

JNH:FcMcK: jr  
9-23-64

EXHIBIT "1"

File No. 34370

SUPPLEMENTAL AGREEMENT

THIS AGREEMENT, made and entered into by and between the STATE OF OREGON, by and through its State Highway Commission, hereinafter called "State", and the CITY OF PORTLAND, a municipal corporation, acting by and through its Mayor and Commissioner of Public Works, hereinafter called "City";

W I T N E S S E T H:

RECITALS:

1. Pursuant to ORS 374.075, State and City entered into an agreement dated April 13, 1962, providing for the construction of the Stadium Freeway as a throughway.

2. It has been determined by State and City that the aforesaid agreement should be supplemented by this agreement in the manner hereinafter set forth and under the authority recited in aforesaid agreement. This agreement is entered into for the purpose of providing for the construction of a separation structure to carry S. W. Park Avenue (East and West) traffic over said throughway and to restore thereon as a park as much of the area as is possible on the structure. The sketch attached hereto, marked Exhibit "A" and by this reference made a part hereof, shows the general plan and the location and areas involved herein.

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 acquire all necessary right of way by purchase or otherwise, prepare all plans and specifications, let and award all contracts, and supervise the construction of the separation structure and necessary connecting streets and appurtenances to be built pursuant to this agreement in order to carry relocated S. W. Park Avenue (East and West) over said throughway. State shall thereafter maintain said separation structure approximately as shown outlined in brown on the attached Exhibit "A" except for the landscaping areas thereon which are to be maintained by City as provided herein.

2. State shall include in its plans for said separation structure provision to accommodate the following items:

a. Landscaping areas, approximately as shown colored in green on the attached Exhibit "A", capable of containing 24 inches of aggregate and topsoil.

b. A storm drain system capable of properly draining relocated S. W. Park Avenue (East and West) and the landscaping areas on the structure. Said drain system will be connected to existing sewers.

JNH:FCMcK:jr

9-23-64

c. Water service connections which may be used for the sprinkling system which is to be installed by City as provided herein in order to properly maintain said landscaping areas.

d. Light standard foundations and electrical conduit therefor capable for use as bases for light standards and street lights which are to be installed by City in order to properly light said relocated street and the landscaping areas on the structure.

3. State shall supply and place said landscaping areas on the separation structure, as shown colored in green on the attached Exhibit "A", with the aggregate and topsoil as described in paragraph 2a above and the topsoil in the areas as shown colored in yellow on the attached Exhibit "A" with the necessary topsoil so that City may landscape said yellow areas.

4. State shall relocate and construct those portions of S. W. Park Avenue (East and West), S. W. Jackson Street and S. W. Clifton Street in order to make approaches to said separation structure approximately as shown colored in orange on the attached Exhibit "A".

5. State shall close S. W. Park Avenue (West) at the northerly and southerly right of way boundary lines of the throughway as shown by means of red lines on the attached Exhibit "A".

THINGS TO BE DONE BY CITY:

1. City, by execution of this agreement, approves the RECITALS and plan attached hereto, marked Exhibit "A", and all of the provisions contained herein.

2. City, in consideration of State's construction of said separation structure and throughway, consents to the proposed use and plans of State and hereby releases and relinquishes to State all of the right, title and interest which City may have in and to as much of South Park Blocks 19 and 20 of the plat of the City of Portland as is necessary for said structure and throughway.

3. City shall prepare all landscaping plans and specifications, at its sole cost, for landscaping the areas on said separation structure approximately as shown colored in green on the attached Exhibit "A". Such landscaping plans and specifications shall be submitted to State for its written approval prior to awarding of any contracts by State or City. Any major changes or alterations of the landscaping on said separation structure shall not be made by City without first submitting the plans and specifications therefor and obtaining the written approval of State.

4. City shall, according to the State-approved landscaping plans and specifications, and at its sole cost, landscape the areas approximately as shown colored in green on the attached Exhibit "A". City shall, according to City's

landscaping plans and specifications, landscape the areas approximately as shown colored in yellow on the attached Exhibit "A". Thereafter, City shall maintain all said landscaping as shown colored in green and yellow on Exhibit "A" as part of the South Park Blocks. All sprinkling and lighting systems installed by City on said separation structure shall be operated and maintained by City at no expense to State.

5. Upon completion of the work to be performed by State, City shall assume jurisdiction over and maintain as city streets those portions of S.W. Park Avenue (East and West), S.W. Jackson Street and S. W. Clifton Street, shown colored in orange on the attached Exhibit "A" which are to be relocated and constructed pursuant to paragraph (4) under THINGS TO BE DONE BY STATE.

