

RESOLUTION NO. CIII (103)

A RESOLUTION APPROVING AGREEMENT FOR INSTALLATION AND MAINTENANCE OF TRAFFIC SIGNALS AT INTERSECTION OF WILSONVILLE ROAD AND BOONES FERRY ROAD

WHEREAS, the City of Wilsonville, the State of Oregon, acting by and through its Department of Transportation, Highway Division, and Clackamas County, have negotiated an Agreement under ORS 366.770 and 366.775 for the erection and maintenance of traffic control signals at the intersection of Wilsonville Road and Boones Ferry Road, which are County roads in the City of Wilsonville, Clackamas County, Oregon; and

WHEREAS, said project is necessary in order to obtain a safer and more expeditious flow of traffic at said intersection and is deemed by all concerned to be in the best interest of the City and the residents thereof; and

WHEREAS, the proposed Agreement and project will not impose any financial burden on the City of Wilsonville inasmuch as its share of the costs of said project are assumed and will be paid in full by the PAYLESS REGIONAL DISTRIBUTION CENTER whose property and business use is most directly affected by the present lack of traffic control devices; and

WHEREAS, a proposed agreement prepared by the State of Oregon, Department of Transportation, has been submitted to the parties for approval, and a copy of said Agreement, Numbered 6608, is attached hereto, marked "EXHIBIT A" for identification purposes.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Wilsonville City Council that:

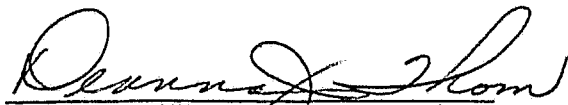
Section 1: The previously negotiated Agreement (Agreement Number 6608) between the State of Oregon Department of Transportation, Highway Division, Clackamas County and the City of Wilsonville (a copy of which is attached hereto, marked "EXHIBIT A" ) is hereby approved and

authorized and is to be executed and delivered on behalf of the City of Wilsonville in as many counterparts as may be required by the Mayor and attested by the City Recorder.

Adopted by the Wilsonville City Council at a special meeting thereof on July 17, 1978.

  
WILLIAM G. LOWRIE - Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder

APPROVED: L. E. George  
MCH:dmc  
5/19/78

Misc. Contracts & Agreements  
No. 6608

CONSTRUCTION-FINANCE AGREEMENT  
TRAFFIC SIGNAL INSTALLATION

THIS AGREEMENT, 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", CLACKAMAS COUNTY, a political subdivision of the State of Oregon, acting by and through its Board of County Commissioners, hereinafter referred to as "County" and the CITY OF WILSONVILLE, a municipal corporation, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. Wilsonville Road and Boones Ferry Road lying within the corporate limits of the City of Wilsonville, are county roads under the jurisdiction and control of Clackamas County.

2. By the authority granted in ORS 366.770 and 366.775, State may enter into agreements with any local governmental unit for construction and improvement of any road, highway or street with the allocation of costs on terms mutually agreeable to the contracting parties.

3. State, County and City in their judgment have deemed it necessary and desirable, in order to maintain a safer and more expeditious flow of traffic, to install traffic control signal equipment at the intersection of Wilsonville Road and Boones Ferry Road, lying within the corporate limits of the City of Wilsonville. Hereinafter, all acts necessary to effectively accomplish this installation shall be referred to as "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 City expense, perform all required preliminary engineering, prepare the plans and contract documents, award all contracts, and supervise the installation.

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

EXHIBIT "A"

3. State shall compile accurate cost accounting records, and, upon completion of the project, submit an itemized statement of the final actual total cost of the installation to City.

#### THINGS TO BE DONE BY CITY

1. City shall, prior to the commencement of any preliminary engineering work, deposit with State the sum of \$3,500 to cover the estimated cost of said preliminary engineering work.

2. City shall, following the opening of bids and prior to award of a contract, deposit with State a sum of money equal to 100 percent of the total estimated cost of the project. In the event that the low bid exceeds the engineer's estimate by 10 percent or more, City shall have the right to request State to reject all bids.

Upon completion of the project and receipt from State of an itemized statement of the final total actual cost of the installation, City shall pay any costs which, when added to City's advance deposits, shall equal 100 percent of the actual total cost of the project, including preliminary and construction engineering, contractor payments, signing, striping, and all contingency items. Any portion of said advance deposits which are in excess of the actual total cost of the project shall be refunded to City.

3. City shall, upon completion of the project, thereafter perform all necessary maintenance operations and pay all costs of electrical energy consumed in operation of the traffic signal equipment.

4. City shall make no changes in the timing program established for the traffic signals without prior written approval of County.

5. City shall adopt a resolution authorizing its City Officials to enter into this agreement and the same shall be made a part hereof and attached hereto.

#### THINGS TO BE DONE BY COUNTY

1. County shall authorize execution of this agreement during a duly authorized session of its Board of Commissioners.

#### GENERAL PROVISIONS

1. State, County and City mutually agree and understand that a mutual review of the plans for the project shall be conducted to the satisfaction of all parties prior to advertisement for bid proposals.

2. Provisions of State and Federal law applicable to public contracts and agreements of this type are hereby incorporated by reference as if fully set forth herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. City has acted in this matter pursuant to Resolution No. \_\_\_\_\_, adopted by its City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_ by \_\_\_\_\_, which approval is on file in the Commission records. The delegation order also authorizes the State Highway Engineer to execute the agreement on behalf of the Commission.

APPROVED

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

\_\_\_\_\_  
Technical Services Engineer

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

CLACKAMAS COUNTY, by and through  
its Board of Commissioners

By \_\_\_\_\_  
Chairman

By \_\_\_\_\_  
Commissioner

By \_\_\_\_\_  
Commissioner

CITY OF WILSONVILLE, by and through  
its City Officials

By \_\_\_\_\_  
Mayor

BY \_\_\_\_\_  
City Recorder

