



Department of Transportation
HIGHWAY DIVISION

TRANSPORTATION BUILDING, SALEM, OREGON 97310

MCH:pf

7/31/81

Revised: 9/15/81

In Reply Refer to
File No

Misc. Contracts & Agreements
No. 2503

City of Portland
City Hall
1200 S.W. 5th Avenue
Portland, Oregon 97204

Gentlemen:

The Oregon State Highway Division (State) and the City of Portland (City) entered into a Throughway Agreement, dated April 13, 1962, and supplements thereto dated November 24, 1964; April 20, 1965; August 25, 1966; December 12, 1967 (2); January 23, 1968 and November 24, 1970, concerning the construction and maintenance of the Stadium Freeway (I-405). State and City now plan and propose to construct the N.W. Thurman Street-S.W. Columbia Street Section of the N.W. 14th/16th and S.W. 13th/14th Street Couplet (project), which will require alterations to the original construction of the throughway, approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.

State and City have now determined that the aforementioned Throughway Agreement, although remaining in full force and effect, should be further supplemented by this agreement in the manner herein-after set forth in order to more clearly define the jurisdictional responsibilities of the parties hereto upon completion of the project. Any further reference to said Throughway Agreement shall include the provisions of this supplemental agreement.

(a) State shall dispose of all State's right, title and interest, if any there be, in that parcel of property required for city street right-of-way lying outside the access control boundary of the Throughway in the southwest quadrant of the intersection of S.W. 13th Avenue and S.W. Alder Street, with all jurisdiction and control passing to City with maintenance to be performed by City at its sole expense. Said property is approximately as shown on the attached Exhibit A.

(b) State hereby grants City the right to enter upon state highway right-of-way, if necessary, for the purpose of construction of the project and, upon completion of the project, for the purpose of performing necessary maintenance operations.

(c) City shall, upon completion of the project, assume at its sole expense and for public purposes only, all jurisdiction, maintenance and control of those portions of property referred to in para-

City of Portland
September 15, 1981
Page 2

graph (a) above, with all State's right, title and interest passing to City. Said portions of property lie outside the control boundary of the throughway.

(d) City shall, upon completion of the project, assume at its sole expense, responsibility for maintenance of all roadway surfaces, curbs, sidewalks, and landscaped areas on N.W. 16th Avenue, N.W. Couch Street, and the connecting roadway to carry N.W. 16th Avenue traffic between Davis Street and Burnside Street (15th Avenue Extension), approximately as shown on the attached Exhibit A.

The parties hereto mutually agree and understand that the Throughway Agreement of April 13, 1962, and supplements thereto, shall remain in full force and effect, and apply with like force and effect to this supplemental agreement, wherever applicable.

If this arrangement is acceptable to the City Council, please adopt an ordinance authorizing the designated officials to enter into and execute the agreement on behalf of the City.

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 _____, 1981.

The Oregon Transportation Commission, by a duly adopted delegation order, authorized its Chairman or Vice Chairman to act in its behalf in approving this agreement. Approval was given for this agreement on _____ by _____, which approval is on file in the Commission records. The delegation order also authorized the State Highway Engineer to execute the agreement on behalf of the Commission.

