

FIRE PREVENTION, SUPPRESSION AND EMERGENCY RESPONSE AGREEMENT

This Agreement is to be effective on July 1, 2010 between the City of Portland, a municipal corporation of the State of Oregon (City), and Burlington Water District, a corporation organized under ORS Chapter 264 (Burlington) PO Box 270, St Helens OR 97051.

WITNESSETH:

RECITAL: Burlington has requested that the City provide it fire prevention, suppression and emergency medical response services set forth below and the City is willing to provide such services on the terms set forth below.

IN CONSIDERATION OF THE MUTUAL PROMISES OF THE PARTIES, IT IS AGREED:


1. The City shall:
 - A. Provide fire prevention, suppression and emergency response services at Burlington's property described in Exhibit B, attached and incorporated herein.
 - (1) Such service shall be subject to the City's prior right to use all of its emergency response personnel and equipment to respond to emergencies within the City's corporate limits. Such service shall also be subject to the reasonable availability of the City's emergency response and fire fighting personnel and equipment.
 - (2) In providing service under this Agreement, the City shall not be required to subject its personnel or equipment to hazards from action or threatened action of third parties.
 - (3) The services provided by the City under this Agreement shall include those of the Chief of Portland Fire & Rescue (PF&R), the Battalion Chief, or other commanding officer who shall answer the alarm of fire or other emergency on Burlington's property.
 - (4) The commanding officer of PF&R or any unit thereof, shall, from information received as to the amount and type of equipment needed to suppress a fire or respond to an emergency at Burlington's property, exercise his judgement as to the amount and type of equipment which may be spared from use by PF&R and which may be dispatched to the call to Burlington's property.

- B. Have appropriate members of PF&R visit Burlington's property to familiarize themselves with the public streets in the district, the location of fire hydrants and to obtain other information necessary to enable the City to perform this Agreement.
 - C. Provide fire prevention, consultation and inspection services for Burlington's property. Oregon Revised Statutes and the regulations of the Oregon State Fire Marshal shall be the criteria for fire prevention services performed.
2. Burlington shall:
- A. For the services to be provided by the City, pay the City \$103,358.00 in two equal installments of \$51,679.00 each, the first installment to be paid on or before January 1, 2011, and the final installment to be paid on or before June 1, 2011.
 - B. Provide all water service, supply and pressure, and all fire hydrants with suitable connections, for the use of the City's equipment in performing this Agreement.
 - C. Burlington shall hold harmless, defend, and indemnify the City and the City's officers, agents, and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from any decision by the City or its officers, agents, or employees to dispatch or not dispatch City fire equipment or emergency personnel to calls to Burlington's property.
3. Signature - This agreement and any subsequent amendments may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same contract amendment.
4. Electronic Signature - The parties agree the City and County may conduct this transaction by electronic means, including the use of electronic signatures.
5. The term of this Agreement shall commence on July 1, 2010 and continue through June 30, 2011.

