

Exhibit A

A G R E E M E N T

THIS AGREEMENT, made and entered into this _____ day of _____, 1944, by and between the STATE OF OREGON, by and through its State Highway Commission, hereinafter called the "State", party of the first part, and the CITY OF PORTLAND, a municipal corporation of the State of Oregon, by and through its duly constituted authorities, hereinafter called the "City", party of the second part;

W I T N E S S E T H :

RECITALS:

1. The parties to this agreement heretofore, to wit: on the twenty-fourth day of July, 1941, entered into an agreement, the effective date of which was April 1, 1940, wherein and whereby the parties undertook to acquire real properties in the City of Portland which were necessary for rights ~~of~~ and other street and highway purposes in connection with the promotion and accomplishment of the street and highway project known and described as the Front Avenue Project or development.

2. In and by said agreement the parties undertook to acquire certain real property by joint endeavor, and pay therefor on the basis of sixty per cent of the cost by the City and forty per cent of the cost by the State.

3. Prior to the execution of said agreement it had been estimated that the total cost of the necessary real properties would be the estimated sum of \$2,000,000, for which purpose the State allocated of its funds available the sum of \$800,000, and the City allocated out of its funds authorized and available for such purpose the sum of \$1,200,000.

4. Likewise, prior to the execution of said agreement, it was estimated (based on plans and specifications then approved and on requirements then fixed) that the cost of necessary real properties would be the sum of \$2,000,000. However, due to changes in plans which made necessary the acquisition in some instances of entire, and in other instances additional, properties, the estimated cost has been increased to \$2,240,000.

5. These parties have now mutually agreed with respect to the acquisition of the additional real properties and with respect to payment therefor.

NOW, THEREFORE, based in part upon the foregoing recitals but based also on other matters, it hereby is agreed as follows:

GENERAL CONDITIONS AND UNDERSTANDINGS:

1. There have been acquired, as of May 1, 1944, for the Front Avenue Project real properties reaching a total cost of \$1,808,083.23, toward which cost the State has paid \$723,233.29 and the City has paid \$1,084,849.94.

2. It is recognized by these parties, based upon information and data now available and on plans now under consideration, that the unacquired but necessary real properties for said project will cost an estimated sum of \$531,916.77. If said sum were apportioned between the State and the City on the basis of sixty per cent by the City and forty per cent by the State, the City's pro rata share would be \$319,150.06 and the State's pro rata share would be \$212,766.71.

3. It is further recognized that the City, having disbursed or contributed of its original allocation of \$1,200,000 the sum of \$1,084,849.94, has unexpended but available for expenditure from said original allocation

the sum of \$115,150.06. It is also recognized that the State, having disbursed of its original allocation of \$800,000 the sum of \$723,233.29, has unexpended but available from said original allocation the sum of \$76,766.71.

4. It is also recognized that since the acquisition of real properties for said project the City and State have received as rentals for some of said properties the sum of \$27,557.35, sixty per cent of which, or the sum of \$16,534.41, has accrued to the City, and forty per cent of which, or the sum of \$11,022.94, has accrued to the State.

5. It is acknowledged, too, that in the acquisition of some of said properties it was deemed advisable to acquire entire properties even though only a part thereof was actually necessary for said project.

6. Some of said excess properties have been sold, resulting in proceeds therefrom in the sum of \$2,650.40, sixty per cent of which moneys, or \$1,590.24, has accrued to the City, and forty per cent of the sum, or \$1,060.16, has accrued to the State.

7. It is recognized, too, that there are still in the ownership of the State and the City other excess properties which were acquired in connection with and as a part of said project, the estimated reasonable cash market value of which cannot at this time be determined, which said properties may, when such action is deemed in the interests of the general public, be sold and the proceeds derived therefrom apportioned to the State and the City on the basis of forty per cent to the State and sixty per cent to the City.

8. It is further recognized and admitted that the City is without funds available and at its disposal for expenditure or disbursement in the purchase of real properties needed for said Front Avenue Project in excess of the said \$1,200,000, plus such additional amounts as have, or will, accrue

to the City from rentals and sales of properties acquired or to be acquired.

9. It is recognized that the completion of said project is essential to the best interests and welfare not only of the City but of the State at large, and, therefore, for the purpose of making possible the acquisition of the unacquired necessary real properties these parties have reached a mutual agreement with respect to all matters essential to the accomplishment of said project.

10. The several sums or amounts contributed by the State and/or by the City and the several sums or amounts accruing to the City and/or to the State from rentals and from sales of real property are estimates or are sums or amounts which although correct as of the date computed would not necessarily be correct as of the date of the execution of this agreement because of sales of real property made subsequent to the date upon which said amounts were computed and because of rentals paid subsequent to said date. It is therefore understood and agreed that, in so far as said sums or amounts affect the respective obligations of these parties, the actual sums or amounts determined as the result of a complete audit of the books and accounts of the City and the books and accounts of the State shall prevail.

