

RIGHT OF WAY AGREEMENT
INTERSTATE TRANSFER PROJECT
GREELEY AVENUE CONNECTION TO I-5
PACIFIC HIGHWAY

148672

Agreement No. _____

THIS AGREEMENT, made and entered into, by and between the CITY OF PORTLAND, a municipal corporation of the State of Oregon by and through its City officials, hereinafter called "City" and the STATE OF OREGON, by and through the Department of Transportation, Highway Division, hereinafter called "State";

W I T N E S S E T H :

RECITALS:

1. By authority granted in certain ORS provisions City entered into an Urban System Project Agreement concerning improvement of Greeley Avenue Connection to I-5 Section of Pacific Highway. City officials have acted in this matter pursuant to Ordinance No. _____ adopted by its City Council on the _____ day of _____, 19 ____.
2. City is willing and able to finance its pro rata share of the right of way and relocation costs and all expenses incurred by the acquisition program.
3. State has a Right of Way Staff capable of performing the real property acquisition phase for the project and is also capable of assisting City in preliminary phases leading up to the acquisition phase of the project.
4. City and State propose to enter into this agreement for the purpose of employing State to perform services in the acquisition phase and other phases preliminary thereto for the project. City and State hereby pledge complete cooperation with each other to accomplish the project.

NOW THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

I

City agrees to and hereby does employ State and State agrees to act for City in performing the services hereinafter called for in this agreement in connection with the project. The parties hereto mutually agree to the following:

II

THINGS TO BE DONE

A. Preliminary Phase

1. State will provide survey approval and notice when FHWA funds are approved for the project.
2. State will provide estimate of real property costs, temporary easements, moving costs, incidentals, and demolition.

B. Acquisition Phase

1. General

- a. Both parties will strictly follow the laws, policies and procedures of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", Federal-Aid Highway Program Manual Volume 7 and State of Oregon Right of Way Manual, Official Publication 74-4.
- b. State will pay all costs of real property, temporary easements and cost of services as set out in General Provisions.
- c. State will provide City with a status report of the project every 30 days.
- d. City will certify to the Right of Way Supervisor that the right of way is clear five weeks ahead of contract letting.

2. Legal Descriptions

- a. City will provide sufficient surveys, vesting deeds, maps and other data, so that legal descriptions of the property can be written.
- b. State will write legal descriptions, prepare property map, assign a file number and type option agreements.
- c. City to specify use to be made of property (nature of interest to be acquired) (duration of interest, if not perpetual).

3. Real Property and Title Insurance

- a. State will order preliminary title reports and title insurance at the appropriate times.
- b. State will provide encumbrance report.
- c. City will check encumbrances and notify State which are objectionable.
- d. City will approve sufficiency of title.

4. Appraisal Process

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- a. State will appraise real property to be acquired.
- b. State will make review appraisal by qualified senior appraiser.
- c. State will submit review appraisal to City who will promptly approve or disapprove the amount and notify State.
- d. Appraiser(s) to testify in court whenever and if need arises.

5. Negotiation

- a. State will handle this function.
- b. All monetary offers are to be made to the land owner in writing at the review and approved figure. Offers and options above the approved figure are to have advance approval by City and options are to be accompanied by an administrative review justification.
- c. All proposed legal settlements made by City over the reviewed and approved figure are to be cleared with the State, prior to settlement, to assure compliance with applicable regulations.

6. Relocation

- a. State will provide replacement housing benefit computations, moving cost estimates, incidental cost estimates and relocation review service.
- b. State will submit additive computations to City who will promptly approve or disapprove the amount and notify State.
- c. State will provide all relocation services to relocatees, process all claims and pay promptly.
- d. State will promptly establish an appeal procedure whereby displacees are informed of the procedure at the outset of negotiations.
- e. State will assist and provide necessary evidence at relocation appeal hearing.

7. Property Management

- a. State will take possession of properties as tenants move out.
- b. State will handle disposal of all improvement and excess land.

C. Closing Phase

1. State will process options and settlements at the amount approved by City.
2. State will draw deeds and necessary releases and satisfactions and have them executed and recorded.
3. State will make payments for all property, incidental expenses, and relocation claims.
4. State will provide City with copies of all pertinent letters, title reports, deeds, other recorded documents, and obligations of real property acquisition.

