated to Agency, for State funds based on the following ratio:

\$94 State for \$100 Federal

Based on this ratio, Agency wishes to trade \$221,836 Federal funds for \$208,526 State funds."

Shall be amended to read:

"4. To assist in funding the project, Agency has requested State to exchange funds remaining from 1995, and the 1997, 1998, 1999 and 2000 Federal funds which have been allocated to Agency, for State funds based on the following ratio:

M C & A No. 15,690
CITY OF WILSONVILLE

\$94 State for \$100 Federal

Based on this ratio, Agency wishes to trade \$233,853 Federal funds for \$219,822 State funds."

Page 2, Amendment No. 3, Paragraph D which reads:

"D. This Fund Exchange shall be on a reimbursement basis, with State funds limited to a maximum amount of \$208,526. All costs incurred in excess of the fund exchange amount will be the sole responsibility of Agency."

Shall be amended to read:

"D. This Fund Exchange shall be on a reimbursement basis, with State funds limited to a maximum amount of \$219,822. All costs incurred in excess of the fund exchange amount will be the sole responsibility of Agency."

Page 2, Amendment No. 1, Paragraph J which reads:

"J. Agency shall compile accurate cost accounting records. Agency shall bill State, in a form acceptable to State, no more than once a month, for costs incurred on the project. State will reimburse Agency at 94 percent of the billing amount, not to exceed \$208,526. The cost records and accounts pertaining to the work covered by this agreement shall be retained for inspection by representatives of State for a period of three (3) years following final payment. Copies shall be made available upon request."

Shall be amended to read:

"J. Agency shall compile accurate cost accounting records. Agency shall bill State, in a form acceptable to State, no more than once a month, for costs incurred on the project. State will reimburse Agency at 100 percent of the billing amount, not to exceed \$219,822. The cost records and accounts pertaining to the work covered by this agreement shall be retained for inspection by representatives of State for a period of three (3) years following final payment. Copies shall be made available upon request."

This agreement shall be for two years beginning on the date State's representative executes this agreement and terminating two calendar years later on the same month and day, unless otherwise extended or renewed by formal agreement of both parties.

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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 funding for this fund exchange program was approved by the Oregon Transportation Commission on September 13, 1995, as a part of the 1996-1998 Statewide Transportation Improvement Program.

The Funds and Grants Manager approved the fund exchange on October 16, 1995 for the 1995 project, February 25, 1997 for the 1997 project, January 13, 1999 for the combining of the 1997, 1998 funds, July 17, 1999 for the addition of the 1999 funds, and September 5, 2000 for the addition of the 2000 funds.

The Oregon Transportation Commission on October 13, 1999, approved Subdelegation Order No. 2 in which the Director grants authority to the Executive Deputy Director to approve and execute agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

APPROVAL RECOMMENDED

By *Kry Van Arkel*
Region 1 Manager

Date 9-13-02

APPROVED AS TO
LEGAL SUFFICIENCY

By _____
Agency Attorney

Date _____

STATE OF OREGON, by and through
its Department of Transportation

By _____
Executive Deputy Director

Date _____

CITY OF WILSONVILLE, by and
through its elected officials

By *Don Little*
Mayor

By *Aranda C. King*
Recorder

Date 10/8/02