SIGNATURE PAGE TO FOLLOW

CITY OF PORTLAND, OREGON

By: _____
Commissioner Randy Leonard

By:  _____
Burlington Water District

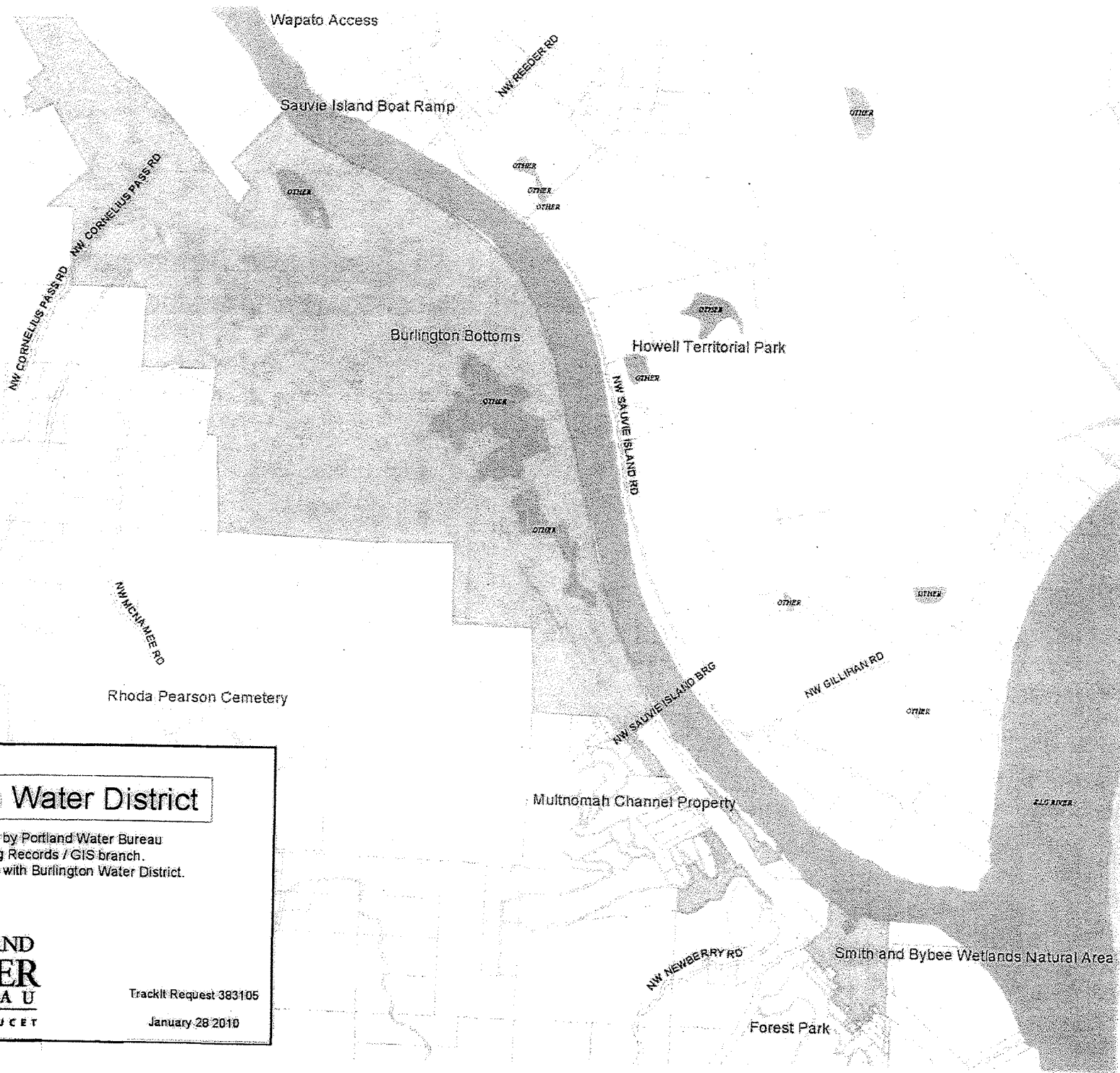
By: _____
Auditor LaVonne Griffin-Valade

APPROVED AS TO FORM

By:  _____
Approved as to form
City Attorney

184010

EXHIBIT B



Burlington Water District

Map prepared by Portland Water Bureau
Engineering Records / GIS branch.
Please verify data with Burlington Water District.



