



151052

Department of Transportation

METROPOLITAN BRANCH

5821 N.E. GLISAN, PORTLAND, OREGON 97213

April 29, 1981

In Reply Refer to
File No.

10027

DICK SCHMIDT
Highway Coordinator
City of Portland
621 S.W. Alder
Portland, OR 97205

Subject: PROPOSED AGREEMENT
Project Name: S.W. Seymour-S.W. Carolina (Willamette Greenway) Bikeway
Funding: City - State
City of Portland

Attached are four bound copies and one unbound information copy of a proposed agreement covering construction, maintenance and financing of a bikeway in the Willamette Greenway between S.W. Seymour Street and S.W. Carolina Street.

Would you please review this with your staff and with other affected city bureaus and if it is satisfactory, arrange for an ordinance authorizing execution by the proper city officials. The bound, signed copies should be returned to me at this office and the information copy may be retained. Two fully executed copies will be sent to you for your records following final action by the Highway Division.

Remarks:

If you have any questions, please do not hesitate to call.


JON ROSE
Federal Aid Specialist

JR/po

Attachments (5 copies, Agreement)

cc: Region I

[Faint handwritten notes and signatures at the bottom of the page]

MCH:pf
4/24/81

Misc. Contracts & Agreements
No. 7499

CONSTRUCTION-FINANCE AGREEMENT
BIKEWAY 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 of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. By the authority granted in ORS 366.514, not less than one percent of funds received from the State Highway Fund shall be expended by State and City for the establishment of footpaths and bicycle trails. The establishment and maintenance of said footpath and bicycle trails are for highway, road and street purposes.

2. By the authority granted in ORS 366.770 and 366.775, State and City may enter into agreements for the construction and maintenance of bicycle-pedestrian trails with mutually agreeable allocation of costs.

3. Under said authority State and City plan and propose to construct the S.W. Seymour-S.W. Carolina Street Section of the Willamette Greenway Trail System, 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.

4. State and City have determined that actual total cost of the project, estimated to be \$23,530, shall be shared approximately 80 percent by State and 20 percent by City. In no event shall State participation exceed the total sum of \$18,824.

NOW, THEREFORE, the premises being generally 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 review and concur in construction plans prepared by City.

2. Upon receipt of an acceptable copy of the construction contract from City, State shall forward to City an advance deposit in the amount of \$9,412, said amount being equal to 50 percent of State's agreed maximum share of the project costs.

3. Upon completion of the project and receipt of an itemized statement of the final actual total cost of the bikeway project, State shall deposit with City the sum of \$9,412, EXCEPT that, if the actual total cost of the bikeway project is less than \$23,530, the final payment by State shall be reduced by a pro rata share of the difference between the actual cost and \$23,530. In any event, the maximum State participation shall not exceed the total sum of \$18,824.

4. State shall assign a liaison engineer to monitor progress of the project to assure substantial compliance with State specifications. Final billings submitted by City must have approval of the liaison engineer prior to payment by the Highway Division, Finance Branch.

THINGS TO BE DONE BY CITY

1. City shall, submit plans for the project for review and concurrence by State. The bikeway design shall be based on the Oregon State Highway Division's "Bikeway Design, January 1974".

2. City shall save and hold harmless the State of Oregon, the Oregon Transportation Commission, the members thereof, its officers, employees, and agents from any claim, suit, or action whatsoever for damages to property, or injury to, or death of any person, or persons, arising out of use, occupancy, or maintenance of the project.

3. City shall, upon completion of the project, submit to State an itemized statement of costs, in triplicate, of the final actual total cost of the bikeway portion of the project.

4. City shall notify the State Bicycle Route Engineer, 200 Transportation Building, Salem, Oregon 97310, Phone: 378-6883, prior to proceeding with construction of the project.

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

GENERAL PROVISIONS

1. State and City mutually agree and understand that, upon completion of the project, City shall thereafter, at its own cost and expense, maintain and operate the project in a manner satisfactory to State.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. City Officials have acted in this matter pursuant to Resolution No. _____, passed by its City Council on the _____ day of _____, 1981.