11. As soon as practicable after all the real properties needed for right of way or for other purposes in connection with the said project have been acquired by purchase or otherwise, or as soon as the City's funds as provided herein have been exhausted a complete statement showing in detail all of the purchases made by the City and the State jointly and by the State alone shall be prepared and the accounts of the City and of the State with respect to said project shall be audited, in connection with which audit proper and appropriate charges shall be made and proper and appropriate credits

allowed.

THINGS TO BE DONE BY THE STATE:

1. Continue to cooperate with the City in the acquisition of necessary but yet unacquired real properties, the cost of which real properties is to be paid by the State and the City on the established pro rata share of forty per cent by the State and sixty per cent by the City, until funds available for and at the disposal of the City, which funds are hereinafter set out, have been exhausted.

2. When the City's available funds have all been disbursed for the payment of the City's pro rata share of the acquisition of said real properties, then the State shall with its own funds, and/or with such funds as are now available or may hereafter be made available to the State for such purpose, procure and acquire title to the remaining real properties needed for the completion of said project. In this connection it is contemplated that the State will be called upon to contribute of its own funds over and above its originally estimated share of \$800,000, plus additional amounts received or to be received from the aforesaid rentals and sales of excess properties acquired, a sum estimated to be \$309,792.25, less the unexpended portion of the \$50,000.00 budgeted by the City for engineering and less such sums or amounts as may have been or may hereafter be received from rentals and sales of properties acquired as herein provided.

THINGS TO BE DONE BY THE CITY:

1. The City shall use and employ for the purpose of meeting its pro rata share of the cost incident to the acquisition of unacquired but needed real properties for said project the following funds:

(a) All of the unexpended balance of the \$1,200,000 bond money authorized for said project;

(b) All of the City's share of rentals heretofore or hereafter received from properties heretofore or hereafter acquired for said project;

(c) All of the City's share of moneys received or to be received as the result of sales heretofore or hereafter made of excess or other properties acquired in connection with and for said project; and

(d) All of the unexpended balance of the \$50,000-item budgeted by the City for engineering costs.

2. The City agrees to cooperate with the State in the acquisition of real properties needed for said project but not yet acquired, and for such purpose agrees to make available the services of a competent person, and agrees further to use and employ where deemed advisable or necessary for the best interests of all concerned the City's charter or other statutory provisions and procedure for the acquisition of said unacquired real properties or any part thereof.

3. It is understood that title to any real properties, the consideration for which is paid jointly by the State and the City on the pro rata basis of forty per cent by the State and sixty per cent by the City, shall be taken in the name of the City of Portland and the State of Oregon, but title to properties acquired solely with State or Federal funds may be taken in the name of the State of Oregon, by and through its State Highway Commission; provided, however, that with respect to real properties acquired with State and/or Federal funds and title to which is taken in the name of the State alone and which real properties are employed for right of way

purposes in connection with said Front Avenue Project the same joint jurisdiction and control by the State and the City shall prevail as is employed and applied to street sections of said Front Avenue Project with respect to which the rights of way are held jointly by the State and the City.

4. Coincident with the preparation and execution of this agreement there has been prepared and has been executed by the City and the State an agreement covering the subject of the maintenance, the regulation, the jurisdiction and the control which is assumed by and vested in the City and the State with respect to all streets of said City over which state highway traffic has been directed by the Highway Commission, and in connection with which state highway funds have been employed by the State. Reference is now made to the said agreement for appropriate consideration in connection with this agreement and for such explanatory purposes as said agreement may serve.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals the day and year first above written.

ATTEST:

Secretary

APPROVED:

State Highway Engineer

APPROVED:

Chief Counsel

ATTEST:

Auditor

APPROVED AS TO FORM:

City Attorney
JMB:PW 7/10/44

STATE OF OREGON, by and through its
State Highway Commission,

By _____
As Chairman

By _____
As Commissioner

By _____
As Commissioner

Party of the First Part

CITY OF PORTLAND

By _____
Mayor

By _____
Commissioner of Public Works

Party of the Second Part

Exhibit B

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 1944, by and between the STATE OF OREGON, by and through its State Highway Commission, hereinafter called the "State", party of the first part, and the CITY OF PORTLAND, a municipal corporation of the State of Oregon, by its duly qualified municipal authorities, hereinafter called the "City", party of the second part;

W I T N E S S E T H :

RECITALS:

1. By virtue of the provisions of Section 100-122, O. C. L. A., the Commission is authorized and directed, whenever the route of a state highway passes through the corporate limits of the City of Portland, to select and designate the street or streets of such city over which said state highway or state highways shall be routed.
2. By virtue of the provisions of Section 100-123, O. C. L. A., the Commission is authorized and empowered to construct, reconstruct, pave and improve and is authorized and directed to repair and maintain the street or streets of the City of Portland which form or constitute a link in the highway system or which constitute a connection between two state highways and which street or streets have been selected by the State Highway Commission as a street or as streets of the City of Portland over which to route state highway traffic.
3. By virtue of the provisions of Section 100-124, O. C. L. A., the Commission is vested with complete jurisdiction and control from curb to curb of streets taken over by the Highway Commission as provided by law, but by the terms of said law responsibility for and jurisdiction over the

portion of said street or streets outside the curb lines is lodged in the City.

