

MCH:pf
10/15/80

Misc. Contracts & Agreements
No. 7406

PRELIMINARY ENGINEERING AGREEMENT
INTERSTATE TRANSFER PROJECT

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 PORTLAND, a municipal corporation within the State of Oregon, acting by and through its designated City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. S.W. Terwilliger Boulevard is a part of the Federal Aid Urban System network under the jurisdiction and control of the City of Portland, and has been designated as FAU Route No. 9383.

2. By the authority granted in ORS 366.775, State and City may enter into agreements for the construction, reconstruction, improvement or repair of any street, highway, road or bridge upon such terms and conditions as are mutually agreeable to the contracting parties. Under said authority, State and City plan and propose to engage in a preliminary engineering study to monitor air quality of the Barbur Boulevard-Taylor's Ferry Road Section of S.W. Terwilliger Boulevard, hereinafter referred to as "project". The location of said project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof. The project will be financed with Interstate Transfer (e)(4) Funds and local matching funds provided by the City of Portland with no expense to State.

3. It is proposed that the project will consist of all work necessary to provide base data for the air quality portion of the environmental assessment. The air sampling program is being initiated in October 1980, before the rest of the preliminary engineering, because the sampling must be done during winter climatic conditions. The State will conduct all phases of the air quality study.

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 submit a program to the Federal Highway Administration with a request for approval of federal aid participation in all phases of the air quality monitoring work. No work shall proceed until said approval has been obtained.

2. State shall furnish all necessary technical personnel and instruments and accumulate, tabulate and analyze air quality base data to be incorporated in an environmental assessment.

3. State shall, in the first instance, pay all costs of the project, submit all claims for federal aid participation to the Federal Highway Administration in the normal manner, compile accurate cost accounting records and, when the actual total cost of the project has been computed, furnish City with an itemized statement of said costs.

CITY OBLIGATIONS

1. City shall, upon completion of the project and receipt from State of an itemized statement, reimburse State 100 percent of the difference between the actual total cost of the project and the amount contributed by the Federal Highway Administration.

2. City agrees that should it cancel or terminate the project prior to its completion, it will reimburse State for any costs that have been incurred by State on behalf of the project.

3. City shall adopt an ordinance authorizing its designated City Officials to enter into and execute this agreement, and the same shall be attached hereto and become a part hereof.

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 Ordinance No. _____, adopted by its City Council on the _____ day of _____, 1980.

This project was approved by the Oregon Transportation Commission on May 20, 1980 as a part of the Six Year Highway Improvement Program (page 15).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