TrackIt Request 383105

January 28 2010

Beginning at a point which is the intersection of the boundary of the City of Portland, Multnomah County, Oregon, and the center line of Multnomah channel of the Willamette River, also known as Willamette Channel or Slough, in Section 34, Township 2 North, Range 1 West, of the the Willamette Meridian; thence South along said City boundary to the southerly line of Block 1, HARBORTON, northwesterly along the southerly lines of Blocks 1, 2 and 3, HARBORTON, and continuing along the southerly line produced by said Block 3 to the center of the road which is the northwesterly boundary of Block 12, HARBORTON; northeasterly along said center line to the southwesterly line of the United Railways Company right-of-way; northwesterly along said southwesterly line of the United Railways right-of-way to the North line of Section 33 in said Township and Range; West to the easterly line of the street bounding the easterly side of Block 3, ARDRA; northwesterly along said easterly line of said street to the easterly line of the F. Breske 17.96 acre tract in Section 28, said Township and Range, recorded in Deed Book 365, page 175; northeasterly along said southeasterly line of said Breske tract to a line which is 100 feet southwesterly from and parallel to the southwesterly line of the United Railways Company right of way; northwesterly along said line parallel to said right-of-way line to the South line of LUCERNE; West to the easterly line of Lorraine Avenue in LUCERNE; northwesterly along said easterly line of Lorraine Avenue to the South line of the northwest quarter of Section 28 in said Township and Range; thence easterly along said North line to the East line of the 100 foot right-of-way of the Bonneville-St. Johns-Astoria transmission line; thence northwesterly along said east line of said Bonneville right-of-way to the South line of Section 20, Township 2 North, Range 1 West of the Willamette Meridian; thence East along said South line to the West line of the United Railways right-of-way; thence northwesterly along the said West line of said United Railways right-of-way to the center line of Sumalt Drive in Burlington; thence northerly along said center line to the center line of Wapato Avenue in "Burlington"; thence northwesterly along said center line and an extension thereof to the East line of Lot 1, Block 52, BURLINGTON; thence northeasterly to the most easterly corner of said Lot 1; thence northwesterly along the northeasterly line of Lot 1, to the South line of Section 18, Township 2 North, Range 1 West of the Willamette Meridian; thence westerly along said South line to the East line of Cornelius Pass Road (No. 891-60); thence northeasterly along said East line to an intersection with a southeasterly extension of the southwesterly line of that tract conveyed to Gaylord by deed recorded January 10, 1949, in Book 1313, at page 571, Deed Records of Multnomah County, Oregon, thence northwesterly along said extension of the southwesterly line to an intersection with the West line of the

Burlington Water District as originally formed, and continuing northwesterly to a point in the division line of the William Weatherby Donation Land Claim, which division line is described in Volume 2, page 381, survey records, and which said point is 680 feet West of the westerly line of the Columbia River Highway, also known as St. Helens Road; East along said division line to a point in a line which is 100 feet easterly from and parallel to the easterly line of the Northern Pacific Railway Company right-of-way; southeasterly along said line 100 feet easterly from and parallel to said easterly line of the Northern Pacific Railway Company right-of-way to a point in the division line of the lands of the Holbrook Estate and the Nehalem Boom Company in the Southwest corner of Section 17, in said Township and Range; northeasterly along said division line between the Holbrook Estate and the Nehalem Boom Company lands to the first angle therein; northwesterly along said division line 542 feet to an angle therein; northeasterly along said division line, and along said division line produced in a straight line, to the center line of Multnomah Channel; southeasterly along the center line of said channel to the point of beginning; EXCEPTING AND EXCLUDING THEREFROM, all that part of the North one-half of the Northeast quarter of Section 33, Township 2, North Range 1 West of the Willamette Meridian, lying northeasterly from the northeasterly line of the Northern Pacific Railway right-of-way, and all that part of said North one-half of the Northeast quarter of Section 33, lying between the southwesterly line of the Columbia River Highway and the northeasterly line of the United Railways Company right-of-way, all being in the County of Multnomah, State of Oregon.