4. It is also provided by said law that with respect to certain streets in Portland the City holds and retains the right to grant privileges to open the surface of any such street, but in such event is made responsible for damage occasioned thereby.

5. It is also provided that the City of Portland with respect to said streets shall have exclusive right to grant franchises over, beneath and upon any such street and the right to control and regulate such franchises and the use thereof. It is provided, however, that the City shall grant to the State without charge the right to utilize any storm sewers on or under said streets.

6. Acting under and pursuant to the authority vested in the Commission by law, the Commission has selected and designated certain streets in the City as streets over which to route state highway traffic.

7. The State and the City have heretofore by mutual agreement accomplished the improvement of certain streets in the City of Portland and the State has maintained and is now maintaining streets over which by order of the Commission state highway traffic is being routed.

8. One of the major projects now under construction and development in the City of Portland is the project known as the Front Avenue Project, in connection with which agreements have heretofore been executed by these parties, and there has now, coincident with the execution of this agreement, been executed by these parties an agreement which supplements a former agreement relative to the acquisition of real properties acquired and to be acquired for the Front Avenue Project.

9. It is now recognized that an orderly procedure befitting the dignity and responsibility of public officials having joint jurisdiction and control over public streets calls for a proper determination and definition of the respective powers, duties and responsibilities of the City and the State with respect to streets concerning which or parts of which the City and the State have joint or separate control.

10. The purpose of this agreement is to fix and define the respective duties, controls and responsibilities of the City and the State concerning the streets hereinafter named and or described.

NOW, THEREFORE, the premises being as stated generally in the foregoing recitals, it hereby is agreed by these parties, as follows:

THINGS TO BE DONE BY THE STATE:

1. Subject to the exceptions, conditions and provisions hereinafter set forth, maintain from curb to curb the streets or parts of streets hereinafter designated over which there has been for some time past and is now being routed state highway traffic.

- A. Streets over which state highway traffic entering or leaving the city by way of the Pacific Highway East (U. S. 99E) is routed:

Union Avenue, from the north city limit (approximately 210 feet north of Northeast Columbia Boulevard) southerly to the Union Avenue Viaduct at Lincoln Street;

Union Avenue Viaduct, from Lincoln Street southerly to Grand Avenue at Caruthers Street;

Grand Avenue, from Caruthers Street southerly to McLoughlin Boulevard at Haig Street, including the ramps connecting to the east end of the Ross Island Bridge;

McLoughlin Boulevard, from Haig Street southerly to the south city limit (approximately 1255 feet south of S. E. Tacoma Avenue);

Couch Street, from Union Avenue westerly to Northeast 3rd Avenue;

3rd Avenue, from Northeast Couch Street southerly to S. E. Ankeny Street; and

Ankeny Street, from Southeast 3rd Avenue easterly to Union Avenue.

- B. Streets over which state highway traffic entering or leaving the city by way of the Pacific Highway West (U. S. 99W) is routed:

Denver Avenue, from the north city limit (approximately 188 feet north of Northeast Columbia Boulevard) southerly to a point 198.78 feet north of the center line of Argyle Street (formerly part of County Roads Nos. 905 and 1368);

Denver Avenue, from a point 198.78 feet north of Argyle Street southerly to Interstate Avenue (at Argyle Street);

Interstate Avenue, from Argyle Street southerly and easterly to Morris Street;

Interstate Avenue, from Morris Street southerly to Russell Street (formerly part of County Road No. 932);

Interstate Avenue, from Russell Street southerly and easterly to Broadway;

Broadway, from Interstate Avenue southwesterly to the east end of the Broadway Bridge;

Broadway, from the west end of the Broadway Bridge at Hoyt Street southerly to Pine Street;

Pine Street, from Broadway southeasterly to 6th Avenue;

6th Avenue, from Pine Street southwesterly to Sheridan Street;

Sheridan Street, from 6th Avenue easterly to Barbur Boulevard (at 4th Avenue);

Barbur Boulevard, from Sheridan Street southerly and westerly to the west city limit (approximately 1990 feet westerly from Southwest Terwilliger Boulevard);

4th Avenue, from Burnside Street southwesterly to Barbur Boulevard (at Sheridan Street);

Harbor Drive (as now located and/or constructed) from Interstate Avenue at Tillamook Street southerly via the Steel Bridge to Front Avenue (at Sheridan Street); including ramps to Broadway, Steel, Morrison and Hawthorne Bridges and approaches to Water Avenue at Grant Street;

Front Avenue, from Sheridan Street southerly to Barbur Boulevard (at Thomas Street);

Front Avenue, from Glisan Street southerly to Columbia Street, including those portions of the following streets connecting this section of Front Avenue to Harbor Drive: Pine, Washington, Alder, Main, Jefferson and Columbia Streets, Marine Drive from Main Street to Clay Street; and

Marine Drive, from Main Street southerly and westerly to Harbor Drive at Clay Street.