This project was approved by the Oregon Transportation Commission on September 16, 1980, 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

Metropolitan Administrator

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

State Highway Engineer

Date _____

CITY OF PORTLAND, by and through
its designated City Officials

By _____
Auditor

By _____
Commissioner

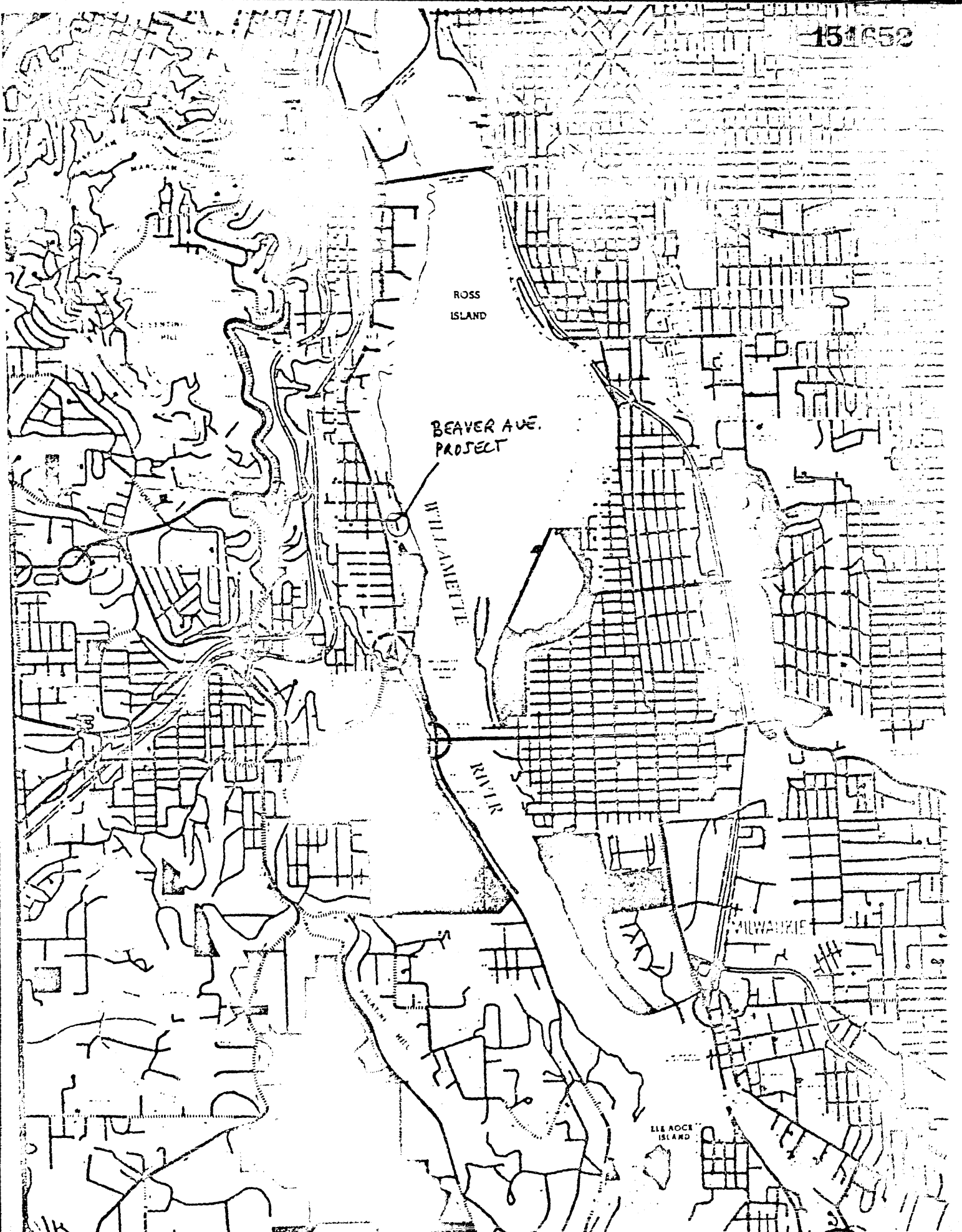


EXHIBIT A

ORDINANCE NO. 151652

An Ordinance authorizing a contract with the Oregon State Department of Transportation in the amount of \$18,824 for the construction of the SW Beaver Avenue section of the Willamette Greenway Trail; increasing resources and requirements in the Federal Grants and General Funds in the amount of \$18,824 for the purpose of appropriating grant funds to the Bureau of Street and Structural Engineering; transferring \$4,706 within the General Fund from the General Fund Operating Contingency to the Bureau of Street and Structural Engineering; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Oregon Department of Transportation provides grants to local governments for the construction of footpaths and bicycle trails.
2. ODOT has made available a grant in the amount of \$18,824 for the Beaver Avenue section of the Willamette Greenway Trail between SW Seymour Street and SW Carolina Street.
3. Construction of the Willamette Greenway Trail has been mandated by City Council in the Willamette River Greenway Plan and identified as a high priority program by the City's Bicycle and Pedestrian Advisory Committee.
4. The Beaver Avenue bikepath between SW Seymour Street and SW Carolina Street is needed to connect the Willamette Greenway Trail between Willamette Park and John's Landing.
5. The estimated project cost is \$23,530 of which \$4,706 is required as local match.
6. In order to accept the grant, a City/State Construction-Finance agreement has been prepared by the State for City execution.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Works and the Auditor are hereby 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 hereof.
- b. An increase in resources and requirements in the Federal Grants and General Funds is authorized as follows:

ORDINANCE No.

Federal GrantsResources

State Grants	\$18,824
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Requirements

