ORDINANCE No. 184884

*Authorize the Director of the Bureau of Environmental Services to enter into an agreement with Union Pacific Railroad for construction equipment staging in the Union Pacific right-of-way to facilitate the structural reinforcement of the Guilds Lake Junction Structure. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

- 1. The Bureau of Environmental Services has constructed the West Side and East Side CSO Tunnels in compliance with the requirements of a state Amended Stipulation and Final Order, No. WQ-NWR-91-75. In order to complete construction and operate the CSO Tunnel System at full capacity, it is necessary to structurally reinforce the Guilds Lake Junction Structure (GLJS).
- 2. Equipment access to the GLJS is through Union Pacific Railroad (UPRR) property. In exchange for access, UPRR requires the City to indemnify them for any damage caused by the City or its contractor while working in the UPRR right-of-way.
- 3. The Office of City Attorney has reviewed the agreement and determined that it is in the interest of the City to enter into the attached agreement, which includes an indemnification provision in favor of UPRR.
- 4. The cost for the access agreement is \$5000.00. Funds are available in the Sewer System Operating Fund, FY 12/FY 13 Budget, Bureau of Environmental Services, Project Number E10120.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services is authorized to execute an agreement with UPRR in substantially the form of Exhibit A, attached hereto.
- Section 2. The Council declares that an emergency exists because the work must be performed in the dry weather season and prior to testing of the Tunnel System to ensure compliance with a December 1, 2011, deadline; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **SEP 21 2011** Dan Saltzman Commissioner of Public Affairs

Scott Gibson September 8, 2011 LaVonne Griffin-Valade Auditor of the City of Portland By Gazla Tennings

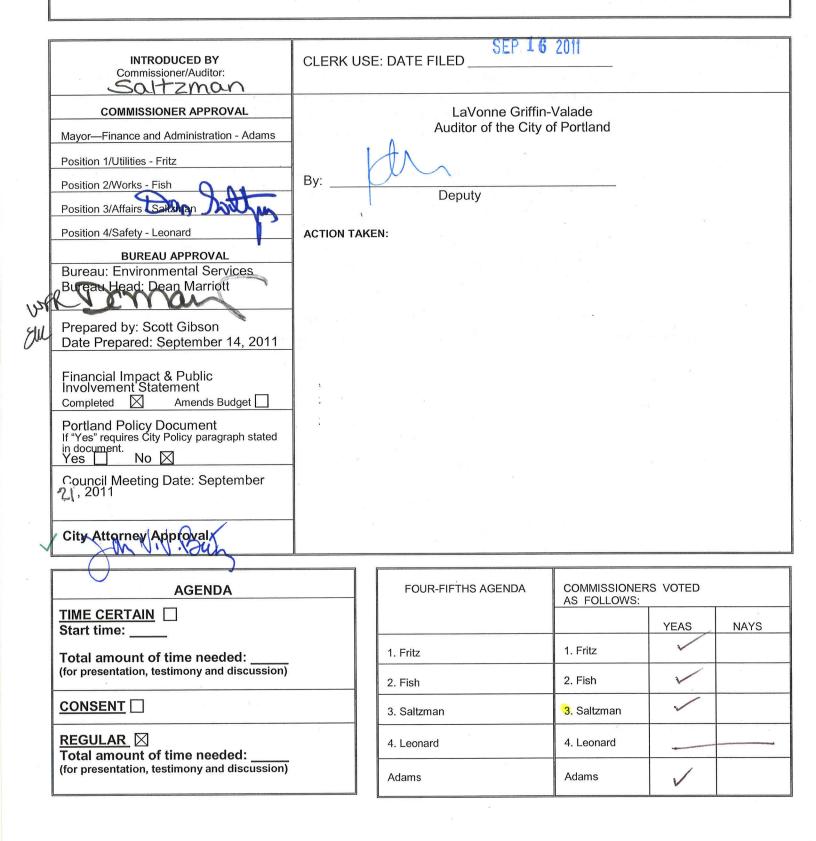
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