RESOLUTION NO. 2570

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE UTILITY AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION AND THE WILLAMETTE WATER SUPPLY PROGRAM FOR THE INCLUSION OF A WATER TRANSMISSION PIPELINE IN THE KINSMAN ROAD PROJECT (CAPITAL IMPROVEMENT PROJECT #4004).**

 WHEREAS, the City and Oregon Department of Transportation (ODOT) have jointly planned and budgeted for the completion of the Kinsman Road project (the Project), and have executed previous Project Agreements documenting such; and

 WHEREAS, the Project is partially funded by Federal monies and is therefore being administered by ODOT, and must meet ODOT documentation requirements; and

WHEREAS, ODOT requires a Cooperative Utility Agreement documenting the Terms and Conditions under which utilities can be constructed in conjunction with the Project; and

WHEREAS, the Tualatin Valley Water District and the City of Hillsboro (Tualatin/Hillsboro) desire to construct a water transmission pipeline within the roadway in conjunction with the Project, and pay for same in order to avoid later disruption and reconstruction of the roadway at additional cost; and

 WHEREAS, the City, ODOT and Tualatin/Hillsboro jointly desire to document the financial and performance responsibilities of the parties through the Cooperative Utility Agreement.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The Terms and Conditions of the Cooperative Utility Agreement, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein, clearly place the full financial burden for the pipeline construction and a proportionate share of the associated road construction costs solely on Tualatin/Hillsboro, and are therefore fair and equitable to the citizens of Wilsonville; and further preserves the condition precedent for the pipeline construction with Tualatin/Hillsboro to reach a separate agreement with the City for use of the City’s rights-of way on or before May 26, 2016.

2. The City of Wilsonville City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, a Cooperative Utility Agreement with ODOT and Tualatin/Hillsboro.

2. This resolution becomes effective upon adoption.

 ADOPTED by the Wilsonville City Council at a regular meeting thereof this 7th day of March 2016, and filed with the Wilsonville City Recorder this date.

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 Tim Knapp, Mayor

ATTEST:

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Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp Yes

Council President Starr Excused

Councilor Lehan Yes

Councilor Fitzgerald Yes

Councilor Stevens Yes