

FIRE PREVENTION, SUPPRESSION AND EMERGENCY RESPONSE AGREEMENT

This Agreement is to be effective on July 1, 2012 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 \$111,094.00 in two equal installments of \$55,547.00 each, the first installment to be paid on or before January 1, 2013, and the final installment to be paid on or before June 1, 2013.
 - 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, 2012 and continue through June 30, 2013.

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: _____ *James H. Van Dyke* *ECO*
Approved as to form
City Attorney CITY ATTORNEY

Wednesday, September 15, 2010

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11:00:43PM

METER LIST**BURLINGTON WATER DISTRICT**

METER #	ACCT #	RATE	NAME	SERVICE ADDRESS	SEQ
	1	1	EMPEY-KAY	12308 NW HARBORTO	10
	2	1	PULFORD	12256 NW HARBORTO	20
	3	1	BOYER, CHRIS	12345 NW HARBORTO	30
	4	1	CORRY	12304 NW CRESTON	40
	5	2	COOK, G	12230 NW HARBORTO	50
	6	5	HANSON, P	12226 NW HARBORTO	60
	7	1	MISHLER, GARLAND	12321 NW HARBORTO	70
	8	1	MCDUGAL, ROBERT	12419 NW CRESTON	80
50632824	9	1	HELM, MEGAN	12325 NW HARBORTO	90
	10	1	HENDERSON, PATRICK	12323 NW HARBORTO	100
	11	1	LEE, ROBERT	12327 NW HARBORTO	110
	12	1	BREWER, JERALD & LAURA	12437 NW CRESTON	120
	13	1	BERLINGEN, W	12749 NW MT VIEW	130
	14	1	CICCARELLO, N	13131 NW MT VIEW	140
50632918	15	1	MCLEOD, M	12601 NW DRURY	150
	16	1	STEVENS/LANSDOWNE	12847 NW ALDERVIEW	160
	17	1	KNISLEY, AARON	12835 NW ALDERVIEW	170
43131795	18	1	CAVALLERO	12408 NW ALDERVIEW	180
	19	8	FREVACH LAND	12800 NW MARINA W	2
	20	15	MULTNOMAH YT HARB	12900 NW MARINA W	3
	21	14	LARSON, KEN	14426 NW LARSON R	7
56060211	22	3	SPANGLE, S.	12928 NW NEWBERRY	220
	23	9	WAGNER	12941 NW NEWBERRY	230
	24	5	WAGNER	12945 NW NEWBERRY	240
	25	3	LOONEY, DAVID	12937 NW NEWBERRY	250
	26	1	MARTIN/HILSENTEGER	13510 NW RIVERVIEW	260
	27	1	MOSHNER, BRAD & JOLYNN	13542 NW RIVERVIEW	270
412127	28	1	MOSHNER, BRAD & JOLYNN	13558 NW RIVERVIEW	280
	29	1	ALIFANZ, MARK&TRACY	13610 NW RIVERVIEW	290
	30	1	KEE, K	13638 NW RIVERVIEW	300
	31	1	KEE, JEFF	13642 NW RIVERVIEW	310
	32	1	LOCKE, R	13700 NW RIVERVIEW	320
	33	1	CRIPPEN, LARRY	13716 NW RIVERVIEW	330
	34	1	NEWMAN, STEVE	13744 NW RIVERVIEW	340
	35	1	HAYES, MARGARET	13800 NW RIVERVIEW	350
	36	1	CANNING, CAROL	13838 NW RIVERVIEW	360
	37	1	BOYKO, EDDIE	13900 NW RIVERVIEW	370
	38	1	SEITZ	14205 NW RIVERVIEW	380
	39	1	LEPSCHAT, JOHN	14040 NW RIVERVIEW	390
	40	1	VASIL, J	14110 NW RIVERVIEW	400
	41	1	BERLINGEN,CLAUDIA	14120 NW RIVERVIEW	410
	42	1	WASTEXpress	14200 NW RIVERVIEW	420
	43	1	GULBRANDSON	12950 NW MARINA W	4
	44	11	MARINA WY MOORAGE	13000 NW MARINA W	5
	45	2	LARSON'S MOORAGE	14426 NW LARSON RD	450
	46	1	MILLER, FRANK	15015 NW MILL RD	460
	47	12	BRIDGEVIEW INVESTORS	14900 NW MILL RD	470
	48	1	KIM, ALEEYA	16504 NW WAPATO	682
	49	1	BRADACH	16610 NW ST HELEN	490

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METER LIST**BURLINGTON WATER DISTRICT**

