

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into by and between the CITY OF PORTLAND, a municipal corporation of the State of Oregon, hereinafter referred to as "City" and MULTNOMAH COUNTY, a home rule subdivision of the State of Oregon, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, in connection with the City's Bureau of Water Works Ground Water Development Program, City desires to drill five test wells, drill three production wells with necessary appurtenances and construct a water pipeline, all to be located in Blue Lake Park, which is property owned by County; and

WHEREAS, in connection with the above-described water facilities development by City, City requires the consent of the County to enter upon Blue Lake Park property for the purpose of inspecting, surveying, constructing, operating, and maintaining facilities; and

WHEREFORE, County desires to permit such access subject to the following terms and conditions:

NOW, THEREFORE, IT IS AGREED between the City and County:

1. County grants to City permission to enter upon the County property known as Blue Lake Park located in Sections 20 and 21, T1N, R3E, W.M., Tax Lots 11, 13, 26, 37 and 40, Multnomah County, Oregon, for the purpose of surveying, inspecting, constructing, operating, and maintaining certain ground water development facilities described as five test wells, three production wells and a water pipeline serving those wells, all as depicted on an aerial photograph marked Exhibit A, attached hereto and by this reference made a part hereof.

2. The location of the water pipeline will be as mutually agreed upon by the City and County and shall be located in one of three possible routes across County's property as identified in Exhibit A. The final route chosen shall be subject to approval of an archeologist to be selected by the City. The approval of the archeologist shall be given following his or her investigation to ensure that no Indian burial sites will be disturbed. The City agrees to hold the County harmless and indemnify County from any and all claims that may arise in connection with the construction and operation of the water facilities on or near Indian burial sites.

3. At such time as County and City may mutually agree upon the location of the water pipeline, County agrees to convey to City permanent easements to the real property upon which is situated the above described water facilities and reasonable access thereto across County-owned property. All easements will be subject to the following terms and conditions:

- A. No surface or underground structure, permanent or temporary, shall be constructed upon the easement without the written consent of the Chief Engineer of the City's Bureau of Water Works, which consent shall not be unreasonably withheld.
- B. No grade change in excess of one (1) foot in elevation shall be allowed without the written consent of the Chief Engineer of the City's Bureau of Water Works, which consent shall not be unreasonably withheld.
- C. No trees shall be planted in the easement, without the written consent of the Chief Engineer of the City's Bureau of Water Works, which consent shall not be unreasonably withheld.
- D. No materials storage shall be permitted upon the easement without the written consent of the Chief Engineer of the City's Bureau of Water Works, which consent shall not be unreasonably withheld.
- E. Grantor may place fences upon and across the easement; however, such fences shall have gates or removable panels so as to allow a minimum opening of nine (9) feet in width to permit equipment access for the purpose of maintaining and repairing the waterline.
- F. The grantors retain the right to use the easement for all agricultural purposes, excepting the cultivation of trees.
- G. The City will restore as nearly as practicable, the surface of the easement within a reasonable time after completion of construction or maintenance work.
- H. The width of the easement shall be 40 feet with 10 feet to the northerly side of the waterline and 30 feet to the southerly side.
- I. When the City is generating electricity at the Groundwater Pump Station and determines that surplus water is available, upon request by the County, the City agrees to furnish water to Blue Lake. The City makes no guarantee as to the quality or quantity of the water furnished and the County agrees to obtain all necessary permits and licenses required to discharge the water to Blue Lake.
- J. The City will construct an outlet structure to Blue Lake from the pipeline similar to the structure shown on the drawing marked Exhibit "B". The design of the outlet structure shall be subject to the approval of the County Engineer and shall conform to all state and local health regulations.
- K. The City will furnish and install 12-inch perforated concrete drain pipe in any existing irrigation ditch and backfill the ditch to match the existing grade of the surrounding area where the waterline is installed in the ditch.
- L. The City will furnish and install a 12-inch perforated concrete drain pipe in the irrigation ditch to the north of the proposed waterline as shown in Exhibit "A", and backfill the ditch to match the existing grade of the surrounding area.

4. The City agrees to hold County harmless from and indemnify County from any claim, liability or damage associated with the construction, installation, use and maintenance of the water facilities constructed by the City.

DATED this _____ day of _____, 198 ____.