D. Condemnation

1. State, upon request, will provide formats for condemnation resolutions, legal letters of offer, complaints and summons.
2. City will handle entire condemnation action.
3. City will send written request to State for any additional appraisals required for condemnation.
4. State will obtain appraisal and have reviewed by qualified senior appraiser.
5. State will submit reviewed appraisal to City for approval and use by their Attorney. The Attorney will offer the land owner or his representative the reviewed and approved figure.

GENERAL PROVISIONS

1. State, in the first instance, shall pay all costs of the project, collect Federal Aid funds from the Federal Highway Administration in the usual manner, and furnish City with an itemized statement of the actual cost of the project as soon as the same is available.

2. It is expressly understood that City shall contribute to the actual total cost of the project as follows:

City shall contribute 100 percent of the difference between the actual total cost of the project and the amount contributed by the Federal Government.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the day and year hereafter written.

The State Highway Engineer, acting under delegated authority from the Oregon Transportation Commission, authorized the Right of Way Manager to approve and execute this contract on behalf of the Commission.

Dated this 5 day of October, 1979.

APPROVED AS TO FORM:

James S. Seaton
Asst. Attorney General
and Counsel

STATE OF OREGON, by and through
its DEPARTMENT OF TRANSPORTATION
Highway Division

J. B. Boyd
J. B. Boyd, Right of Way Manager

APPROVED:

CITY OF PORTLAND, by and through
its City Officials

City Engineer

By _____
Mayor

By _____
Commissioner of Public Works

City Attorney

ORDINANCE NO. 148672

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation, Highway Division, providing for right-of-way acquisition for the Greeley Avenue connection with I-5 including acquisition of real property, construction easements and all related right-of-way requirements for the project, authorizing payment and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 31543, passed March 19, 1975, the City requested inclusion of the N Greeley ramp connection with I-5 in the Columbia Region Association of Government's (now Metro's) Transportation Improvement Program.
2. Ordinance No. 142561, passed by Council September 29, 1976, authorized Agreement No. 15707 providing for preliminary engineering for this project.
3. Resolution No. 32237, adopted by Council on September 14, 1978, recommended construction of Alternate 3.
4. Metro included \$850,000 in funds for right-of-way acquisition for the Greeley/I-5 project in the 1979-80 element of the Transportation Improvement Program adopted August of 1979.
5. The 1979-80 budget of the Bureau of Street and Structural Engineering contains \$127,500 to pay the local share of the right-of-way acquisition costs.
6. In order for the State to proceed with right-of-way acquisition, the State must provide the Federal Highway Administration with a right-of-way acquisition program including a City/State agreement describing the responsibilities and the scope of work to be performed by each party.

NOW, THEREFORE, the Council directs:

- a. By this Ordinance, the Mayor and Commissioner of Public Works are authorized to sign, on behalf of the City, an agreement similar in form to the agreement attached to the original of this Ordinance, marked Exhibit A, and by this reference, made a part thereof.
- b. The Mayor and the Auditor hereby are authorized to draw and deliver a warrant chargeable to General Fund, Bureau of Street and Structural Engineering, Miscellaneous Services (159.260) when demand is presented, approved by the proper authorities.

ORDINANCE No.

Section 2. The Council declares that an emergency exists in order to avoid undue delay in obtaining Federal approval to begin right-of-way acquisition and subsequent construction of this project, and therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Approved by the City of Portland, OR
GEORGE YERKOVACH

Filed OCT 1 2 1979

emergency.
authorizing payment and declaring an
right-of-way requirements for the project,
construction easements and all related
including acquisition of real property,
the Greeley Avenue connection with I-5
providing for right-of-way acquisition for
ment of transportation, Highway Division,
into an agreement with the Oregon Depart-
An Ordinance authorizing the City to enter

Title

ORDINANCE No. 148672

Calendar No. 30002

Mayor of the City of Portland

Auditor of the City of Portland

Passed by the Council, OCT 24 1979

Commissioner Mike Lindberg
Steve Riddell:mmc
October 15, 1979
BUC 15900156/2460 Object 260

Attest:

Calendar No.3665

ORDINANCE No. 148672

Title

THE COMMISSIONERS VOTED AS FOLLOWS:	
	Yeas
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

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Filed OCT 19 1979

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By George Yerkovich
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <u>MLH</u>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: <u>Steve Riddell</u> Date: <u>10-15-79</u>
Budget Impact Review: <u>mmc</u>
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <u>David Vargas</u>
David Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor <u>MLH</u>
City Engineer Approved: <u>John M. Layd</u>
John M. Layd, Acting City Engr.
By: <u>John M. Layd</u>