

EXHIBIT C  
EXTRA WORK AUTHORIZATION AGREEMENT AND WAIVER  
NE 47TH AVENUE & COLUMBIA BLVD.  
BUS PULLOUT DESIGN

PARTIES: City of Portland "CITY"  
Local Improvement District Program  
1120 SW Fifth Avenue, Suite 800  
Portland, OR 97204

AND

Tri-County Metropolitan Transportation District of Oregon "TriMet"  
1800 SW 1st Avenue, Suite #300  
Portland, OR 97201

DATED: September \_\_\_\_, 2019

RECITALS

- A. The Portland City Council approved formation of the NE 46th Avenue & Bryant Street Local Improvement District ("LID") on January 16, 2019 with the passage of Ordinance No. 189347 which includes frontage (street, sidewalk and stormwater) improvements to NE 42nd Avenue, NE Columbia Blvd., and NE 46th Avenue.
- B. Non-TriMet properties benefitting from frontage improvements have an estimated assessment rate of \$6.38 per assessable square foot. TriMet properties benefitting from frontage improvements have an estimated assessment rate of \$6.84 per assessable square foot reflecting additional costs of constructing NE Bryant Street at the request of TriMet.
- C. City Council ("Council") authorized the negotiation of Extra Work Agreements per directive 'i' of Ordinance #189347 approved by Council on January 16, 2019, but this

Ordinance did not include authorization to execute Extra Work Agreements without Council approval.

- D. The TriMet property (“Property”) for which TriMet has acquired early possession through its condemnation authority is described in Attachment 1, is within the LID boundary, receives special benefit from the LID and is subject to a future assessment for the LID. The estimated project assessment for the work identified in Exhibits A and F of Ordinance No. 185190 (“Project Work”) for this property is \$8,463,612.13 per pending lien number 165151.
- E. The parties wish to improve frequent service transit service operations and safety in this area to help achieve the City’s multimodal transportation and climate change goals by allowing the Bureau of Transportation (“PBOT”) at the direction of the Local Improvement District Administrator (“LID Administrator”) to have the LID design bus pullout improvements that have been requested by TriMet. This will be additional work added to the scope of the LID (“Extra Work”).
- F. TriMet through this Agreement agrees to allow PBOT to perform such work and agrees to an additional extra work assessment by the LID. The estimated amount is \$39,710.00 per Kittelson & Associates’ scope and fee proposal dated June 20, 2019 for a total estimated assessment for this property to \$8,503,322.13.
- G. None of the costs of this Extra Work will be borne by other property owners in the LID or by any City bureaus; however, the Extra Work costs will be eligible for 5, 10 and 20-year financing upon final assessment currently anticipated to occur in spring 2022.
- H. TriMet has acquired early possession through its condemnation authority for additional properties not described in Attachment 1, which are within the LID boundary, receive special benefit from the LID and are subject to future assessments for the LID. The estimated project assessment for the work identified in Exhibits A and F of Ordinance No. 185190 (“Project Work”) for these additional properties are \$62,642.66 per pending lien number 165838 and \$484,116.30 per pending lien number 165849 which are not affected by this Extra Work Agreement.

**AGREEMENT**

THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

1. City and TriMet agree that this Extra Work provides special benefit for this property and improves safety on NE Columbia Blvd. by allowing bus operator road reliefs to occur on frequent service bus line #75 outside westbound and eastbound travel lanes.
2. The Extra Work scope to be performed by PBOT includes the following work:
  - a. Design an eastbound bus pullout on NE Columbia Blvd. between NE 46th and NE 47th Avenues as close to NE 47th Avenue as is feasible per traffic engineering standards to accommodate two (2) forty (40) foot length buses; and
  - b. Design a westbound bus pullout on NE Columbia Blvd. between NE 46th and NE 47th Avenues as close to NE 47th Avenue as is feasible per traffic engineering standards to accommodate two (2) forty (40) foot length buses.
3. The Extra Work scope to be performed by PBOT does not include the following work:
  - a. Right-of-way acquisition; nor
  - b. Construction.
4. TriMet will pay costs for the additional work, the cost of which will be assessed to TriMet as a part of the LID regardless of whether TriMet elects to execute a separate and subsequent Extra Work Agreement for right-of-way acquisition and construction of the bus pullouts. The design costs are currently estimated at \$39,710.00 and are guaranteed.
5. TriMet agrees to the LID waivers, terms and conditions as set forth in Attachment 2, incorporated herein by this reference.

- 6. To the full extent permitted by the Oregon Tort Claims Act and the Oregon Constitution, TriMet will indemnify, defend, and hold City harmless from and against all claims arising from or related to TriMet’s construction, operation, or maintenance of the improvements or facilities that are the subject of this Agreement, except to the extent that such claims arise from or are related to the negligence or willful misconduct of City. To the full extent permitted by the Oregon Tort Claims Act and the Oregon Constitution, City will indemnify, defend, and hold TriMet harmless from and against all claims arising from or related to City’s design of the improvements or facilities that are the subject of this Agreement, except to the extent that such claims arise from or are related to the negligence or willful misconduct of TriMet.