Thursday, December 15, 2005

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MAILING LIST

BURLINGTON WATER DISTRICT

Acct#	Name	Address	City	State	Zip	Mall Group	Carrier Route	Route
1	EMPEY/KAY	12308 NW HARBORTON	PORTLAND	OR	97231			1
2	PULFORD	12256 NW HARBORTON	PORTLAND	OR	97231			1
3	PRIMOHL, JIM	12345 NW HARBORTON	PORTLAND	OR	97231			1
4	CORRY	12304 NW CRESTON	PORTLAND	OR	97231			1
5	COOK, G	PO BOX 537	KALAMA	WA	98625			1
7	MISHLER, GARLAND	12321 NW HARBORTON	PORTLAND	OR	97231			1
8	MCDUGAL, ROBERT	12419 NW CRESTON	PORTLAND	OR	97231			1
9	HANDEGARD, JERRY	12325 NW HARBORTON	PORTLAND	OR	97231			1
10	HENDERSON, PATRICK	12323 NW HARBORTON	PORTLAND	OR	97231			1
11	O'BRIEN, TIANA	12327 NW HARBORTON	PORTLAND	OR	97231			1
12	BREWER, JERALD & LAURA	PO BOX 83692	PORTLAND	OR	97283			1
13	BERLINGEN, W	12749 NW MT VIEW	PORTLAND	OR	97231			1
14	CICCARELLO, N	13131 NW MT VIEW	PORTLAND	OR	97231			1
15	MCLEOD, M	12601 NW DRURY	PORTLAND	OR	97231			1
16	STEVENS/LANSDOWNE	12847 NW ALDERVIEW	PORTLAND	OR	97231			1
17	BASLEY, PATRICIA	12835 NW ALDERVIEW DR.	PORTLAND	OR	97321			1
18	CAVALLERO	12408 NW ALDERVIEW	PORTLAND	OR	97231			1
19	FREVACH LAND	DBA FRED'S MARINA 12800 NW MARINA WAY	PORTLAND	OR	97231			2
20	MULTNOMAH YACHT HARBOR	PO BOX 10447	PORTLAND	OR	97296			2
21	LARSON'S MOORAGE	14426 NW LARSON RD	PORTLAND	OR	97231			2
22	SPANGLE, S.	12928 NW NEWBERRY	PORTLAND	OR	97231			3
23	WAGNER	12941 NW NEWBERRY	PORTLAND	OR	97231			3
25	LOONEY, DAVID	12937 NW NEWBERRY	PORTLAND	OR	97231			3
26	MARTIN/HILSENTEGER	13510 NW RIVERVIEW	PORTLAND	OR	97231			4
27	PALAHNIUK, CHARLES	PO BOX 129	VANCOUVER	WA	98666			4
28	PALAHNIUK, CHARLES	PO BOX 129	VANCOUVER	WA	98666			4
29	WOZNAK A	13610 NW RIVERVIEW	PORTLAND	OR	97231			4
30	KEE, K	13638 NW RIVERVIEW	PORTLAND	OR	97231			4
31	KEE, JEFF	13642 NW RIVERVIEW	PORTLAND	OR	97231			4
32	LOCKE, R	13700 NW RIVERVIEW	PORTLAND	OR	97231			4
33	CRIPPEN, LARRY	13716 NW RIVERVIEW	PORTLAND	OR	97231			4
34	NEWMAN, STEVE	PO BOX 83358	PORTLAND	OR	97283			4
35	BERMAN	13800 NW RIVERVIEW	PORTLAND	OR	97231			4
36	CANNING, CAROL	13838 NW RIVERVIEW	PORTLAND	OR	97231			4
37	BOYKO, EDDIE	13900 NW RIVERVIEW	PORTLAND	OR	97231			4
38	SEITZ	14205 NW RIVERVIEW	PORTLAND	OR	97231			4
39	HOLLAND, P	14040 NW RIVERVIEW	PORTLAND	OR	97231			4
40	VASIL, J	14110 NW RIVERVIEW	PORTLAND	OR	97231			4
41	BERLINGEN, CLAUDIA & FRA	14120 NW RIVERVIEW	PORTLAND	OR	97231			4
42	Herschbach-Marx	14200 NW RIVERVIEW	PORTLAND	OR	97231			4
43	GULBRANDSON	12950 NW MARINA WAY	PORTLAND	OR	97231			2
44	MARINA WAY MOORAGE	13000 NW MARINA WAY	PORTLAND	OR	97231			2
45	LARSON'S MOORAGE	14426 NW LARSON RD	PORTLAND	OR	97231			2

