

RESOLUTION NO. 754

A RESOLUTION TO ENTER INTO A SPECIAL CITY ALLOTMENT AGREEMENT BY AND BETWEEN THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, AND THE CITY OF WILSONVILLE.

WHEREAS, the City of Wilsonville has determined that an improvement of Boones Ferry Road, from Station 9+00 to Station 17+00, is necessary in order to permit the orderly development of adjacent properties; and

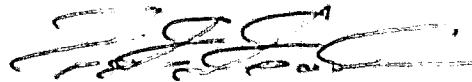
WHEREAS, the City has made application for 1990 Special City Allotment Funds as established under ORS 366.800 and ORS 366.805; and

WHEREAS, the Oregon Transportation Commission considered and declared said street as qualified for reconstruction and improvement out of funds allocated through the appropriation of revenues administered and spent by the Transportation Commission.

NOW, THEREFORE, the members of the City Council, in regular session assembled, do hereby find, declare, and resolve:

1. That the City of Wilsonville does hereby authorize the execution of a special City Allotment Agreement between the City and the State of Oregon Department of Transportation, attached hereto, marked "Exhibit A".

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 16th day of January, 1990 and filed with the Wilsonville City Recorder this same date.



ELDON E. EDWARDS, Council President

ATTEST:

Vera A. Rojas

VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Ludlow ABSENT

Councilor Edwards AYE

Councilor Chandler AYE

Councilor Clarke AYE

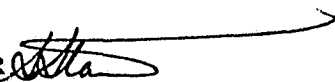
Councilor Dant AYE



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM

DATE: JANUARY 10, 1990
TO: HONORABLE MAYOR AND CITY COUNCILORS
THROUGH: PETE WALL
CITY MANAGER
FROM: STEVE STARNER 
COMMUNITY DEVELOPMENT DIRECTOR
RE: SPECIAL CITY ALLOTMENT AGREEMENT

By adopting Resolution CB-R-425-90, the City Council will be obligating the City to a full street improvement on the corner of Boones Ferry Road, Station 9+00 to Station 17+00, near Marvel's Pizza. The street improvement has been established as a condition of approval for any development occurring on either, or both of the two, two-acre parcels abutting Boones Ferry Road on the west side of the corner. Currently the northern-most two acre parcel has received development approval for the Wilsonville Mini-storage project (developer, Mike Flury). The remaining two acres has been planned for development only in a preliminary concept and has not been submitted to the City for formal review.

The cost estimate for the full improvement is approximately \$130,000. The difference in cost between the amount of the grant and the actual cost of construction must be borne by the abutting development, Wilsonville Mini-storage. Mike Flury is apparently willing to enter into a development agreement with the City to proceed with full street reconstruction in September 1990 and post a performance bond to ensure project completion by July 1991, should the City secure the \$25,000 SCA grant. The grant carries a project completion deadline of October, 1991.

Should the City enter into the SCA agreement and fail to complete the project within the specified time frame (without expending any of the grant monies), the City will not be at risk for the contribution or refunding of any monies to the State or the project.

Recommendation:
Adopt Resolution CB-R-425-90 as presented.

ss:md

Attach:

cc: Inter-Office Communications - CD

EDM
November 13, 1989

Misc. Contracts & Agreements
No. 10037

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, Highway Division, hereinafter referred to as "State"; and the CITY OF WILSONVILLE, 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 the several cities of the State of Oregon the sum of Two Hundred Fifty Thousand and No/100 (\$250,000) Dollars and from Highway Division funds the sum of Five Hundred Thousand and NO/100 (\$500,000) Dollars. These sums have been set up in a separate account to be administered by the Transportation Commission, and to be allotted each year by Commission, to be used within cities, upon streets not a part of the state highway system, which are receiving excessive wear through sudden increases in population in the area or heavy and unusual traffic. No one project can receive more than \$25,000.

2. By the authority granted in ORS 366.805(3), City has requested monies from this account for the improvement of:

Boones Ferry Rd. (Sta 9+00 to Sta 17+00)

Said improvement shall consist of:

Widen and resurface existing roadway and also construct curbs and gutters.

Attached hereto, marked "Exhibit A" and by this reference made a part hereof, is a sketch map showing the location and approximate limits of project.

3. State has considered request of City for 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 monitor and make periodic inspections of project at state cost.

2. 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.

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4. City shall submit two sets of the 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.

