

Approved: Sollis, Bothman & Boyd
MCH:pf
4/24/80
Revised: 5-6-80

Misc. Contracts & Agreements
No. 5571

SUPPLEMENTAL AGREEMENT

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, Highway Division, hereinafter referred to as "State"; the CITY OF PORTLAND, a municipal corporation within the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City"; and the PORTLAND DEVELOPMENT COMMISSION, an Agency of and acting for the City of Portland, Oregon, hereinafter referred to as "Commission".

W I T N E S S E T H

RECITALS

1. By the authority granted in certain ORS provisions, State and Commission entered into an agreement, dated February 19, 1976, concerning the realignment and reconstruction of S.W. Front Avenue, and providing for the allocation of costs of said improvements.
2. It has now been determined by State, City and Commission that the aforementioned agreement, although remaining in full force and effect, should be supplemented by this agreement in the manner hereinafter set forth in order to provide for a settlement of overruns of costs for said improvements as reflected in the final computations; and to provide for the relinquishment of that portion of Front Avenue lying between N.W. Couch Street and S.W. Market Street to the City of Portland for city street purposes.
3. By the authority granted in ORS 373.010 and ORS 373.015, whenever the route of any state highway passes through the corporate limits of any city, State may locate, relocate, reroute, abandon, alter, or change such routing when in its opinion the interests of the motoring public will be better served.
4. By the authority granted in ORS 271.330(1) State, or any political subdivision within the State, has the express power to relinquish the title to any of its property to any other governmental body or political subdivision within the State, provided such property shall continue to be used for public purposes.
5. By the authority granted in ORS 366.300, State and City may enter into agreements for the disposition of sections of any state highway that may be eliminated from the original route by reason of relocation or realignment of the highway where the sections to be eliminated are needed for the service of persons living thereon or for a community served thereby.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, and in consideration of the mutual obligations contained herein, it is agreed by and between the parties hereto as follows:

STATE OBLIGATIONS

1. State shall, upon execution of this agreement, dispose of, for public purposes only, all State's right, title and interest in that portion of Front Avenue lying between N.W. Couch Street and S.W. Market Street. All jurisdiction, maintenance and control thereupon shall pass to City to be performed at its sole expense.

2. State hereby relieves the Commission of a \$50,000 portion of the actual total cost of the Front Avenue improvement project.

CITY OBLIGATIONS

1. City shall, upon execution of this agreement, assume at its sole expense all jurisdiction, maintenance and control of that portion of Front Avenue lying between N.W. Couch Street and S.W. Market Street, with all State's right, title and interest therein or thereupon passing to City.

2. City shall establish a sinking fund to be used for the future maintenance and repair of that portion of Front Avenue covered by this agreement.

3. City shall adopt an ordinance authorizing its designated City Officials to execute this agreement and the same shall be attached hereto and become a part hereof.

COMMISSION SERVICES

1. Commission shall, upon execution of this agreement, disburse the sum of \$206,786.26 in the following manner:

- ~~_____~~
- (1) Forward to State a check or warrant in the amount of \$156,786.26 as final payment of Commission's share of the actual total costs of the S.W. Front Avenue improvement project;

- (2) Transfer to the City of Portland the sum of \$50,000 to be placed in a sinking fund dedicated to the future maintenance and repair of Front Avenue.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. City has acted in this matter pursuant to Ordinance No. _____, adopted by its City Council on the _____ day of _____, 1980.

The Oregon Transportation Commission, by a duly adopted delegation order, authorized its Chairman or Vice Chairman to act in its behalf in approving this agreement. Approval was given for this agreement on _____ by _____, which approval is on file in the Commission records. The delegation order also authorizes the State Highway Engineer to execute the contract on behalf of the Commission.

APPROVAL RECOMMENDED

Metropolitan Administrator

APPROVED AS TO FORM

City Attorney

STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

*

State Highway Engineer

CITY OF PORTLAND, by and through
its designated City Officials

By _____

Mayor

By _____

Commissioner of Public Works

PORTLAND DEVELOPMENT COMMISSION

By _____

Chairman

By _____

Secretary

* STATE OF OREGON, County of Marion.