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BURLINGTON WATER DISTRICT

Acct#	Name	Address	City	State	Zip	Mall Group	Carrier Route	Route
46	MILLER, FRANK	15015 NW MILL RD	PORTLAND	OR	97231			2
47	BRIDGEVIEW INVESTORS	14900 NW MILL RD	PORTLAND	OR	97231			2
48	EUDALY, R	16504 NW WAPATO DR.	PORTLAND	OR	97231			5
49	BRADACH	16610 NW ST HELENS	PORTLAND	OR	97231			5
50	BRADACH	16612 NW ST HELENS	PORTLAND	OR	97231			5
51	DOYLE	16617 NW ST HELENS	PORTLAND	OR	97231			5
52	MORGAN, B	16630 NW ST HELENS	PORTLAND	OR	97231			5
53	MORROW, C	16501 NW WAPATO DR	PORTLAND	OR	97231			5
54	BLUM, CYNTHIA	16605 NW WAPATO DR	PORTLAND	OR	97231			5
55	WATT, O	16625 NW WAPATO DR	PORTLAND	OR	97231			5
56	SELLS, ROBERT & PATRICIA	16635 NW WAPATO DR	PORTLAND	OR	97231			5
57	TAYLOR, ANDY	16636 NW WAPATO DR	PORTLAND	OR	97231			5
58	Bruce Smith	16725 NW Wapato Av	Portland	OR	97231			5
59	JONES, DAVID	16718 NW WAPATO	PORTLAND	OR	97231			5
60	SCHAEFFER, R	16735 NW WAPATO AVE	PORTLAND	OR	97231			5
61	DOROTHY WELL	PO BOX 2446	GEARHART	OR	97138			5
62	JOHNSON, DAN	16819 NW WAPATO AVE	PORTLAND	OR	97231			5
63	CRAWFORD, TONY	16939 NW WAPATO AVE	PORTLAND	OR	97231			5
65	EUDALY, P	17015 NW ST HELENS	PORTLAND	OR	97231			5
66	MATTHEWS	16841 NW ST HELENS	PORTLAND	OR	97231			5
67	CATTO, KATIE	16831 ST HELENS RD	PORTLAND	OR	97231			5
68	KIRCHNER, CHRIS	16821 NW ST HELENS RD	PORTLAND	OR	97231			5
69	BOTTOMS UP TAVERN	16900 NW ST HELENS	PORTLAND	OR	97231			5
70	TIMBROOK	16944 NW ST HELENS	PORTLAND	OR	97231			5
71	SUTTER, JOHN	16946 NW ST HELENS	PORTLAND	OR	97231			5
72	KING, BRIAN	GREENWALL LLC	16950 NW ST HELENS	PORTLAND	OR	97231		5
73	KING	16950 NW ST HELENS RD.	PORTLAND	OR	97231			5
74	DILNIK, GLENN & CHERYL	17130 NW ST HELENS	PORTLAND	OR	97231			5
75	US WEST/QWEST	BURLINGTON CDO R00045	PO BOX 182575	COLUMBUS	OH	43218		5
76	#1 KING, BRIAN	16950 NW ST. HELENS RD.	PORTLAND	OR	97231			5
77	#2 KING, BRIAN	16950 NW ST. HELENS RD.	PORTLAND	OR	97231			5
78	#3 KING, BRIAN	16950 NW ST. HELENS RD.	PORTLAND	OR	97231			5
79	#4 KING, BRIAN	16950 NW ST. HELENS RD.	PORTLAND	OR	97231			5
80	KING, BRIAN	16950 NW ST. HELENS RD.	PORTLAND	OR	97231			5
81	ENYART, JOHN	20803 NW REEDER RD	PORTLAND	OR	97231			5
82	SAYLER	18210 NW CHESTNUT	PORTLAND	OR	97231			6
83	LAY	18220 NW CHESTNUT	PORTLAND	OR	97231			6
84	LAMPSA, H	18805 NW VISTA	PORTLAND	OR	97231			6
85	SETVIN, GM & MARCY	18725 NW VISTA	PORTLAND	OR	97231			6
86	HOWELL, YOLANDA	18912 NW VISTA	PORTLAND	OR	97231			6
87	KURZ, STAN	18830 NW VISTA	PORTLAND	OR	97231			6
88	STUTZER, ALVIN	18915 NW VISTA	PORTLAND	OR	97231			6
89	HOLMES, Z	19333 NW ST HELENS	PORTLAND	OR	97231			6

