

RELOCATION ASSISTANCE ADVISORY SERVICES AGREEMENT
ALTERNATIVE TO I-505

THIS AGREEMENT, made and entered into by and between the CITY OF PORTLAND, a municipal corporation of the State of Oregon by and through its City officials, hereinafter called "City" and the STATE OF OREGON, by and through the Department of Transportation, Highway Division, hereinafter called "State".

W I T N E S S E T H :

RECITALS

1. By authority granted in certain ORS provisions City entered into an agreement concerning improvement of the N. W. Kittridge St. - Stadium Freeway section of Lower Columbia River Highway and the N. W. Nicolai - W. Fremont Interchange section of I-405 extension all commonly called Alternative to I-505 herein referred to as "Project". City officials have acted in this matter pursuant to Ordinance No. _____, adopted by its City Council on the _____ day of _____, 1980.
2. City desires to assist the State with the relocation phase of the project by providing relocation assistance advisory services to all businesses displaced by this project.
3. City has the staff capable of performing relocation assistance advisory services to businesses being displaced.
4. City and State propose to enter into this agreement for the purpose of employing City to perform relocation assistance advisory services to businesses displaced by this project. City and State hereby pledge complete cooperation with each other to accomplish these things set forth and agreed upon in this agreement.

NOW THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

I

State agrees to and hereby does employ City and City agrees to act for State in performing the services hereinafter called for in this agreement in connection with the project. The parties hereto mutually agree to the following:

II

CITY OBLIGATIONS

1. City shall as a participating expense be responsible for all relocation assistance advisory services to be provided to businesses displaced by the project. Advisory assistance shall be offered all businesses, regardless of their choice of replacement area.
2. City shall not undertake any part of the relocation assistance advisory services program to businesses being displaced prior to receiving written authorization from State. All work and records of such work shall be in conformance with Federal statutes and regulations, including Vol. 7, Ch. 5, Sec. 1, Pgh. 10c (1), (2), and (3), Federal Highway Program Manual.
3. City shall report every 30 days to the State on the progress being made in assisting the displaced businesses in obtaining and becoming established in a suitable replacement location.
4. Prior to undertaking any work under this agreement, City shall submit to the State a program acceptable to the State and the Federal Highway Administration that will describe the relocation assistance advisory services to be provided the businesses being displaced by the project. Such program shall contain FHWA requirements set forth in FHPM Vol. 7, Ch. 5, Sec. 1, Pgh. 10a and b. City shall also provide State an estimate of total cost of advisory services to be provided under said program.

STATE OBLIGATIONS

1. State shall inform City when any negotiations have been initiated to acquire any property on the project that will displace a business or businesses.
2. The State shall cooperate with the City by providing information, and advice as necessary to adequately and reasonably relocate the businesses being displaced by the project.
3. The State shall refer each displaced business owner to the proper City representative for relocation assistance advisory services.

III

GENERAL PROVISIONS

1. City shall keep records of its actual costs and expenses incurred in performing the agreed services for the project under the terms of this agreement and submit an itemized billing once each month. Only those costs that are eligible for Federal Highway Administration participation and are directly chargeable to the project are eligible for reimbursement.
2. It is expressly understood and agreed that City shall be reimbursed 92% of all relocation assistance advisory service costs which are eligible for Federal Highway Administration participation and are directly chargeable to the Project.

3. State shall collect Federal Aid funds from the Federal Highway Administration in the usual manner and reimburse City the participating share as set forth in the terms of this agreement.
4. The relocation assistance advisory service to businesses will be in full accordance with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (Public Law 91-646).
5. Department of Transportation Title 49 CFR Part 21 through Appendix 14, 23 CFR 710.405(b) and Title VI of the Civil Rights Act of 1964, as they may be amended from time to time are hereby incorporated by reference and made a part of this agreement. It is agreed that every City employee and representative engaged in work under this agreement shall perform all official actions in full accord with the spirit and letter of the Constitution and applicable laws, regulations, and policies to assure equality of opportunity for all persons and to avoid even the appearance of discrimination because of race, creed, color, sex or national origin.
6. It is mutually agreed that any change in this agreement must have the approval of the Chief Executive Officer of the City and the Right of Way Manager and Chief Counsel of the Oregon State Highway Division.
7. Notwithstanding anything else in this agreement, the intent is that State has employed City as an independent contractor for its services with regard to the provisions set forth herein.


IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed on the day and year hereafter written.

The State Highway Engineer, acting under delegated authority from the Oregon Transportation Commission, authorized the Right of Way Manager to approve and execute this contract on behalf of the Commission.

Dated this _____ day of _____, 1980.

APPROVED AS TO FORM:

STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division



Ass't. Attorney General
and Counsel

J. B. Boyd, Right of Way Manager

CITY OF PORTLAND, by and through its City Officials

By _____
Commissioner of Public Works

City Attorney

By _____
City Auditor

ORDINANCE NO. **150130**

An Ordinance authorizing the City to enter into an agreement with the Highway Division of the Oregon Department of Transportation providing for payment of City costs to perform relocation assistance for businesses displaced by construction of the Alternative to I-505, setting forth City responsibilities and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 146382, passed by Council September 13, 1978, authorized Agreement No. 17529, which provided for a study to develop alternatives to the I-505 Long Yeon corridor.
2. Resolution No. 32388, adopted by the Council December 13, 1978, resolved to provide City Services to assist businesses displaced by the recommended alternative to relocate within the City.
3. The Bureau of Economic Development plans to retain a consultant to perform relocation advisory assistance services to businesses being displaced by the project.
4. The State Highway Division of the Oregon Department of Transportation has prepared a Relocation Assistance Advisory Services Agreement providing for Bureau of Economic Development Services for the Alternative to I-505 project for execution by the City.

NOW, THEREFORE, the Council directs:

- a. By this Ordinance the Commissioner of Public Works and the Auditor are authorized to sign on behalf of the City an agreement in the form of the agreement attached to the original of this Ordinance marked "Exhibit 1," and by this reference made a part hereof.

ORDINANCE No.

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Zwarg	
Linville	
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Section 2. The Council declares that an emergency exists in order to avoid undue delay in providing relocation advisory services and ultimate relocation of businesses which must move before they may begin, and therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

George Yerkovich
 Auditor of the City of Portland
 GEORGE YERKOVICH

Filed
JUL 30 1980

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 City responsibilities and declaring an
 due alternative to I-505, section forth
 businesses displaced by construction of
 bottom relocation assistance for
 providing for payment of City costs for
 of the Oregon Department of Transportation
 into an agreement with the Highway Division
 An Ordinance authorizing the City to enter

Title

ORDINANCE No. 198030

Calendar No. 198030

Passed by the Council, **JUL 30 1980**

Commissioner Mike Lindberg
 Steve Riddell:mmc
 7-8-80

Attest:

George Yerkovich
 Auditor of the City of Portland

Calendar No. 2750

ORDINANCE No. 150130

Title

An Ordinance authorizing the City to enter into an agreement with the Highway Division of the Oregon Department of Transportation providing for payment of City costs to perform relocation assistance for businesses displaced by construction of the Alternative to I-505, setting forth City responsibilities and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR

Ivancie
Jordan
Lindberg
Schwab
McCready

150130

INTRODUCED BY	
Commissioner	Mike Lindberg
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works	MLyngst
BUREAU APPROVAL	
Bureau:	Street & Structural Engineering
Prepared By:	Date: 7-8-80
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	David J. Vargas, Acting Chief
NOTED BY	
City Attorney	
City Auditor	
City Engineer	Approved
John M. Lang	
By:	D Vargas

Filed JUL 24 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerkovich
Deputy