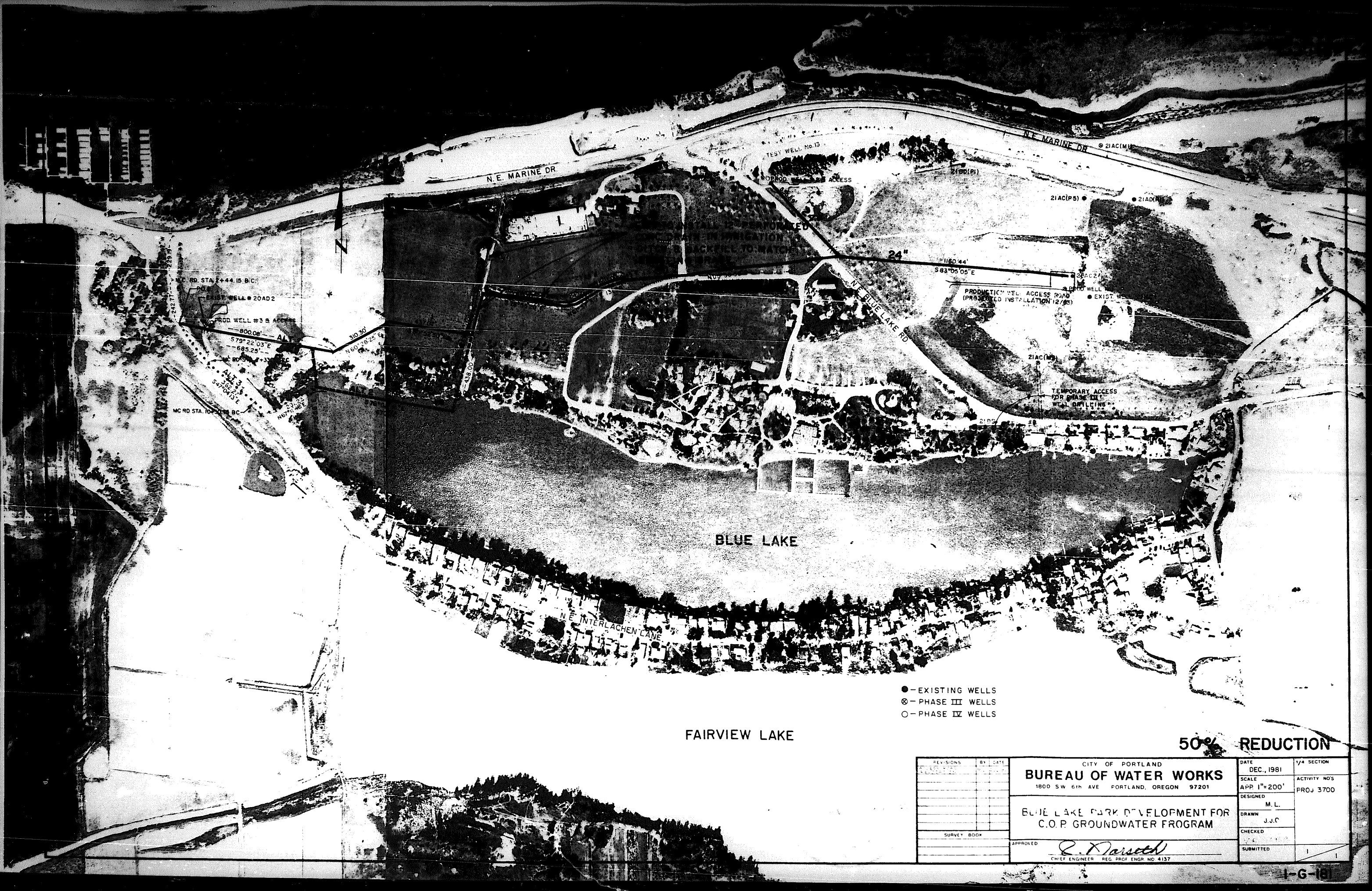
CITY OF PORTLAND, a Municipal
Corporation of the State of Oregon

By _____
Francis J. Ivancie, Mayor

By _____
George Yerkovich, Auditor

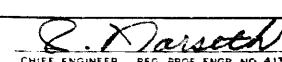
MULTNOMAH COUNTY, a Home Rule
Subdivision of the State of Oregon