METER #	ACCT#	RATE	NAME	SERVICE ADDRESS	SEQ
	50	1	BRADACH	16612 NW ST HELEN	500
	51	1	DOYLE, MARK & BETH	16617 NW ST HELEN	681
	52	1	MORGAN, B	16630 NW ST HELEN	520
	53	1	MORROW, C	16501 NW WAPATO D	530
	54	1	HECKMAN, LEE	16605 NW WAPATO D	540
	55	1	WATT, O	16625 NW WAPATO D	550
	56	1	AYURA, JODI	16635 NW WAPATO D	560
	57	1	TAYLOR, ANDY	16636 NW WAPATO D	570
	58	1	Bruce Smith	16725 NW WAPATO A	580
	59	1	DAVIS, SAMUEL	16718 NW WAPATO A	590
	60	1	SCHAEFFER, R	16735 NW WAPATO	600
	61	1	WELL, DOROTHY	16742 NW WAPATO	610
	62	1	JOHNSON, DAN	16819 NW WAPATO	620
	63	1	CRAWFORD, TONY	16939 NW WAPATO	630
	64	5	JANZEN, D	16948 NW WAPATO	640
	65	1	EUDALY, P	17015 NW ST HELENS	650
	66	1	MATTHEWS	16841 NW ST HELENS	660
	67	1	CATTO, KATIE	16831 NW ST HELENS	670
	68	1	KIRCHNER, CHRIS	16821 NW ST HELENS	680
	69	1	BOTTOMS UP TAVERN	16900 NW ST HELENS	690
56060207	70	1	TIMBROOK	16944 NW ST HELENS	700
	71	1	SUTTER, JOHN	16946 NW ST HELENS	710
	72	3	ARNESON, CORINNE	16950 NW ST HELENS STE B	720
	73	2	KING	16952 NW ST HELENS	730
	74	1	DILNIK, GLENN & CHERYL	17130 NW ST HELENS	740
	75	1	US WEST/QWEST	17290 NW ST HELENS	750
	76	1	#1 KING, BRIAN	17428 NW ST HELENS	760
	77	1	#2 KING, BRIAN	17500 NW ST HELENS	770
	78	1	KING, BRIAN	17508 NW ST HELENS	780
	79	1	JONES, JIM	17516 NW ST HELENS	790
	80	1	STUART, TREVOR	17528 NW ST HELENS	800
	81	1	ENYART, JOHN	17622 NW ST HELENS	810
56060210	82	3	FELKINS, JESSICA	18210 NW CHESTNUT	820
	83	3	LAY, KEVIN	18220 NW CHESTNUT	830
	84	3	LAMPSA, H	18805 NW VISTA	840
	85	3	SETVIN, GM & MARCY	18725 NW VISTA LANE	850
	86	3	HOWELL, TIM	18912 NW VISTA	860
	87	3	KURZ, STAN	18830 NW VISTA	870
	88	3	STUTZER, ALVIN	18915 NW VISTA	851
	89	1	HOLMES, Z	19333 NW ST HELENS	871
	90	3	SETVIN	18015 NW CHESTNUT	872
	91	3	SAWYER	17930 NW CHESTNUT	931
	92	3	BROWN, C	17934 NW CHESTNUT	932
	93	3	SEIMEARS, WAYNE & BETTY	18005 NW CHESTNUT	930
	94	3	RODRIGUEZ, ROXANA	17925 NW CHESTNUT	940
	95	1	HARRISON, ROBIN	19300 NW ST HELENS	950
	96	3	KEEFER, AMANDA	18311 NW LOGIE TRAIL	960
	97	3	CANNING, AL	18225B NW LOGIE TRAIL	970
	98	3	BERTRAND, MATHEW	18225-A NW LOGIE TRAIL	980

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METER LIST**BURLINGTON WATER DISTRICT**

METER #	ACCT #	RATE	NAME	SERVICE ADDRESS	SEQ
412126	99	3	HERNANDEZ, MARIA	18445 NW LOGIE TRAIL	990
	100	3	CARTER/BRANNAN	18440 NW LOGIE TRAIL	995
58081091	101	3	MACARTHUR, L	18220 NW LOGIE TRAIL	1,010
	102	3	INGEBRIGTSEN, RONTI	18314 NW LOGIE TRAIL	1,020
	103	16	MERRY HANSON	18139 NW ST HELENS	1,030
	104	1	NESHIEM, ANTHONY & MOLLY	17929 NW ST HELENS	1,040
	105	1	HUTTON	17841 NW ST HELENS	1,042
	106	1	N.A.R.A. Acct. Payable	17645 NW ST HELENS	1,060
56060209	107	1	ROGERS, GERALD	17311 NW ST HELENS	1,070
56060206	108	1	PILIPENKO, OLEG	17125 NW ST HELENS	1,080
	109	1	MAUSER, BRUCE	17045 NW ST HELENS	1,090
	110	1	MAUSER, BRUCE	17025 NW ST HELENS	1,095
	111	1	CIARLANTE	17015 NW ST HELENS	1,110
	115	13	JOHN L JERSEY		0
	116	7	CHANNEL ISLAND MARINA	14555 NW LARSON	455
	117	1	HILL, ERIC	16833 NW WAPATO	625
	118	1	PERKINS, ED	17885 NW ST HELENS RD	1,059
	119	3	INGEBRIGTSEN, RONTI	18311 NW LOGIE TRAIL	985