6. City consents to the closure of S. W. Park Avenue (West) as described in paragraph (5) under THINGS TO BE DONE BY STATE.

7. City shall close to vehicular traffic or vacate that portion of S.W. Jackson Street lying between the west line of S.W. Park Avenue (East) and the east line of S.W. Park Avenue (West) which is not needed for the relocation of said avenues and streets as provided in paragraph (4) under THINGS TO BE DONE BY STATE.

8. City hereby agrees to hold harmless and indemnify the State of Oregon, its State Highway Commission and members thereof, its officer, employees and agents, for any and all claims and damages occurring to the separation structure or throughway of State as a result of the landscaping by City and the maintaining of said landscaping on the separation structure over the throughway, including any and all injuries, deaths and damages occurring to persons or property of others.

GENERAL PROVISIONS:

1. In all other respects not inconsistent with the provisions hereof, the aforesaid agreement of April 13, 1962, shall remain in full force and effect.

2. This agreement shall be subject to concurrence of the Oregon Division Engineer of the Bureau of Public Roads, or his duly authorized representative, and shall not be binding on either party until such concurrence is obtained.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials and have caused their respective seals to

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9-23-64

be affixed hereto, the city officials acting pursuant to Ordinance No. \_\_\_\_\_,  
passed by the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

This agreement was approved by the Oregon State Highway Commission on  
\_\_\_\_\_, 19\_\_, at which time the Secretary for the  
Commission was authorized and directed to sign said agreement for and on behalf  
of the Commission. Said authority is set forth in Volume \_\_\_\_\_, Page \_\_\_\_\_,  
Minute Book of the Oregon State Highway Commission.

\_\_\_\_\_  
Floyd Query, Secretary

APPROVED:

\_\_\_\_\_  
Asst. State Highway Engineer

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
Chief Counsel

APPROVED:

\_\_\_\_\_  
Highway Engineering Coordinator

APPROVED:

\_\_\_\_\_  
City Engineer

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
City Attorney

APPROVED:

\_\_\_\_\_  
City Traffic Engineer

CITY OF PORTLAND, by and through  
its City Officials

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

By \_\_\_\_\_  
Commissioner of Public Works

Stadium Freeway - Fair Hills Section  
South Park Block Structure  
Interstate 405 Multnomah County

Nov. 26, 1962

Park Ave WEST

Park Ave EAST

Jackson St.

St.

Scale 1" = 50'

Cons. Wall & Fence

P/W Fence

Stadium

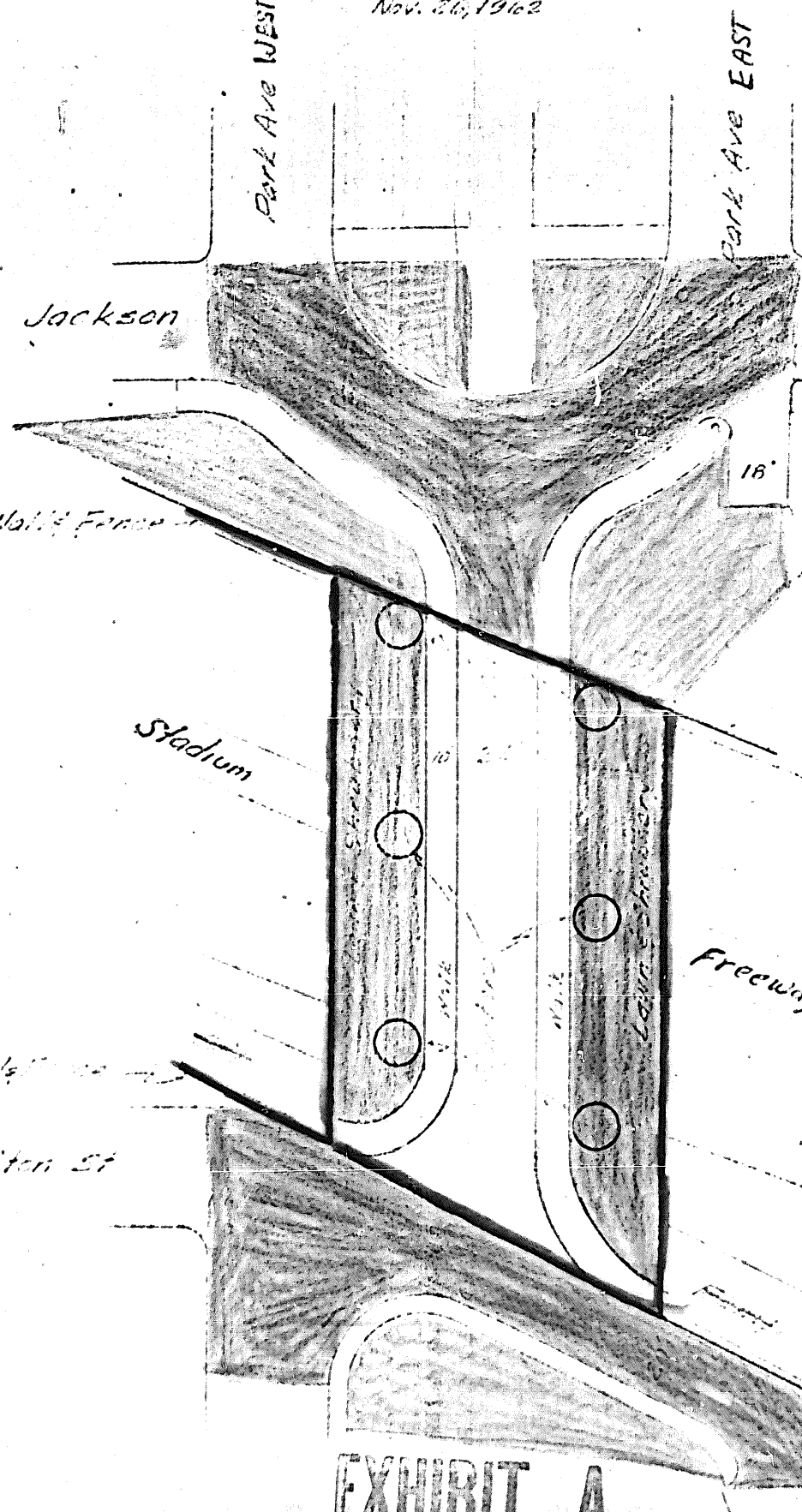
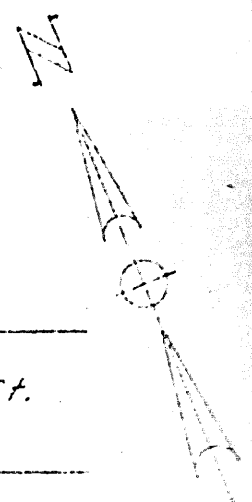
Freeway