By _____
County Executive

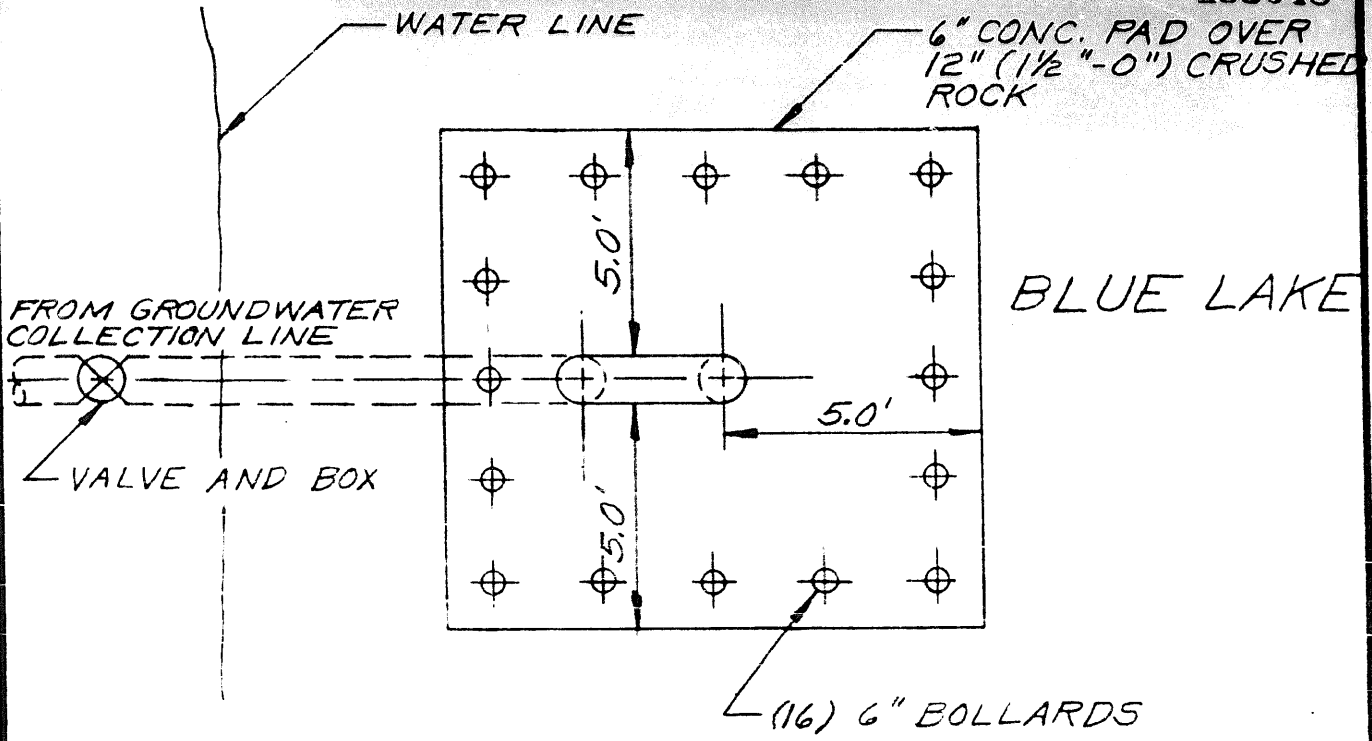


- - EXISTING WELLS
- ⊗ - PHASE III WELLS
- - PHASE IV WELLS

50% REDUCTION

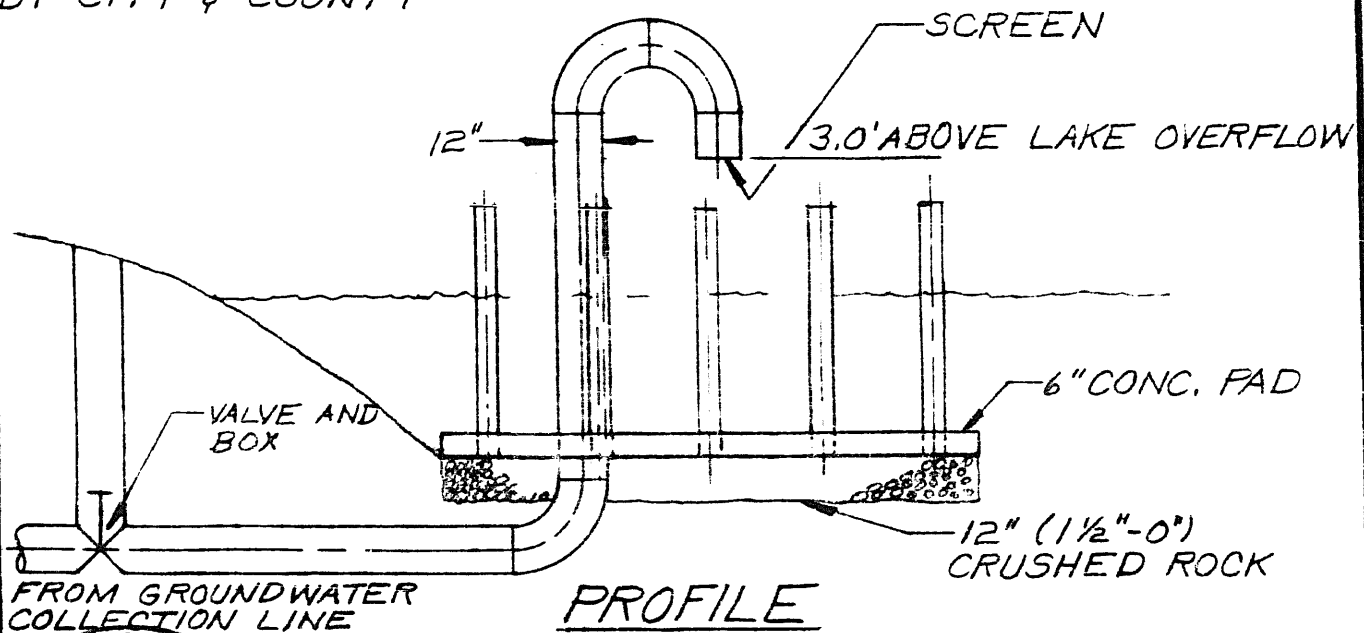
REVISIONS	BY	DATE	CITY OF PORTLAND	
			BUREAU OF WATER WORKS	
			1800 SW 6th AVE PORTLAND, OREGON 97201	
SURVEY BOOK			DESIGNED	M. L.
APPROVED			DRAWN	J.J.C.
 CHIEF ENGINEER REG. PROF. ENGR. NO. 4137			CHECKED	
			SUBMITTED	
			DATE	DEC., 1981
			SCALE	APP. 1"=200'
			ACTIVITY NOS.	PROJ 3700
			1/4 SECTION	