- C. Streets over which state highway traffic entering or leaving the city by way of the Oswego Highway (Oregon 43) is routed:

Kelly Avenue, from Corbett Avenue at Porter Street southeasterly to Grover Street;

Grover Street, from Kelly Avenue easterly to Macadam Avenue;

Macadam Avenue, from Grover Street southerly to Virginia Street;

Macadam Avenue, from Virginia Street southerly to the south city limit (approximately 1060 feet south of the west end of the Sellwood Bridge), including the leg of Macadam Avenue passing under the Sellwood Bridge and used by northbound traffic (formerly part of County Road No. 680).

Kelly Court, from the west end of the Ross Island Bridge at Corbett Avenue southeasterly to Gibbs Street (at Kelly Avenue); and

Gibbs Street, from Kelly Avenue easterly to Macadam Avenue.

- D. Streets over which state highway traffic entering or leaving the city by way of the Cascade Highway (Oregon 213) is routed:

82nd Avenue, from the north city limit at Prescott Street southerly to Division Street; and

82nd Avenue, from Division Street southerly to the south city limit at Flavel Street (formerly part of County Roads Nos. 575 and 488).

- E. Streets over which state highway traffic entering or leaving the city by way of the Lower Columbia River Highway (U. S. 30) is routed:

St. Helens Road, from the west city limit (approximately 2.76 miles northwest of the west end of the St. Johns Bridge)

southeasterly to Nicolai Street at 31st Avenue, including the approaches to the St. Johns Bridge (formerly part of County Road No. 1132).

Nicolai Street, from 31st Avenue easterly to Wardway at 29th Avenue;

Wardway, from Nicolai Street southerly and easterly to Vaughn Street;

Vaughn Street, from Wardway easterly to 19th Avenue;

19th Avenue, from Vaughn Street southerly to Burnside Street; and

Burnside Street, from 19th Avenue easterly to Broadway.

- F. Streets over which state highway traffic entering or leaving the city by way of the Upper Columbia River Highway (U. S. 30) is routed:

Burnside Street, from Broadway easterly to Sandy Boulevard at 12th Avenue, excluding the Burnside Bridge; and

Sandy Boulevard, from Burnside Street at 12th Avenue northeasterly to the east city limit at 82nd Avenue.

- G. Streets over which state highway traffic entering or leaving the city by way of the Columbia River Highway By-Pass (U. S. 30 By-Pass) is routed:

Philadelphia Avenue, from the east end of the St. Johns Bridge over the Willamette River northeasterly to Jersey Street;

Jersey Street, from Philadelphia Avenue southeasterly to Columbia Boulevard;

Columbia Boulevard, from Jersey Street northeasterly to Lombard Street at Oswego Avenue;

Lombard Street, from Columbia Boulevard at Oswego Avenue southerly and easterly to 10th Avenue, (from Union Avenue to 10th Avenue this street is a part of the Northeast Portland Secondary Highway); and

Northeast Portland Secondary Highway, from Lombard Street at 10th Avenue southeasterly to the east city limit (approximately 1000 feet northwest of 45th Avenue).

- d. Streets over which state highway traffic entering or leaving the city by way of the Mt. Hood Highway (Oregon 50) is routed:

Caruthers Street, from Southwest 4th Avenue easterly to 3rd Avenue;

3rd Avenue, from Caruthers Street southerly to Arthur Street;

Arthur Street, from 3rd Avenue easterly to Kelly Avenue at Front Avenue;

Kelly Avenue, from Arthur Street southeasterly to Corbett Avenue at Hooker Street;

Corbett Avenue, from Kelly Avenue southerly to the west end of the Ross Island Bridge;

Powell Boulevard, from the east end of the Ross Island Bridge easterly to the east city limit at 82nd Avenue; and

Sheridan Street, from Southwest 4th Avenue at Barbur Boulevard to 3rd Avenue.

- I. Streets over which state highway traffic entering or leaving the city by way of the Wolf Creek Highway (Oregon 2) is routed:

Canyon Road, from the west city limit northerly and easterly to Jefferson Street at the east line of Block 15, Amos N. King's Addition which is 238.7 feet west of the center line of Southwest 20th Avenue (formerly part of County Road No. 1138); and

Jefferson Street, from the east end of Canyon Road easterly to Front Avenue.

- J. Streets over which state highway traffic entering or leaving the city by way of the Beaverton-Hillsdale Highway (Oregon 10) is routed:

Capitol Highway, from the west city limit (approximately 1738 feet west of Terwilliger Boulevard) easterly to Slavin Road at Terwilliger Boulevard (formerly part of County Road No. 1050); and

Slavin Road, from Terwilliger Boulevard easterly to Barbur Boulevard (formerly part of County Road No. 1148).