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MAILING LIST

BURLINGTON WATER DISTRICT

Acct#	Name	Address	City	State	Zip	Mail Group	Carrier Route	Route
90	SETVIN	18015 NW CHESTNUT	PORTLAND	OR	97231			6
91	SAWYER	17930 NW CHESTNUT	PORTLAND	OR	97231			6
92	BROWN, C	17934 NW CHESTNUT	PORTLAND	OR	97231			6
93	SEIMEARS, WAYNE & BETTY	18005 NW CHESTNUT	PORTLAND	OR	97231			6
94	BAE, M	17925 NW CHESTNUT	PORTLAND	OR	97231			6
95	SMITH, GAVIN	19300 NW ST HELENS	PORTLAND	OR	97231			8
96	INGEBRIGTSEN, RONDI	50776-9 DIKE RD	SCAPPOOSE	OR	97056			7
97	BURLINGAME	18225B NW LOGIE TRAIL	PORTLAND	OR	97231			7
98	INGEBRIGTSEN, JEFF	50350 COWEN RD #21	SCAPPOOSE	OR	97056			7
99	GAUDENCIO, GARCIA	18445 NW LOGIE TRAIL RD	PORTLAND	OR	97231			7
100	CARTER/BRANNAN	18440 NW LOGIE TRAIL	PORTLAND	OR	97231			7
101	MACARTHUR, L	PO BOX 1255	SCAPPOOSE	OR	97056			7
102	HIPPLER, JOSEPH	PO BOX 3921	PORTLAND	OR	97208			7
103	FISHER, WILLIAM	18139 NW ST HELENS	PORTLAND	OR	97231			5
104	VIRTUE, JOHNATHAN & ABB	17929 NW ST HELENS RD	PORTLAND	OR	97231			5
105	HUTTON	17841 NW ST HELENS	PORTLAND	OR	97231			5
106	N.A.R.A. Acct. Payable	1776 SW Madison Street	PORTLAND	OR	97205			5
107	PISHA & REID	17311 NW ST HELENS	PORTLAND	OR	97231			5
108	PILIPENKO, OLEG	17125 NW ST HELENS	PORTLAND	OR	97231			5
109	MAUSER	17045 NW ST HELENS	PORTLAND	OR	97231			5
110	CIARLANTE	17025 NW ST HELENS RD	PORTLAND	OR	97231			5
111	EUDALY, P	17015 NW ST HELENS	PORTLAND	OR	97231			5
116	CHANNEL ISLAND MARINA	C/O BALANCE-IT ACCT PO BOX 817	LAKE OSWEGO	OR	97034			1
117	HILL, ERIC	16833 NW WAPATO AVE.	PORTLAND	OR	97231			5
118	PERKINS, ED	17885 NW ST HELENS RD	PORTLAND	OR	97231			1
119	CANNING, AL	18311 NW LOGIE TRAIL	PORTLAND	OR	97231			1

All Customers

Burlington Water District