APPROVAL RECOMMENDED

Metropolitan Administrator

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

State Highway Engineer

Date _____

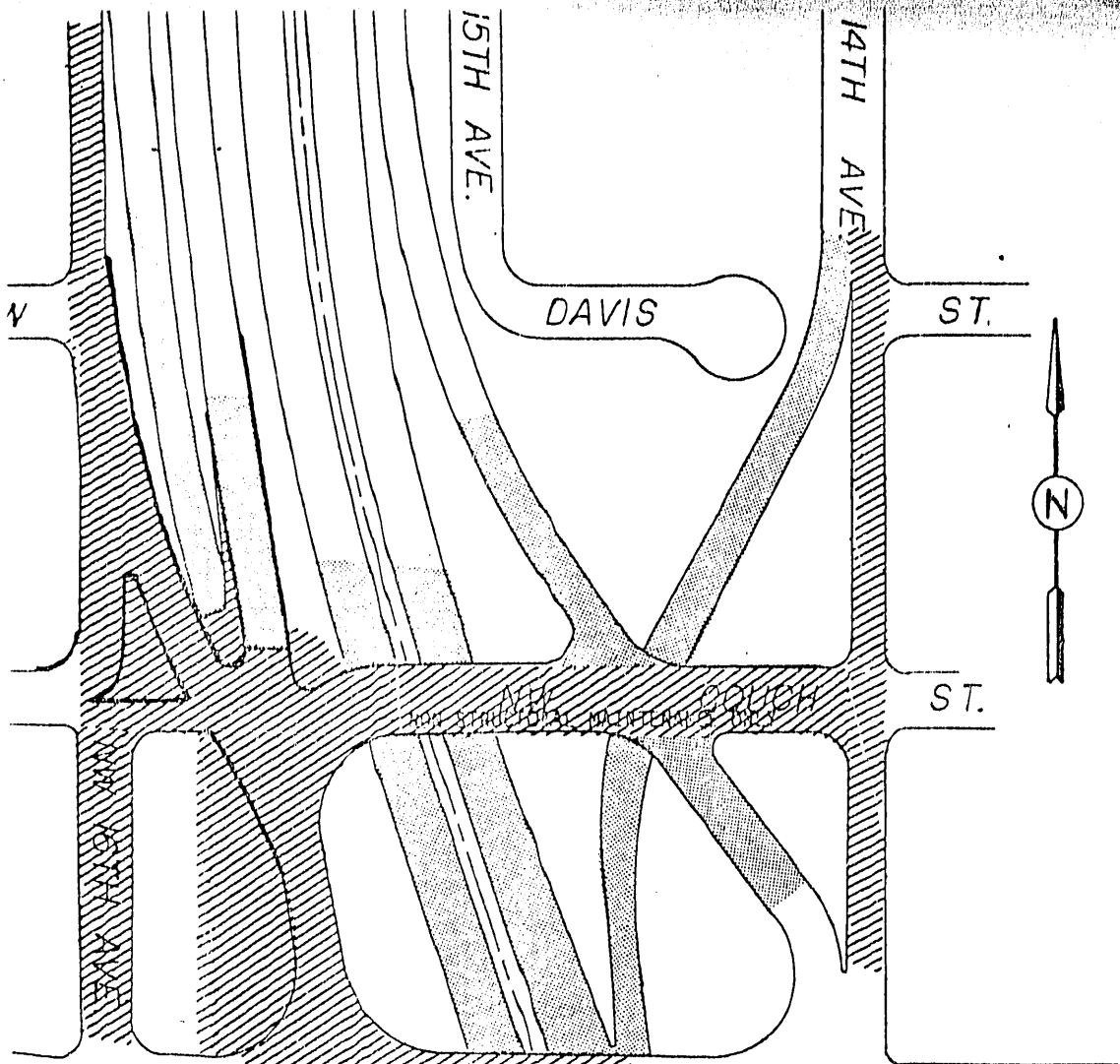
APPROVED AS TO FORM

City Attorney

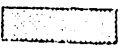

CITY OF PORTLAND, by and through
its City Officials

By _____
Auditor

By _____
Commissioner of Public Works



MAINTENANCE BY

	STATE
	CITY

WEST SIDE
NON-STANDARD MAINTENANCE DISTRICT

WASHINGTON ST.
EXHIBIT "A"

15TH AVE.
SW

ALDER ST.
13TH AVE.

ORDINANCE NO. 153004

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation, Highway Division, providing for modification of City/State agreements regarding maintenance of the I-405 (Stadium) Freeway to provide for maintenance of portions of the right-of-way utilized for the SW 13th/14th, NW 14th/16th Avenue Couplet between SW Columbia Street and NW Thurman Street by the City, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 146728, passed by Council November 1, 1979, authorized a City/State agreement, No. 17600, providing for design and construction of the SW 13th/14th, NW 14th/16th Avenues Couplet between SW Columbia Street and NW Thurman Street.
2. Agreement No. 17600 provides that the City shall maintain the streets included in the project.
3. Ordinance Nos. 11491, 119242, 120121, 122925, 125947 and 131681, passed November 22, 1962, October 1, 1964, April 2, 1965, July 21, 1966, December 21, 1967 and October 21, 1970, respectively, authorized and amended City/State agreement No. 10580 which provided for design, construction and maintenance of the I-405 (Stadium) Freeway.
4. Agreement No. 10580 provided for State maintenance of facilities within the State-owned right-of-way for the I-405 Freeway.
5. A portion of the State-owned right-of-way at SW 13th and Alder is required for the SW 13th/14th, NW 14th/16th Couplet project.
6. The state has prepared a City/State agreement for City approval setting forth City maintenance responsibilities for the project.

NOW, THEREFORE, the Council directs:

- a. That 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 hereof.
- b. That Agreement No. 10580 is amended to provide for City maintenance of the right-of-way shown on the map attached to the agreement referred to in part a.

ORDINANCE No.

Section 2. The Council declares that an emergency exists because this agreement is needed to authorize City entry onto and maintenance of State owned right-of-way required for construction and operation of the project; therefore this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAR 24 1982**

COMMISSIONER MIKE LINDBERG
Steve T. Riddell:mm
March 8, 1982

Attest:

Long Gulovich
Auditor of the City of Portland

Calendar No. 758

ORDINANCE No. 153004

Title

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation, Highway Division, providing for modification of City/State agreements regarding maintenance of the I-405 (Stadium) Freeway to provide for maintenance of portions of the right-of-way utilized for the SW 13th/14th, NW 14th/16th Avenue Couplet between SW Columbia Street and NW Thurman Street by the City, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed MAR 18 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

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

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Steve T. Riddell:mm Date: March 8, '82
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>R.O. Schmidt</i> Richard O. Schmidt

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

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