- K. Streets over which state highway traffic entering or leaving the city by way of the Swift Secondary Highway (State Highway No. 120) is routed:

North Portland Road, from a point on the city limit approximately 580 feet west of the S. P. & S. R. R. Undercrossing southwesterly to Columbia Boulevard (formerly part of County Road No. 1284).

(In the foregoing descriptions the streets having two or more highways routed over them are designated once only.)

2. Subject to the exceptions and conditions hereinafter set forth, maintain from curb to curb and maintain also the ditches and slopes within the right of way of the following named streets and county roads:

B. Pacific Highway West (U. S. 99W):

Denver Avenue, from the north city limit (approximately 188 feet north of Northeast Columbia Boulevard) southerly to a point 198.78 feet north of the center line of Argyle Street (formerly part of County Roads Nos. 905 and 1368); and

Interstate Avenue, from Morris Street southerly to Russell Street (formerly part of County Road No. 932).

C. Oswego Highway (Oregon 43):

Macadam Avenue, from Virginia Street southerly to the south city limit (approximately 1060 feet south of the west end of the Sellwood Bridge) including the leg of Macadam Avenue passing under the Sellwood Bridge and used by north-bound traffic (formerly part of County Road No. 680).

D. Cascade Highway (Oregon 213):

82nd Avenue, from Division Street southerly to the south city limit at Flavel Street (formerly part of County Roads Nos. 575 and 488).

E. Lower Columbia River Highway (U. S. 30):

St. Helens Road, from the west city limit (approximately 2.76 miles northwest of the west end of the St. Johns Bridge) southeasterly to Nicolai Street at 31st Avenue, including the approaches to the St. Johns Bridge (formerly part of County Road No. 1132).

I. Wolf Creek Highway (Oregon 2)

Canyon Road, from the west city limit northerly and easterly to Jefferson Street at the east line of Block 15, Amos N. King's Addition which is 238.7 feet west of the center line of Southwest 20th Avenue (formerly part of County Road No. 1138).

J. Beaverton-Hillsdale Highway (Oregon 10):

Capitol Highway, from the west city limit (approximately 1738 feet west of Terwilliger Boulevard) easterly to Slavin Road at Terwilliger Boulevard (formerly part of County Road No. 1050); and

Slavin Road, from Terwilliger Boulevard easterly to Barbur Boulevard (formerly part of County Road No. 1148).

K. Swift Secondary Highway (State Highway No. 120):

North Portland Road, from a point on the city limit approximately 580 feet west of the S. P. & S. R. R. Undercrossing southwesterly to Columbia Boulevard (formerly part of County Road No. 1284).

3. Maintain the bridge structures on all of the foregoing named streets and/or roads except the bridge structures spanning the Willamette River. The State shall maintain the Milwaukie Avenue subway and shall maintain the tunnels on Front Avenue between Harrison and Sheridan Streets and shall maintain such other tunnels as may hereafter be constructed in connection with said Front Avenue Project.

4. Maintain drainage structures including ditches, culverts and sumps within the street limits, except those facilities which are a part of the City's storm sewer system.

5. Erect and maintain all directional and informational traffic or traffic-control signs, except street-name signs, automatic traffic control signals, parking signs, parking stripes and painted curbs; provided that the State shall at its cost paint and maintain necessary traffic lane stripes.

6. Remove all slides and make all necessary replacement of guard rails and safety structures on the streets or roads which were formerly county roads but are now under the jurisdiction of the City and are enumerated herein.

7. When it is necessary to remove snow from the streets herein named so as to permit or facilitate motor vehicle traffic the State shall windrow the snow, but shall not be obligated to remove snow from any of the streets but is merely obligated to windrow it.

THINGS TO BE DONE BY THE CITY:

1. Maintain all sidewalks and cinder or gravel paths which parallel or serve any of the said streets or roads including pedestrian underpasses.

2. Maintain and operate the street lighting system and the automatic traffic control signals, provide for and maintain the lighting of bridge structures, tunnels and flashing signals, and maintain also such other traffic control signals as may be found or deemed to be necessary, provided that the timing of control signals shall be subject to the approval of the State Highway Engineer, except in cases of emergency. The City shall also erect and maintain all street-name signs.

3. Do all work necessary and furnish all equipment and labor required for the flushing and cleaning of streets, the painting of pedestrian lanes, parking stripes, loading zones, curbs and other restricted areas.

4. Erect and maintain all necessary signs for the regulation of parking of motor vehicles.

5. Wherever necessary in the interests of public safety and/or convenience remove snow from the streets on which the State has piled or

winkowed the snow as provided in the agreement.

6. Maintain all storm sower systems, including all inlets, and make available to the State without charge the use of any storm sewers installed in connection with or serving streets involved in this agreement.

7. Either directly by itself or by virtue of agreement with the County of Multnomah maintain all bridges over the Willamette River on all of the streets and roads named in this agreement; provided, however, that the maintenance of the Steel Bridge shall ultimately become the obligation of the State, but such obligation shall fall on the State only as and wher provided for in an agreement heretofore entered into between the State and the railroad companies, the owners of said bridge, and an agreement entered into between the State and Multnomah County, both of which agreements bear date of February 28, 1941, and to each of which agreements reference is now made for such explanatory or other purpose as said agreements may serve in connection with this agreement.

