

GOING STREET NOISE MITIGATION PROJECT  
AGREEMENT

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1979, by and between the CITY OF PORTLAND, a municipal corporation of the State of Oregon, hereinafter referred to as ("City") and the PORTLAND DEVELOPMENT COMMISSION, hereinafter referred to as ("Commission").

WITNESSETH THAT:

WHEREAS, the United States Economic Development Administration provides grants to the City for implementation of special projects; and

WHEREAS, the City has applied for a grant to conduct the Going Street Noise Mitigation Project; and

WHEREAS, the responsibility for management, administration, coordination and planning of the project has been assigned to the Bureau of Streets and Structural Engineering (herein referred to as "Streets"); and

WHEREAS, as a part of said project the City wishes the Commission to implement, and the Commission has presented itself to the City as capable and willing to perform, certain services for the Going Street Noise Mitigation Project;

NOW, THEREFORE, the parties do mutually agree as follows:

I. SCOPE OF SERVICES

The Commission shall, in a satisfactory as determined by the City through the Bureau of Streets and Structural Engineering, undertake all property acquisition and business and residential relocation in conformance with the plan approved by the Economic Development Administration (EDA), and in conformance with all applicable rules and regulationsappertaining thereto. In the event funds from sources other than EDA are also utilized, appropriate rules and regulations shall also be adhered to:

A. Project Activities

The activities shown as "Exhibit A" are approved as outlined in the City's grant application to the Economic Development Association.

B. Equal Opportunity

Commission staff will ensure that all contracts awarded under this Agreement are in compliance with the applicable

Equal Employment Opportunity regulations. This will include as a minimum:

- . providing technical assistance to contractors employed by the Commission
- . maintaining appropriate records
- . ensuring contractor compliance
- . preparation of required records

C. Record Keeping and Reporting

The Commission will maintain adequate records of Commission activities in a form and manner acceptable to the City. Status reports of all activities and other reports required by Streets, the City, and the federal government will be provided in a format acceptable to the City.

II. PROGRAM CHANGES

The program may require changes throughout the year. Major budget changes which by regulation require approval of EDA or Council shall first be authorized by Council through Streets and the Commission.

Minor adjustments which do not substantially alter the contract and which otherwise do not require Council or EDA approval will be authorized by the Commissioner-in-charge, or Streets if he/she so designates, and a copy will be filed by Streets with the City Auditor's office.

III. LEGAL SERVICES

The City will provide legal advice, counsel and services to the Commission for real estate and relocation activities.

IV. TIME OF PERFORMANCE

The Commission shall commence services provided under this Agreement as of 1 July, 1979, and such services shall continue for a period of eighteen months unless extended by written agreement of both parties hereto.

V. COMPENSATION

The Commission shall be compensated for its services at the actual cost for salaries and wages plus 39% of that amount for fringe benefits. Mileage and out of pocket expenses of the Commission shall be compensated as a direct reimbursement by the City to the Commission.

The Commission shall requisition from the City on a monthly basis funds to cover its cost for real estate acquisition

relocation. Such expenditures shall not exceed \$1,700,000 during Fiscal Year 79-80, and total expenditures over the life of this agreement shall not exceed \$2,700,000. The Commission will make payments for its acquisition and relocation activities and will maintain records thereof. The Commission shall be responsible for ensuring all expenditures of the Commission are in accordance with EDA regulations and the contract between the United States of America and the City.

V. TERMINATION

This Agreement may be terminated by the City at any time giving thirty days prior written notice of such termination to the Commission.

CITY OF PORTLAND

By \_\_\_\_\_  
(Mayor)

By \_\_\_\_\_  
(Commissioner of Public Works)

PORTLAND DEVELOPMENT COMMISSION

By \_\_\_\_\_  
(Chairman)

By \_\_\_\_\_  
(Secretary)

APPROVED AS TO FORM:

\_\_\_\_\_  
(City Attorney)

\_\_\_\_\_  
(Legal Counsel)

## PERSONAL SERVICES:

(Real Estate, Clerical, Supervisory)

## MATERIALS AND SERVICES:

\$ 35,821

Consultant Services (relo. adv.)	30,000	
Legal Services	100,000	
Relocation	559,000	
Operating Costs	<u>4,263</u>	693,263

## CAPITAL OUTLAY

Land Acquisition	1,970,916
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\$2,700,000

ORDINANCE NO. 149090

An Ordinance authorizing an increase of \$1,360,000 in the Federal Grants Fund, increasing the appropriation in the General Fund for the Bureau of Street and Structural Engineering by \$1,360,000 for fiscal year 1979-80, to provide for direct costs of an Economic Development Administration grant for the Going Street Noise Mitigation project; and authorizing an agreement with the Portland Development Commission for certain services; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Economic Development Administration has awarded a grant to the City of Portland for the Going Street Noise Mitigation project in the amount of \$2,160,000.
2. The estimated project cost of \$4,000,000 will be funded by the Economic Development Administration grant in the amount of \$2,160,000, \$1,105,000 in Federal Interstate Freeway Withdrawal funds, and local share in the amount of \$735,000.
3. It is necessary to increase the appropriation of the Bureau of Street and Structural Engineering by \$1,360,000 in order to proceed with the project.
4. Housing and Community Development funds in the amount of \$340,000 have been budgeted for use as local match for the fiscal year 1979-80 appropriation of \$1,360,000. The un-budgeted balance of the local matching share has been identified in Housing and Community Development funds and will be budgeted in fiscal year 1980-81.
5. The Portland Development Commission has the staff capability and is willing to perform right of way acquisition and relocation services for the project.

NOW, THEREFORE, the Council directs:

- A. The 1979-80 City budget is hereby amended as follows:

Federal Grants Fund

Resources

EDA Grant No. 07-01-02248 \$1,360,000

Requirements

Transfer to other funds  
General Fund \$1,360,000

## ORDINANCE No.

General FundResource

Transfer from other funds  
Federal Grants

\$1,360,000

Requirements

Bureau of Street & Structural Engineering (AU 159)

Professional Services  
15970014/3374/210

\$1,360,000

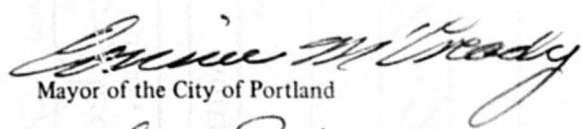
- B. The Mayor and Commissioner of Public Works to enter into an agreement for right-of-way acquisition and relocation services with the Portland Development Commission, said agreement to be substantially in the form of the attached Exhibit 'A'.

Section 2. The Council declares that an emergency exists because delay in this appropriation and execution of the agreement with the Portland Development Commission would have a significant negative impact on the project schedule; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,

JAN 31 1980

Commissioner Lindberg  
January 14, 1980  
V.F. Rhodes:lj  
BUC 15970014

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland



Calendar No. 382

# ORDINANCE No. 149090

## Title

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed JAN 25 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By Gordon C. Hall  
Deputy

INTRODUCED BY
Commissioner Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <u>ML/SX</u>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: V.F. Rhodes:lj Date: 1-14-80
Budget Impact Review: <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <u>David J. Vargas</u> David J. Vargas, P.E.

NOTED BY
City Attorney
City Auditor
City Engineer <u>John M. Berg</u>