

AGREEMENT

THIS AGREEMENT, entered into on the _____ day of _____, 1980, between THE PORT OF PORTLAND, hereinafter called Port, and the CITY OF PORTLAND, hereinafter called the City.

W I T N E S S E T H:

WHEREAS, the Port Rivergate Industrial District requires additional sewer service for full development of said property; and

WHEREAS, the City has agreed to build a wastewater pump station and pressure line to connect this area to the City sewer system; and

WHEREAS, in carrying out said project, it is desirable for the Port and the City to cooperate in the design and construction of public utilities to be owned and maintained by the City; and

WHEREAS, the Port has approved a budget providing for design and construction of said facilities and desires to have the City design and supervise bidding and construction; and

WHEREAS, the City has agreed to design the facilities and to handle bidding, supervise construction and administer the acquisition of an EDA grant of said facilities provided the Port participates in the funding as hereinafter indicated;

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

1. The City agrees to take the steps necessary to provide for the design, construction and acquisition of an EDA grant for the Lombard Wastewater Pumping Station and Pressure Line.
2. The Port agrees to provide to the City permanent easements to property for the construction, operation and maintenance of the pumping station.
3. The Port agrees to provide to the City all the necessary fill material to fill the pump station site to Elevation 32.0 feet City Datum, and additional fill material necessary for surcharging the site for soil compaction, at no cost to the City.
4. The City agrees to return all surcharge material removed, after soil consolidation has taken place, to the site from which it was removed.
5. The Port agrees to provide a manhole, a thirty-six (36) inch stub-out, and make the connection to the City's thirty-six (36) inch inlet sewer line to the pump station.

6. The Port agrees to pay the City thirty percent (30%) of costs associated with City design and construction of said project not to exceed Three Hundred Sixty Thousand and no/100 Dollars (\$360,000.00).
7. That the distribution of costs based upon the engineer's estimate is as follows:

| | | |
|------|-------|----------------|
| EDA | (45%) | \$ 486,000 |
| City | (25%) | 270,000 |
| Port | (30%) | <u>324,000</u> |

Total Project Cost \$1,080,000

8. In order to assure adequate payment to the City and to avoid delays in making contractor payments, the City agrees to provide the Port with an invoice identifying the amount of the contractor's progress payment which will be required not later than ten (10) days prior to said payment date; and the Port agrees to transfer to the City accounts, in a manner determined by the City Treasurer, the payment no later than the payment due date.
9. The amount of the invoice to the Port from the City shall be thirty percent (30%) of the estimated contractor's progress payment.
10. The City shall bill the Port monthly for costs other than contractor's payments incurred during the month on this project.
11. The Port has agreed to provide certain engineering services related to this project. The cost of these services are not to exceed \$20,000, and will be considered a project expense provided they do not increase the City's contribution to the project beyond \$300,000.00.
12. The Port has programmed and budgeted a public water main extension to the Rivergate Industrial Area. The Port agrees to furnish water service to the pump station site at no cost to the City.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its designated officials as of the date first above written.

CITY OF PORTLAND

THE PORT OF PORTLAND

By _____

By _____
President.

By _____
Assistant Secretary

APPROVED AS TO FORM

APPROVED AS TO FORM

John Lung
Acting City Engineer

Counsel for The Port of Portland

City Attorney

ORDINANCE No. 149222

An Ordinance authorizing the City to enter into an agreement with the Port of Portland defining the duties and responsibilities of each party in connection with the design, construction and funding of the N. Lombard Street Wastewater Pumping Station, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That in order to provide sewer service to allow full development of the Port of Portland Rivergate Industrial District, the N. Lombard Street Wastewater Pumping Station must be constructed.
2. That prior to calling for bids for construction of the project, it is necessary that the City and the Port of Portland enter into an agreement defining the duties and responsibilities of each party in connection with the design, construction and funding of the project, and that such agreement should now be authorized.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Works and the City Auditor are authorized to enter into an agreement, approved as to form by the City Attorney, defining the duties and responsibilities of the City of Portland and of the Port of Portland in connection with the design, construction and funding of the N. Lombard Street Wastewater Pumping Station, said agreement to be substantially in accordance with Exhibit "A" attached to the original only of this Ordinance and by this reference is made a part thereof.
- b. That the Auditor shall forward the signed agreements to the Port of Portland, P. O. Box 3529, Portland, Oregon 97208, Att: Mr. Carl Jonasson, for signatures of the Port of Portland.
- c. That the Auditor shall file the City's copy of the fully executed agreement in the appropriate City records.


Section 2. The Council declares an emergency exists, because a delay in entering an agreement with the Port of Portland could prevent construction of a pumping station to be commenced on schedule; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, FEB 28 1980

Commissioner Mike Lindberg
February 19, 1980
R. G. Sunnarborg:es
BUC No. 14621717

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 710

ORDINANCE No. 149222

Title

An Ordinance authorizing the City to enter into an agreement with the Port of Portland defining the duties and responsibilities of each party in connection with the design, construction and funding of the N. Lombard Street Wastewater Pumping Station, and declaring an emergency.

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

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| Ivancie | |
| Jordan | |
| Lindberg | |
| Schwab | |
| McCready | |

| |
|----------------------------|
| INTRODUCED BY |
| Commissioner Mike Lindberg |

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|----------------------------------|
| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance and Administration |
| Safety |
| Utilities |
| Works Public Works ML/mgf |

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|--|
| BUREAU APPROVAL |
| Bureau: Sanitary Engineering |
| Prepared By: R. G. Sunnarborg Date: 2/19/80 |
| Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required |
| Bureau Head: <i>J. P. Niehuser</i> J. P. Niehuser |

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| NOTED BY |
| City Attorney |
| City Auditor |
| City Engineer <i>John M. Lang</i> John M. Lang |
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| |

Filed FEB 22 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Russell*
Deputy