Cons. Wall & Fence

Clifton St

Cons. Wall & Fence

EXHIBIT A



## ORDINANCE No. 119242

An Ordinance authorizing a supplemental agreement with the State Highway Commission relating to the construction and maintenance of a separation structure to carry relocated S. W. Park Avenue, East and West, over the Stadium Freeway, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that the State of Oregon, by and through its State Highway Commission, entered into an agreement dated April 13, 1962, providing for the construction of the Stadium Freeway; that such agreement provided for the closing of certain streets through the Park Blocks; that it is desirable that such streets being Park Avenue, East and West, continue to carry traffic over the proposed freeway; that the State Highway Commission has agreed to construct and maintain a separation structure to carry the traffic over said freeway provided the city shall assume the cost of landscaping certain area; now, therefore, the Mayor and Commissioner of Public Works hereby are authorized to enter into a supplemental agreement supplementing the agreement between the State Highway Commission and the city, dated April 13, 1962, which provided for the construction and maintenance of a separation structure over said freeway to carry relocated S. W. Park Avenue, East and West, which supplemental agreement shall be in accordance with the form of agreement, attached to the original only hereof, marked Exhibit "1" and by this reference made a part hereof. Such agreement shall be subject to approval as to substance by the City Engineer, the City Traffic Engineer and the Highway Engineer Coordinator, and approved as to form by the City Attorney.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that there be no unnecessary delay in providing for the construction of the necessary structure hereinabove referred to; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, OCT 1 - 1964

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland

*As amended*

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	<i>WAS</i>
Earl	<i>WAS</i>
Grayson	<i>WAS</i>
Schrunk	<i>WAS</i>

Calendar No. 3824

# ORDINANCE NO. 119212

Title

An Ordinance authorizing a supplemental agreement with the State Highway Commission relating to the construction and maintenance of a separation structure to carry re-located S. W. Park Avenue, East and West, over the Stadium Freeway, and declaring an emergency.

INTRODUCED BY  
Commissioner Bowes

DRAWN BY  
RLH/fg  
Date September 29, 1964

NOTED BY THE COMMISSIONER

Affairs  
Finance  
Safety  
Utilities  
Works *WAS*

City Attorney *And*

NOTED FOR CITY AUDITOR  
*WAS*  
*Mc*

APPROVED

Date  
By *Ray Smith*  
City Engineer

Date  
By

Filed SEP 30 1964

**RAY SMITH**

Auditor of the CITY OF PORTLAND

By *Robert E. Boyle*

Deputy