6. Upon completion of the project, City shall certify to State that the project is complete in substantial conformance with the plans and controlling specification. 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 ten (10) years following the approval for such funds.

9. City understands that if the project is cancelled 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 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

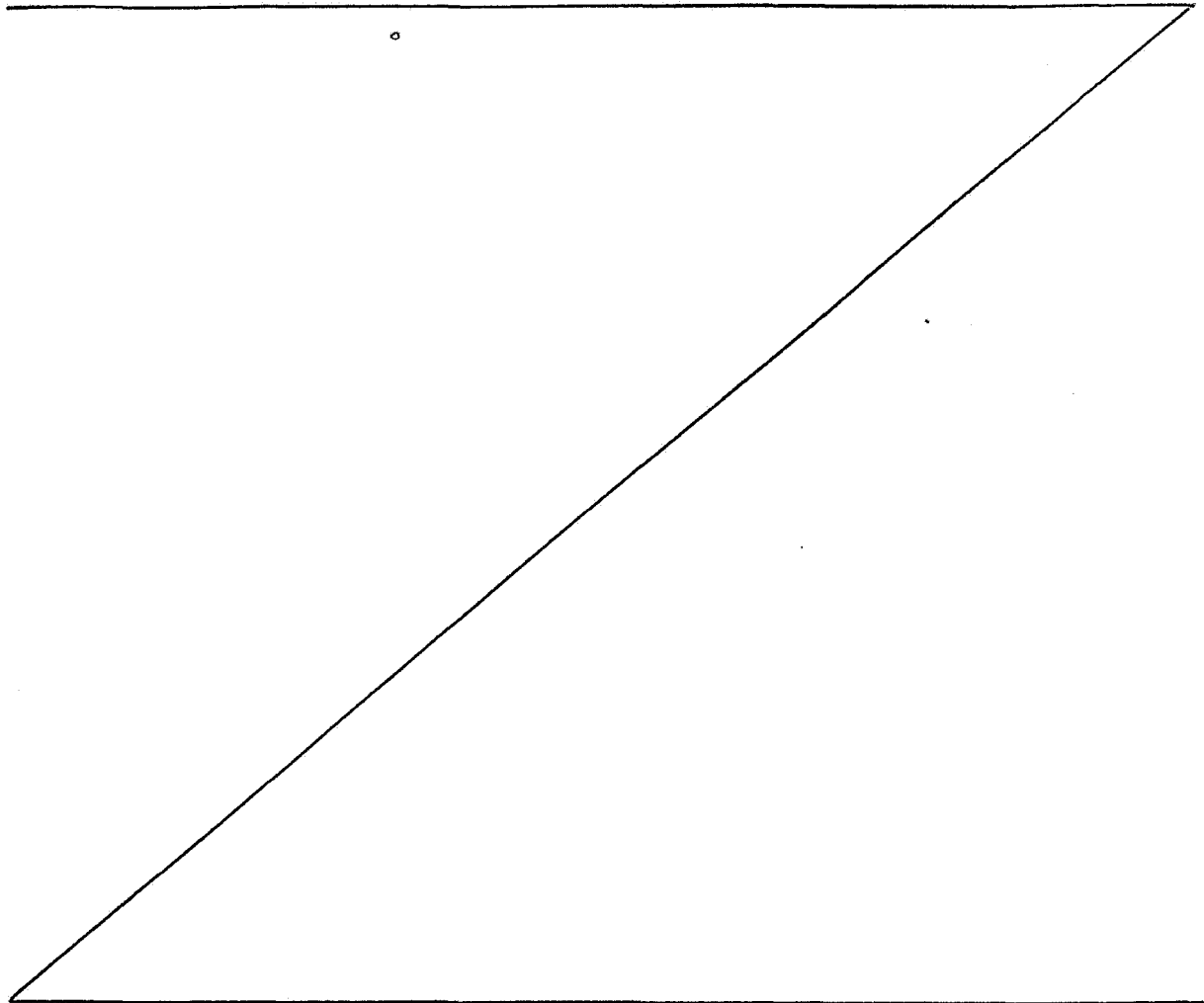
1. Subject to the limitations of the Oregon Constitution and statutes, the City and State each shall be solely responsible for any loss or injury caused to third parties arising from City's or State's own acts or omissions under this agreement and City or State shall defend, hold harmless and indemnify the other party to this agreement with respect to any claims, litigation or liability arising from City's or State's own acts or omissions under this agreement.