Agreed to as of the date set forth above.

CITY OF PORTLAND

Approved as to Form:

\_\_\_\_\_  
 Tracy Reeve  
 City Attorney

By:

\_\_\_\_\_  
 Andrew H. Aebi  
 LID Administrator

Tri-County Metropolitan Transportation District of Oregon

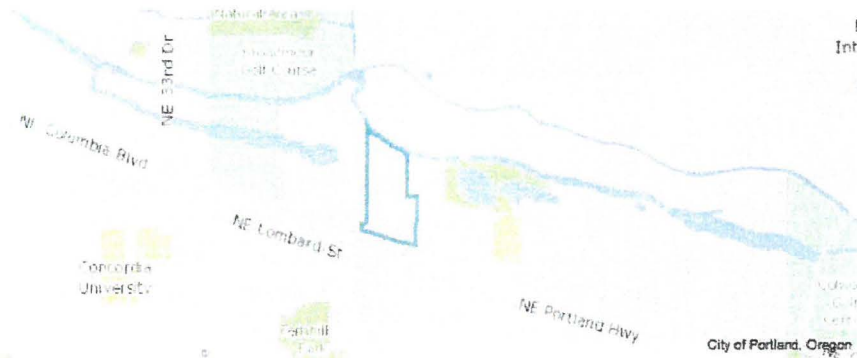
By:

\_\_\_\_\_  
 Lance Erz, Director of Real Property

# ATTACHMENT 1 PROPERTY DESCRIPTION Assessor Data Updated July 29, 2019

PortlandMaps: 4421 NE COLUMBIA BLVD

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**4421 NE COLUMBIA BLVD**  
**PORTLAND, OR 97218**

**ASSESSOR**

<b>Address</b>	4421 NE COLUMBIA BLVD	<b>Owner Name</b>	MADRONA COLUMBIA LLC-50% & VW CAT L
<b>Address2</b>	PORTLAND, OR 97218	<b>Address</b>	210 SW MORRISON ST #600 PORTLAND, OR 97204
<b>City</b>	PORTLAND	<b>Type</b>	OWNER (PRIMARY)
<b>Property ID</b>	R317579		
<b>Tax Roll</b>	SECTION 18 1N 2E, TL 200 28.76 ACRES		
<b>Use</b>	WHSE GENERAL/MISC		
<b>Lot</b>	TL 200		
<b>County</b>	Multnomah		
<b>State ID</b>	1N2E18B 200		
<b>New State ID</b>	1N2E18B-00200		
<b>Alt Account Number</b>	R942182850		
<b>Map Number</b>	2335 OLD		
<b>Related Accounts</b>	<input type="text"/>		
<b>Land Type</b>	INDUSTRIAL LAND		
<b>Total Land Area</b>	28.76 acres		
<b>Assessor Update Date</b>	07/29/2019 4:16PM		

[https://www.portlandmaps.com/detail/assessor/4421-NE-COLUMBIA-BLVD/R317579\\_did/](https://www.portlandmaps.com/detail/assessor/4421-NE-COLUMBIA-BLVD/R317579_did/) 8/5/2019

LID Extra Work Agreement for 4421 NE Columbia Blvd. 8/06/19 version revised (Page 5 of 7)

Initials: \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACHMENT 2**  
**LID WAIVERS, TERMS AND CONDITIONS**

THEREFORE, in consideration of the mutual covenants and conditions contained herein, TriMet agrees as follows:

1. This Agreement must be received by the City's LID Administrator via U.S. Mail or delivered in person by September 15, 2019 for the City to design the Extra Work.
2. All rights to a public hearing on the formation of the LID or inclusion of Extra Work within the LID, on the scope of the improvements to be made, on the method for apportioning final Project Work and Extra Work costs, and on the amount of the final assessment are waived.
3. All rights to remonstrate against formation of the LID or inclusion of Extra Work within the LID are waived.
4. All rights to object to final assessment of the LID are waived.
5. All irregularities or defects, jurisdictional or otherwise, in the process by which the Project Work and Extra Work are made to the property subject to this Agreement, or in the process by which the LID was formed or administered, or by which final assessment was made are waived.
6. The City shall assess benefited property in a manner substantially similar to the apportionment method identified in Directive 'e' of Ordinance No. 189347 for project costs excluding the costs of this Extra Work Agreement, and will assess these Extra Work costs solely to the property identified in Attachment 1.
7. This Extra Work Agreement is for the benefit of the City of Portland, intended as an obligation of the benefited property as identified in Attachment 1, and binds all subsequent purchasers. Special assessments, which result in construction of local improvements, including Project Work and Extra Work identified in this Agreement, are a lien on real property, enforceable through foreclosure and property sale.

8. TriMet agrees that the City of Portland will remove the lien on the property identified in Attachment 1 only when the obligation has been satisfied in full for both Project Work and Extra Work, but bonding is not currently being required.