_____, 19____. Personally appeared H. S. Coulter, who being sworn, stated that he is the State Highway Engineer for the State of Oregon, Department of Transportation, Highway Division, and this document was voluntarily signed on behalf of the State of Oregon, by authority delegated to him.

BEFORE ME:

Notary Public for Oregon

My Commission expires _____

ORDINANCE NO. 149605

An Ordinance authorizing a tri-party supplemental agreement between the City and the Portland Development Commission and the State of Oregon, acting by and through its Department of Transportation, Highway Division, to provide for transfer of the State of Oregon's interest in that portion of Front Avenue lying between N.W. Couch Street and S.W. Market Street, providing for acceptance of maintenance responsibilities and transfer of funds from the Portland Development Commission to the City for future maintenance of Front Avenue, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That the State of Oregon, Department of Transportation, and the Portland Development Commission entered into an agreement dated February 19, 1976 concerning the realignment and reconstruction of S.W. Front Avenue and providing for the allocation of costs of said improvement;
- (2) That it has now been determined by the State, City and the Portland Development Commission that the former agreement, although remaining in full force and effect should be supplemented by this tri-party agreement in order to provide for settlement of overruns of costs of said improvements and to provide for the relinquishment of that portion of Front Avenue lying between N.W. Couch Street and S.W. Market Street to the City of Portland for city street purposes;
- (3) The State of Oregon shall relinquish to the City of Portland for public purposes all the State's right, title and interest in that portion of Front Avenue lying between N.W. Couch Street and S.W. Market Street and the City shall thereafter assume maintenance and control of such property;
- (4) Portland Development Commission shall transfer to the City the sum of \$50,000 to be placed in a sinking fund dedicated to the future maintenance and repair of Front Avenue;

NOW, THEREFORE, the Council directs:

- (a) That the Mayor and Commissioner of Public Works are hereby authorized to enter into a tri-party supplemental agreement between the City and the State of Oregon, acting by and through its Department of Transportation, Highway Division, and the Portland Development Commission, such agreement to be in accordance with the form of agreement attached to this ordinance.

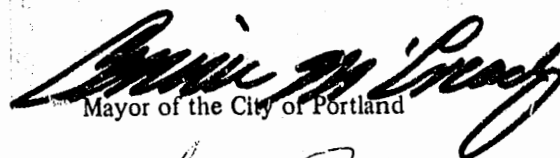
Section 2. The Council declares:

In order that the supplemental agreement herein authorized may be

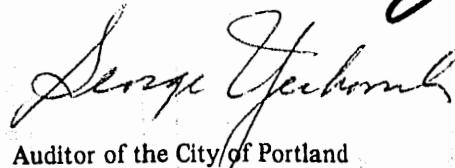
ORDINANCE No.

entered into and certain portions of S.W. Front Avenue made available to the City for public purposes without undue delay, therefore, an emergency exists, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAY 14 1980
Mayor McCready,
Commissioner Lindberg, and
Commissioner Schwab
RLHurtig/fg
May 8, 1980


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 1618

ORDINANCE No. 149605

Title

An Ordinance authorizing a tri-party supplemental agreement between the City and the Portland Development Commission and the State of Oregon, acting by and through its Department of Transportation, Highway Division, to provide for transfer of the State of Oregon's interest in that portion of Front Avenue lying between N.W. Couch Street and S.W. Market Street, providing for acceptance of maintenance responsibilities and transfer of funds from the Portland Development Commission to the City for future maintenance of Front Avenue, and declaring an emergency.

Filed MAY 9 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon Croce
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY

Mayor McCready and Commissioners
Lindberg and Schwab

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Prepared By:

Date:

RLHurtig/fg May 8, 1980

Budget Impact Review:

☐ Completed

☐ Not required

Bureau Head:

NOTED BY

City Attorney

City Auditor

City Engineer