153048

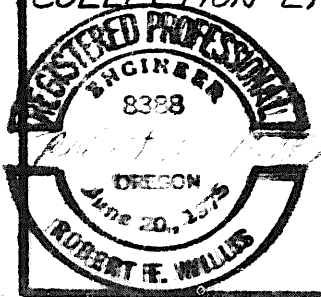


PLAN

DESIGN MAY BE MODIFIED AS AGREED BY CITY & COUNTY



PROFILE



CITY OF PORTLAND		DATE FEB, '82	1/8" SEC
BUREAU OF WATER WORKS		SCALE NONE	ACTIVITY NO'S
1800 SW 6TH AVE PORTLAND OREGON 97201		DESIGNED M.L.	
BLUE LAKE DISCHARGE STRUCTURE		DRAWN J.J.O.	
		CHECKED	
APPROVED	<i>E. J. Smith</i>		
CMEP ENGINEER - REG PROF ENG NO 4157			

ORDINANCE NO. 153048

An Ordinance authorizing an Intergovernmental Agreement with Multnomah County permitting the City access to Blue Lake Park for the purpose of surveying, inspecting, constructing, operating and maintaining certain water facilities in Blue Lake Park for the Groundwater Development Program and declaring an emergency.

The City of Portland ordains:

Section 1: The Council finds:

1. The Water Bureau needs to construct three production wells, five test wells, and a water pipeline serving those wells within Multnomah County owned Blue Lake Park for the City's Groundwater Development Program.
2. The Water Bureau has located three pipeline route alternatives that are acceptable to Multnomah County. The route selected will be determined after an archeologist contracted by the City investigates the routes to ensure that no Indian burial sites will be disturbed.
3. That Multnomah County will convey permanent easements for the mentioned water facilities, and reasonable access to the facilities across County owned land when the County and the City mutually agree upon the location of the water pipeline as described in the Intergovernmental Agreement, attached to the original only hereof, marked Supplement No. 1, and by this reference made a part hereof.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to execute an Intergovernmental Agreement, marked Supplement No. 1, with Multnomah County for the purpose of surveying, inspecting, constructing, operating and maintaining certain water facilities in Blue Lake Park for the City's Groundwater Development Program. The executed agreement shall be returned to Denise Francis, 620 S.W. 5th, Room 408, Portland, Oregon 97201, Multnomah County's Counsel, for execution by Multnomah County.

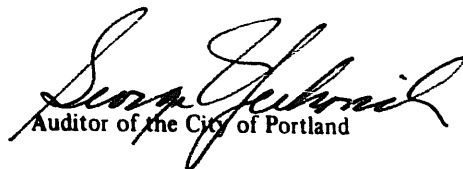
ORDINANCE No.

Section 2. The Council declares that an emergency exists because any delay in executing this agreement will unnecessarily delay the construction of the mentioned water facilities for the Groundwater Development Program, therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council, **APR 7 1982**

Mayor Ivancie
March 25, 1982
M. Lucas:nk

Attest:


Auditor of the City of Portland

Calendar No. 872

ORDINANCE No. 153048

Title

An Ordinance authorizing an Inter-governmental Agreement with Multnomah County permitting the City access to Blue Lake Park for the purpose of surveying, inspecting, constructing, operating and maintaining certain water facilities in Blue Lake Park for the Groundwater Development Program and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
JORDAN	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR

JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY

MAYOR IVANCIE

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

ETI

BURIAL APPROVAL

Bureau:

Water Works

Prepared By:

Date:

M. Lucas:nk March 25, 1982

Budget Impact Review:

Completed Not required

Bureau Head: *CG*
Cary Goebel, Administrator

CALENDAR

Consent

Regular

NOTED BY

City Attorney

City Auditor

City Engineer

Filed **APR 2 1982**

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy