

AMENDMENT NUMBER 03
2003 OREGON TRANSPORTATION INVESTMENT ACT
MODERNIZATION PROGRAM AGREEMENT
SW Moody Avenue: SW River Parkway – SW Hamilton Court
City of Portland

The **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "ODOT," and the **City of Portland**, acting by and through its elected officials, hereinafter referred to as "CITY," entered into an Agreement on May 18, 2010, Amendment Number 1 on February 22, 2011, and Amendment Number 2 on January 13, 2013. Said Agreement covers the funding and obligations of the Parties regarding the CITY's modernization improvements on SW Moody Avenue from SW River Parkway to SW Gibbs Street.

It has now been determined by ODOT and CITY that the Agreement referenced above shall be amended to extend the Project boundary beyond SW Gibbs to SW Hamilton Court and to extend the completion date. The purpose for extending the boundary is in accordance with Recital No. 7 of the original Agreement No. 26277 which states the improvements are part of City and ODOT's plans to improve transportation access to and from the adjacent freeway systems to and from the rapidly growing urban area of the South Waterfront District. Such access is necessary for expected growth of the District. The purpose for extending the completion date is to address the potential for south portal access improvements at SW Hamilton Court. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

Revised Exhibit A Project Description page shall be deleted in its entirety and replaced with the attached Revised Exhibit A-1 Project Description and Budget. All references to "Revised Exhibit A Project Description page" shall hereinafter be referred to as "Revised Exhibit A-1 Project Description and Budget."

Exhibit A Project Vicinity Map shall be deleted in its entirety and replaced with the attached Exhibit C, Project Vicinity Map. All references to "Exhibit A Project Vicinity Map" shall hereinafter be referred to as "Exhibit C Project Vicinity Map."

Insert new Exhibit C, Project Vicinity Map, attached hereto.

RECTIALS, Paragraph 1, Page 1, which reads:

1. SW Moody Street, River Parkway and Gibbs Street are a part of the CITY street system under the jurisdiction and control of CITY.

Shall be deleted in its entirety and replaced with the following:

1. SW Moody Street, River Parkway, Gibbs Street, Curry Street, and SW Hamilton Court are a part of the CITY street system under the jurisdiction and control of CITY.

Insert new RECITALS, Paragraph 9, to read as follows:

9. CITY and ODOT entered into Agreement No. 21679 on October 15, 2004 for various HWY 43 (Macadam Avenue) interim improvements including the installation of a traffic signal at the intersection of Macadam and SW Curry Street. The Project under this Agreement No. 26277 will make some modifications to said signal. All maintenance and power cost responsibilities for said signal shall remain as stated in Agreement 21679.

TERMS OF AGREEMENT, Paragraph 1, Page 2, which reads:

1. CITY shall make modernization improvements, SW Moody Avenue: SW River Parkway - SW Gibbs Street, hereinafter referred to as "Project". A Project description, budget, and sketch map, showing the location and approximate limits of the Project is shown on Exhibit "A", attached hereto and by this reference made a part hereof. Work under this Agreement shall be for the preliminary engineering (PE) phase of the Project as described in Exhibit A.

Shall be deleted in its entirety and replaced with the following:

1. CITY shall make modernization improvements, SW Moody Avenue: SW River Parkway - SW Hamilton Court, hereinafter referred to as "Project." A Project description and budget are shown on Revised Exhibit A-1, attached hereto and by this reference made a part hereof. A sketch map, showing the location and approximate limits of the Project is shown on Exhibit "C," attached hereto and by this reference made a part hereof.

CITY OBLIGATIONS, Paragraph 3, Pages 3 and 4, which reads:

3. CITY shall provide ODOT with sufficient information to complete a Project prospectus to ensure ODOT can track the Project using ODOT's reporting systems.
 - a. CITY shall submit documentation to ODOT's Project Liaison that shows that CITY has met the Project key milestones. The Project key milestones, dates, and required documentation are shown below:
 - i. Planning documents listed in CITY Obligations, Paragraph 2 above: Date Quarter/Year *2nd/2010*
 - ii. Anticipated Construction Manager/General Contractor (CMGC) Selection Date Quarter/Year *4th/2010*
 - iii. Documentation: **Copies of the selection results including awarded amount and awarded contractor name.**
 - iv. Pre-Construction Services Contract Award: Date Quarter/Year *1st/2011*

- v. Documentation: **Notice to contractor regarding award of contract.**
- vi. Construction Services Contract Award: Date Quarter/Year *3rd/2011*
- vii. Documentation: **Notice to contractor regarding award of contract.**
- viii. Construction Completion: Date Quarter/Year *3rd/2013*
- ix. Documentation: **A letter from CITY indicating that all required construction work is satisfactorily completed and open to traffic.**
- x. Project Completion: Date Quarter/Year *4th/2013*
- xi. Documentation: **Letter from CITY indicating that the Project is complete and accompanied by CITY's final billing to ODOT. Include final accounting of all funds expended -vs- budgeted.**

Shall be deleted in its entirety and replaced with the following:

- 3. CITY shall provide ODOT with sufficient information to complete a Project prospectus to ensure ODOT can track the Project using ODOT's reporting systems.
 - a. CITY shall submit documentation to ODOT's Project Liaison that shows that CITY has met the Project key milestones. The Project key Milestones, dates, and required documentation are shown below:
 - i. Planning documents listed in CITY Obligations, Paragraph 2 above: Date Quarter/Year *2nd/2010*
 - ii. Anticipated Construction Manager/General Contractor (CMGC) Selection Date Quarter/Year *4th/2010*
 - iii. Documentation: **Copies of the selection results including awarded amount and awarded contractor name.**
 - iv. Pre-Construction Services Contract Award: Date Quarter/Year *1st/2011*
 - v. Documentation: **Notice to contractor regarding award of contract.**
 - vi. Construction Services Contract Award: Date Quarter/Year *3rd/2011*
 - vii. Documentation: **Notice to contractor regarding award of contract.**
 - viii. Construction Completion: Date Quarter/Year *3rd/2014*
 - ix. Documentation: **A letter from CITY indicating that all required construction work is satisfactorily completed and open to traffic.**

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- x. Project Completion: Date Quarter/Year 4th/2014
- xi. Documentation: **Letter from CITY indicating that the Project is complete and accompanied by CITY's final billing to ODOT. Include final accounting of all funds expended -vs- budgeted.**

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2008-2011 Statewide Transportation Improvement Program, (Key #16973) that was adopted by the Oregon Transportation Commission on November 17, 2007 (or subsequently approved by amendment to the STIP).

Signature Page to Follow

CITY OF PORTLAND, by and through
its elected officials

By _____
Mayor

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
City Attorney

Date _____

CITY Contact:

Chris Armes
Project Manager
Portland Bureau of Transportation
1120 SW 5th Avenue, Rm 800
Portland, OR 97204
503 823-7051
chris.ames@portlandoregon.gov

ODOT Contact:

Joseph Auth
Transportation Analyst
123 NW Flanders Street
Portland, OR 97209
503 731-8441
joseph.t.auth@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/Chief
Engineer

Date _____

By _____
Region 1 Manager

Date _____

By _____
District 2B Manager

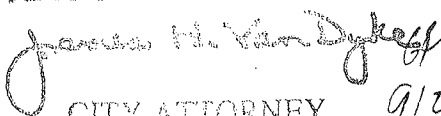
Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

APPROVED AS TO FORM


CITY ATTORNEY 9/23/13

**REVISED EXHIBIT A-1
PROJECT DESCRIPTION**

City of Portland
SW Moody Avenue: SW River Parkway – SW Hamilton Court

The South Waterfront District within the CITY is being developed to accommodate an estimated 10,000 jobs and 5,000 residences. Based on land use and trip generation assumptions, trip generations are expected to increase by more than 400 percent over the next twenty (20) years. This increase occurs even with new transit options, including increased streetcar operations and a new light rail line. The anticipated growth is expected to exceed the capacity of the existing access points for the district.

To provide for the projected vehicular and transit access needs for the District, SW Moody right of way and road design will be modified with the following changes:

- a. An additional south bound travel lane will be added from SW Sheridan to SW Gibbs Street.
- b. The existing streetcar tracks will go from a single track to double track between SW River Parkway to SW Gibbs Street
- c. The existing sidewalks and bike lanes will be reconstructed.
- d. The roadway will be realigned to provide a horizontal curve to accommodate vehicular design speeds of thirty (30) miles per hour.
- e. The grade of the roadway will be raised to accommodate the new light rail bridge between the Marquam Bridge and the Ross Island Bridge.
- f. A multi-use path will be built on the west side of SW Moody.
- g. Striping on SW Macadam Avenue to accommodate the change in operations at SW Curry and SW Macadam intersection;
- h. Signal work at the intersection of SW Macadam Avenue and SW Curry Street to prohibit the right turn across SW Macadam Avenue;
- i. Installation of the traffic separator on SW Macadam Avenue; and
- j. Sign bridge repair work and installation of signs on the structure over I-405 northbound travel lanes between I-5 and the SW Harbor Drive exit ramp (the exit ramp is signed for Naito Parkway) to direct drivers to the SW Harbor Drive exit.
- k. Finalize traffic analysis to determine the needed right-of-way changes to accommodate additional traffic volume
- l. Complete preliminary engineering between SW Gibbs Street and SW Hamilton Court to accommodate planned development in the District and minimize impact of increased traffic volume to SW Macadam Avenue.
- m. Acquire property to accommodate the new roadway configuration identified in the traffic analysis and preliminary engineering.

Project Cost Estimate		Project Financing		
Preliminary engineering & design	\$ 7,858,584	City Contribution	\$39,878,209	78%
Right of way purchase	\$ 1,250,000	OTIA	\$12,000,000	22%
Utility Relocation	\$ 6,592,254			
Construction	\$ 35,577,371			
Total	\$ 51,278,209	Total	\$51,278,209	100%