2. 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.

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3. 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 Twenty-Five Thousand and No/100 (\$25,000) Dollars.

4. Documented cost of engineering services performed by the City or the City's consultant are eligible project costs.



5. The parties agree that this agreement shall become null and void if the contract for construction of this project is not completed within 2 years of the date of Commission approval, unless extension is granted by State.

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IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals. City has acted in this matter pursuant to Resolution No. _____ adopted by its City Council on the _____ day of _____ 19__.

This project was approved by the Oregon Transportation Commission on September 19, 1989, at which time the State Highway Engineer was authorized and directed to sign the necessary agreements for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

APPROVAL RECOMMENDED
BY [Signature]
Region Engineer

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

Date 11/29/89

By _____
State Highway Engineer

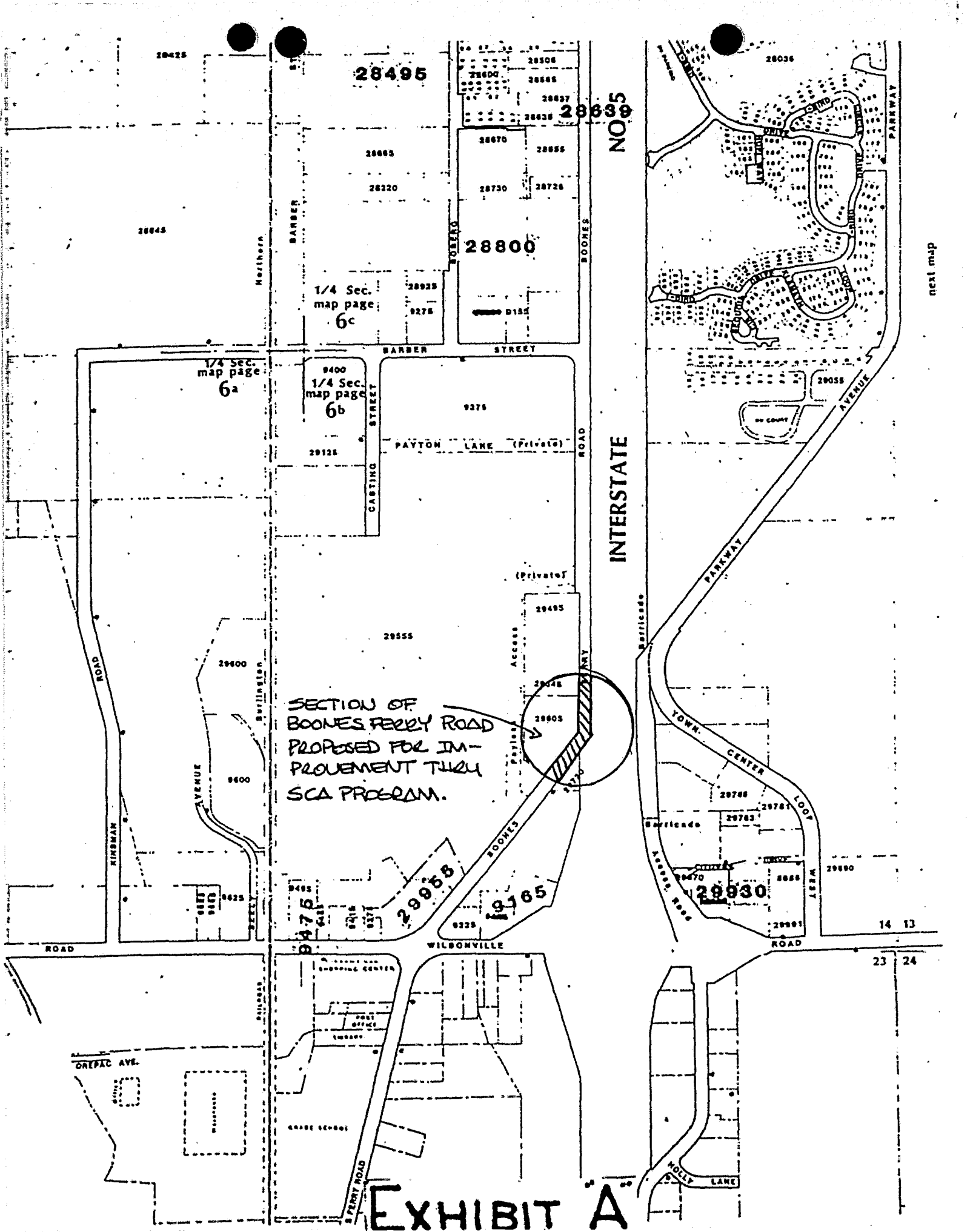
Date _____

CITY OF WILSONVILLE Oregon,
acting by and through its
authorized Officials

Form Approved
by Counsel 6/89

By [Signature]
Mayor

By [Signature]
City Recorder



28495

28835

28800

1/4 Sec.
map page
6c

1/4 Sec.
map page
6a

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SECTION OF
BOONES FERRY ROAD
PROPOSED FOR IM-
PROVEMENT THROUGH
SCA PROGRAM.

INTERSTATE

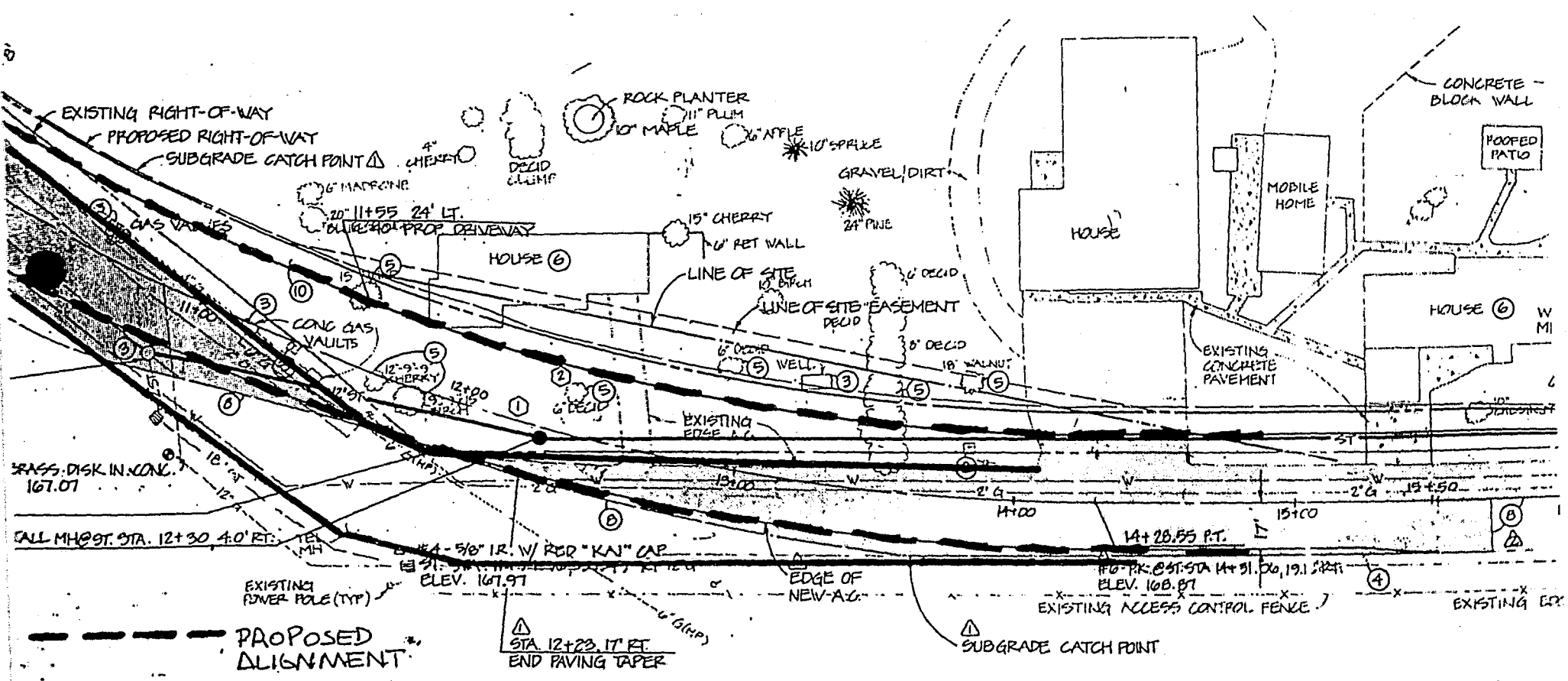
NO. 95

next map

EXHIBIT A

14 13

23 24



PLAN-BOONES FERRY ROAD

SCALE: 1"=40'