APPROVAL RECOMMENDED

Metropolitan Administrator

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

State Highway Engineer

Date _____

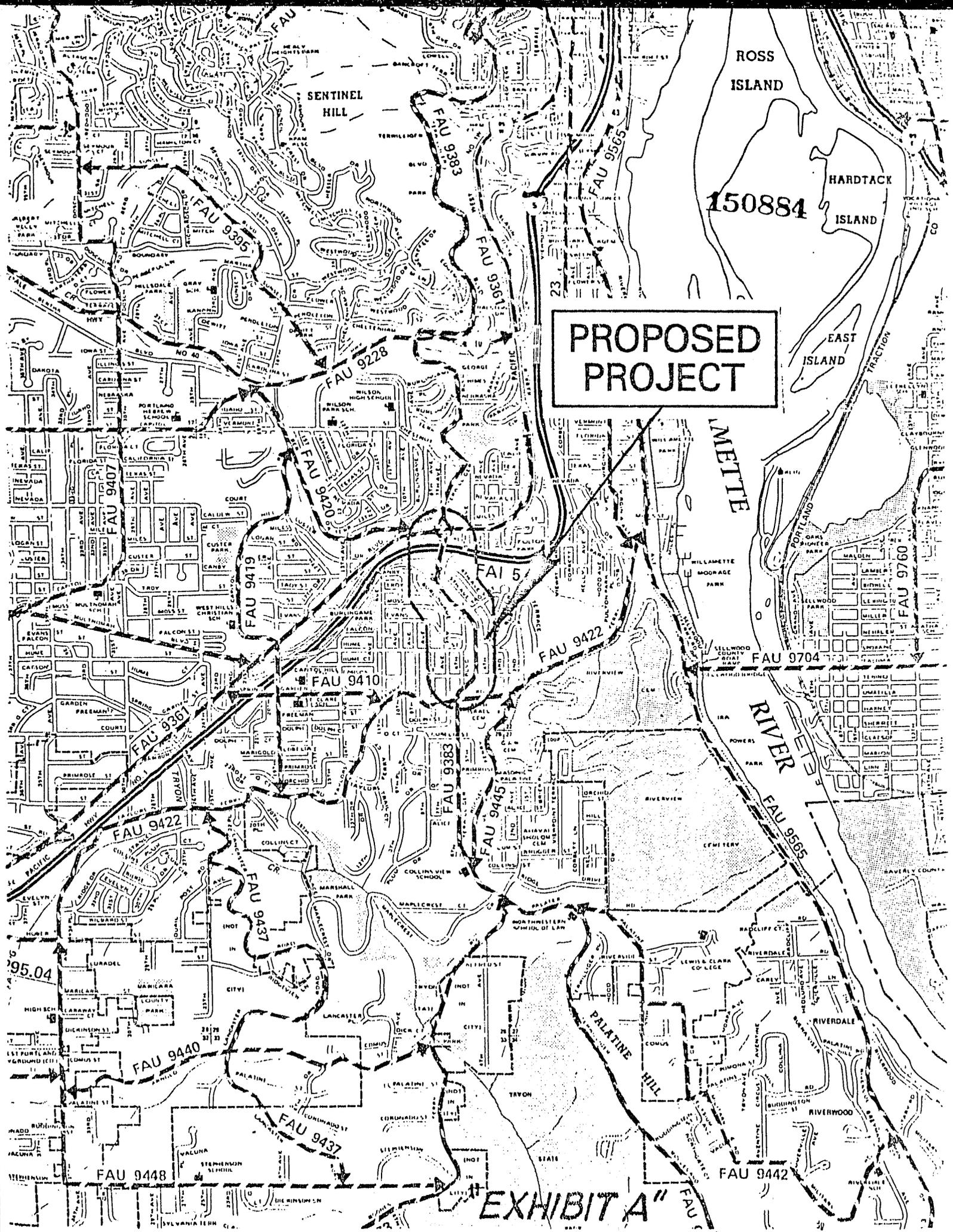
APPROVED AS TO FORM

City Attorney

CITY OF PORTLAND, by and through
its designated City Officials

By _____
Auditor

By _____
Commissioner of Public Works



PROPOSED PROJECT

EXHIBIT A

ORDINANCE NO. **150884**

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation providing for air quality monitoring to provide base data for the environmental statement for the Terwilliger Boulevard/Barbur Boulevard/I-5 project setting forth responsibilities and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Council has identified replacement of the Terwilliger Boulevard Overcrossing of the I-5 Freeway and improvement of traffic circulation at the Barbur Boulevard/Terwilliger Boulevard intersection as a project which may be constructed utilizing I-505 withdrawal funds.
2. Funds are available in the 1980-81 FY Budget of the Bureau of Street and Structural Engineering for preliminary engineering and advance deposits for the Terwilliger-Barbur intersection.
3. The Oregon Department of Transportation (ODOT) has long range plans to reconstruct portions of the I-5 Freeway, either as part of the Westside Transitway Project or as part of a project to increase the capacity of the I-5 Freeway.
4. ODOT plans reconstruction of the I-5 ramp connections between Terwilliger Boulevard, Multnomah Boulevard and the I-5 Freeway as part of this project.
5. Air quality monitoring is required to provide a data base for the environmental statement for this project.
6. ODOT has prepared an agreement for City approval providing for air quality monitoring to provide base data for the environmental statement for the project.

NOW, THEREFORE, the Council finds:

- a. The Commissioner of Public Works and the Auditor are authorized to execute on behalf of the City an agreement similar in form to the agreement attached to the original of this Ordinance and by this reference made a part thereof.

| | |
|----------|--|
| APPROVED | |
| SENDER | |
| RECEIVED | |
| DATE | |
| TIME | |
| LOCATION | |
| BY | |

Section 2. The Council declares an emergency exists because this agreement is needed to authorize collecting air quality data during the worst case winter months; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Ordinance No. 150884

ORDINANCE NO. 150884

THIS

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation providing for air quality monitoring and setting forth responsibilities and statement for the TSM-1-2 project.

DEC 11 1980

GEORGE YERKOVICH

Mayor of the City of Portland

Passed by the Council,

DEC 17 1980

Commissioner Mike Lindberg
S.T. Riddell:mm
November 25, 1980

Attest

Auditor of the City of Portland

Calendar No. 4427

ORDINANCE No. 150884

Title

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation providing for air quality monitoring to provide base data for the environmental statement for the Terwilliger Boulevard/Barbur Boulevard/I-5 project setting forth responsibilities and declaring an emergency.

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|-------------------------------------|------|------|
| | Yeas | Nays |
| Jordan | 1 | |
| Lindberg | 1 | |
| Schwab | 1 | |
| Ivancie | 1 | |

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

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|----------------------------|
| INTRODUCED BY |
| COMMISSIONER MIKE LINDBERG |

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|----------------------------|
| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance and Administration |
| Safety |
| Utilities |
| Works <i>ML/MS</i> |

| | |
|---|---------------------|
| BUREAU APPROVAL | |
| Bureau: | |
| Street & Structural Engineering | |
| Prepared By: S.T. Riddell:mm | Date: Nov. 25, 1980 |
| Budget Impact Review: | |
| <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required | |
| Bureau Head: <i>[Signature]</i> | |

| | |
|----------|---|
| CALENDAR | |
| Consent | Regular <input checked="" type="checkbox"/> |

| |
|----------------------------------|
| NOTED BY |
| City Attorney |
| City Auditor |
| City Engineer <i>[Signature]</i> |

Filed DEC 11 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *[Signature]*
Deputy

150884