8. Maintain all overhead structures spanning any of the roads or streets named herein except Milwaukie Avenue subway and except the tunnels on Front Avenue between Harrison and Sheridan Streets, and except also such other tunnels as may hereafter be constructed in connection with said Front Avenue Project.

9. Maintain, supervise and care for all landscaped areas lying back of the curb lines on all streets and roads described or designated in this agreement, including the parkway between Front Avenue and Harbor Drive.

10. Whenever the pavement is cut by the City for the purpose of installing or repairing underground structures or facilities, or whenever by authority of the City the surface of any street is opened or disturbed,

the City at its cost shall repair or restore the same to a condition satisfactory to the State Highway Engineer.

11. The City shall have and retain jurisdiction with respect to the granting of permits for pole lines, underground conduits, advertising signs, neon signs and the use or denial of use of streets for parades or civic demonstrations.

12. Prevent encroachments of any kind upon the right of way by or for buildings or structures within the limits of any street or road designated herein, except structures required in connection with the construction and maintenance of streets and except temporary encroachments during the erection of buildings or other structures, and the City shall cooperate with the State to prevent and/or enjoin the use of any part of the right of way of any of the streets or roads named herein for the conduct thereon or in connection with the operation of filling stations or other private business, except when in the opinion of the Highway Commission and the City officials public interests will be served by such use or will not be adversely affected.

13. Make available to the State the benefits of any franchise or agreement with any public utility covering the use by the public utility of any of the streets or portions of streets or roads named herein by which franchise or agreement such utility is obligated to maintain, improve or reconstruct any street, streets or roads, or portion or portions thereof.

14. If advertising signs or structures of any kind or character, including neon signs, are authorized or permitted by the City, whether said structures extend only over the sidewalk or extend beyond the curb lines, the City shall assume responsibility therefor and shall relieve the State

of Oregon, the State Highway Commission, its officers, agents and employees from any and all such liability.

15. This agreement shall be in full force and effect until rescinded by mutual consent of the parties hereto; provided, however, that whenever state highway traffic is directed by the Highway Commission over some other street or streets in lieu of a street or streets named herein, then as to the streets named herein over which state highway traffic is no longer routed this agreement shall cease to be in effect, and as to such streets the Commission thereafter shall be relieved of any obligation with respect thereto and all responsibility and/or liability with respect to the maintenance thereof.

GENERAL PROVISIONS:

1. From time to time by mutual agreement between the City and the State other streets may be added hereto by supplemental or amendatory writing.

2. In the event matters arise with respect to any of the streets or roads named herein and which matters call for special or particular consideration, it is the purpose of these parties that such special or particular subjects shall be covered by a special written agreement or by an amendment or amendments to this agreement.

3. There is attached hereto and by this reference made a part hereof a map on which is shown the streets and roads named and designated in this agreement.

4. Included in the list of streets covered by this agreement are the streets which constitute or are a part of the Front Avenue Project. In this connection it is recognized that the Front Avenue Project is at this

time only partially constructed. Therefore it is agreed that the City shall continue the maintenance of the unconstructed portions of said street or streets and the State shall maintain from curb to curb all completed portions of said project and shall assume the full obligation of maintenance with respect to other sections or streets comprising said project as soon as the construction of the same has been completed within the meaning of the agreement between the State and the City covering the Front Avenue Project.

5. The purpose of this agreement is to fix and define the powers, responsibilities and obligations of the City and the State with respect to the streets and roads mentioned herein, to the end that the greatest possible service may be rendered the general public and therefore each party pledges to the other complete cooperation. In this connection it is recognized that the City has and maintains a Traffic Department and the State Highway Commission maintains a Traffic Department. It is therefore recommended that said traffic departments confer with each other for the purpose of working out, developing and promoting administrative measures and methods which may make possible desired accomplishments within the meaning of this compact.

6. Coincident with the preparation and execution of this agreement there has been prepared and has been executed by the City and the State an agreement covering the matter of the acquisition of unacquired rights of way needed for the completion of the Front Avenue Project. Reference is now made to that agreement for such purpose as said agreement may serve in connection with performance under this agreement.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and official seals the day and year first above written, in quintuplicate,

the City officers acting under Ordinance No. _____ passed by its
Council on the _____ day of _____, 1944.