116 Accounts listed

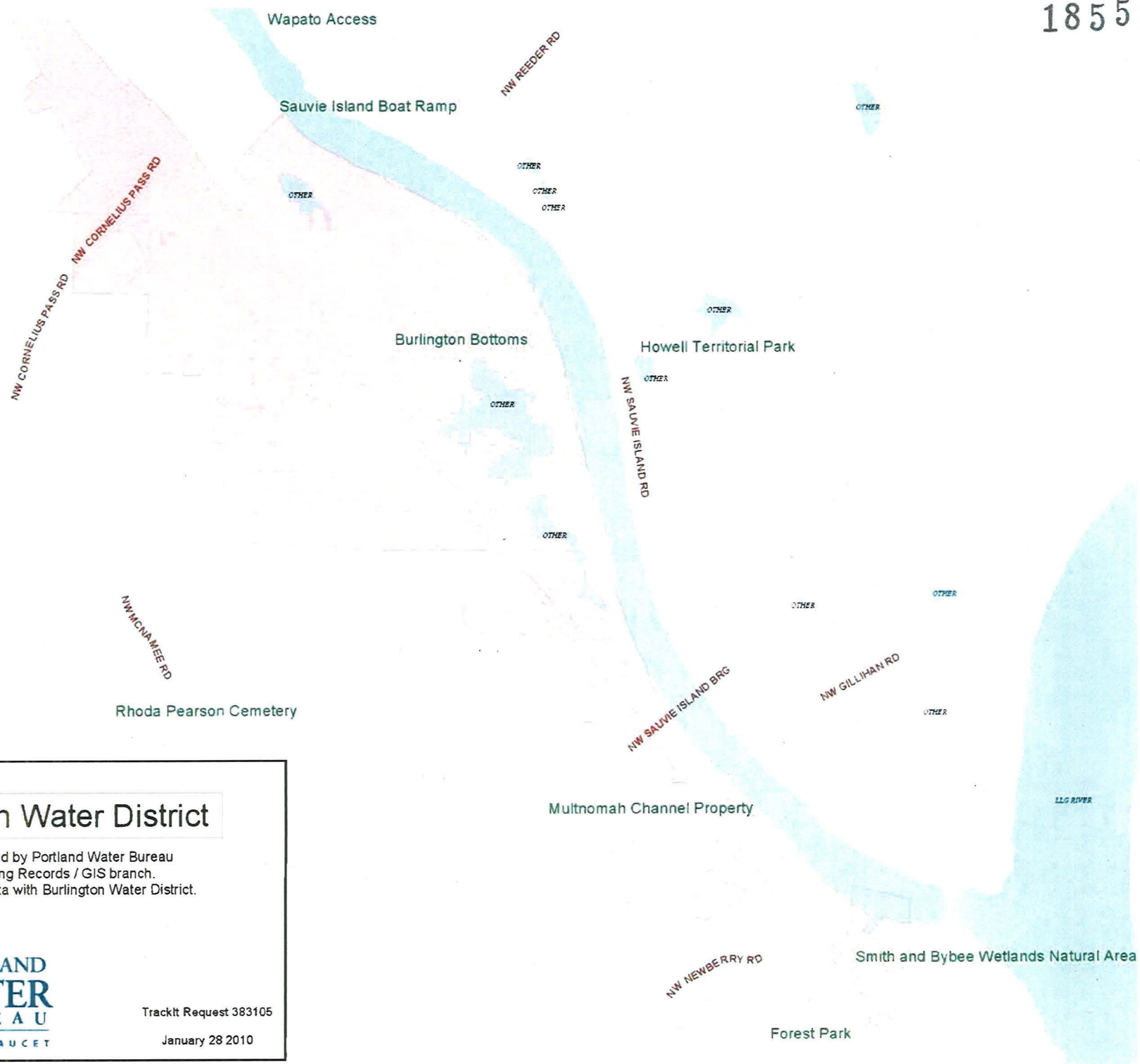
All Customers

Burlington Water District

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 Napeto 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.

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