Transfer to other funds, General	\$18,824
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General FundResources

Transfer from other funds, Federal Grants	\$18,824
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Requirements

Bureau of Street and Structural Engineering	
BUC No. 15900351/Project No. 6033	
320 Operating Supplies	\$ 1,445
630 Improvements	17,379
	<u>\$18,824</u>

- c. Appropriations are hereby transferred within the General Fund as follows:

General Fund

General Fund Operating Contingency	(\$4,706)
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Bureau of Street and Structural Engineering	
BUC No. 15900351/Project No. 6033	
120 Part-time Employees	\$4,706

Section 2. The Council declares that an emergency exists as the agreement and appropriation are needed to award a construction contract this fiscal year; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAY 27 1981**

Commissioner Mike Lindberg
Steve Riddell:djr
May 11, 1981

Attest:


Auditor of the City of Portland

Sub Calendar No. **1697**

ORDINANCE No. 151652

Title

An Ordinance authorizing a contract with the Oregon State Department of Transportation in the amount of \$18,824 for the construction of the SW Beaver Avenue section of the Willamette Greenway Trail; increasing resources and requirements in the Federal Grants and General Funds in the amount of \$18,824 for the purpose of appropriating grant funds to the Bureau of Street and Structural Engineering; transferring \$4,706 within the General Fund from the General Fund Operating Contingency to the Bureau of Street and Structural Engineering; and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	<u>1</u>	
LINDBERG	<u>1</u>	
SCHWAB	<u>1</u>	
STRACHAN	<u>1</u>	
IVANCIE	<u>1</u>	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed MAY 22 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerovich
Deputy

INTRODUCED BY	
Commissioner Mike Lindberg	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works <i>MSL/MS</i>	
BUREAU APPROVAL	
Bureau:	
Street & Structural Engineering	
Prepared By:	Date:
Steve Riddell	11 May 1981
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	
Dick Schmidt <i>Richard Schmidt</i>	
CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>
NOTED BY	
City Attorney	
City Auditor	
<i>James M. Lang</i> City Engineer	