ATTEST:

STATE OF OREGON, by and through
its State Highway Commission

Secretary

By _____
As Chairman

APPROVED:

By _____
As Commissioner

State Highway Engineer

By _____
As Commissioner

APPROVED:

Party of the First Part

Chief Counsel

CITY OF PORTLAND

Approved:

By _____
Mayor

City Attorney

By _____
Commissioner of Public Works

Party of the Second Part

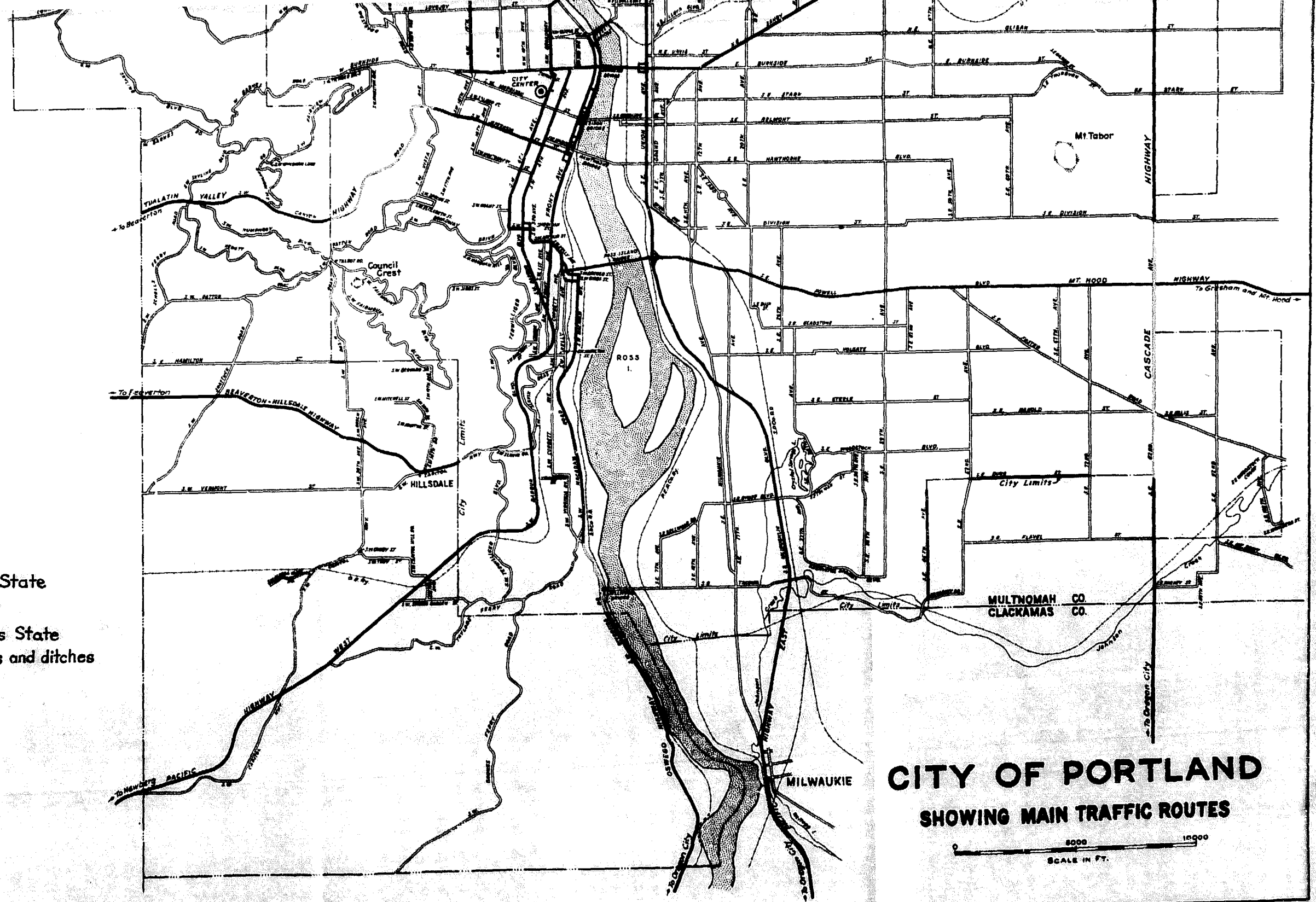
LEGEND

- Red lines indicate streets State will maintain curb to curb
- Yellow lines indicate streets State will maintain including slopes and ditches

July, 1944

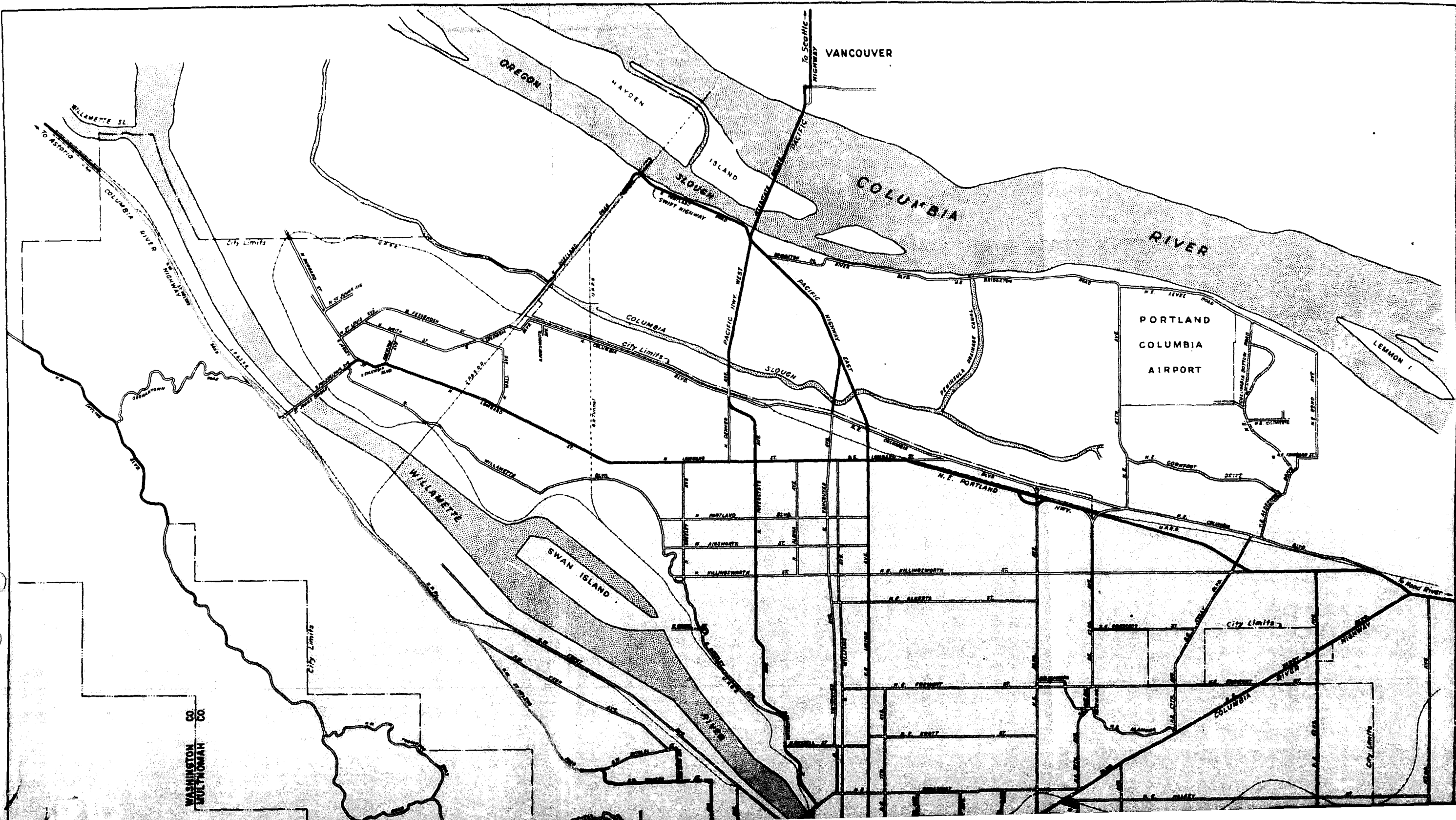
LEGEND

- Main Traffic Routes
- State Highways



CITY OF PORTLAND SHOWING MAIN TRAFFIC ROUTES

0 5000 10000
SCALE IN FT.



ORDINANCE NO. 80262

An Ordinance providing for the execution of two separate agreements with the State Highway Commission concerning the completion of the project known as Front Avenue or U.S. Highway W-99 Extension and the details of control, management, jurisdiction and other matters concerning this and other highways in the City of Portland, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. It appearing to the Council that the project known as Front Avenue or U.S. Highway W-99 may be completed at an early date after the close of the present wars and that a clear and definite understanding should exist between the city and the state acting through its Highway Commission, concerning the cooperative activity thus far carried on with reference to this highway and other highways in the city of Portland, and the cooperative activity, management, control, jurisdiction and other features concerning such highways in the future; now, therefore, the Mayor and Commissioner of Public Works are hereby authorized on behalf of the City to enter into two separate agreements with the State of Oregon acting through its Highway Commission with respect to said matters, a copy of each of which proposed agreements is hereto attached and marked Exhibit "A" and Exhibit "B" respectively and made parts hereof.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this; That the matters herein mentioned should be settled without unnecessary delay; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council AUG 31 1944

L.B.L.

Commissioner Bowes

8-26-44
LEL-sk

Mayor of the City of Portland

Attest:

Auditor pro tem of the
City of Portland

Ordinance No. 80262

An Ordinance providing for the execution of two separate agreements with the State Highway Commission concerning the completion of the project known as Front Avenue or U.S. Highway #99 Extension and the details of control, management, jurisdiction and other matters concerning this and other highways in the City of Portland, and declaring an emergency.

W.A.B.

THURSDAY

THE FOLLOWING IS THE
OFFICIAL NOTE ON THE
FOREGOING ORDINANCE

	YEAS	NAYS
BOWES	1	
COOPER		
LEE	1	
PETERSON	1	
RILEY	1	

SEP 1 1944

Edmund G. Roff
Auditor pro tem
of the CITY OF PORTLAND

EDMUND G. ROFF

Deputy