

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 1957, by and between the STATE OF OREGON, by and through its State Highway Commission, hereinafter called "State", and the CITY OF PORTLAND, a municipal corporation, organized and existing under the laws of the State of Oregon, by and through its Mayor and Commissioner of Public Works, hereinafter called "City";

W I T N E S S E T H:

RECITALS:

1. By the authority granted in ORS 374.015 (1) the State is empowered to lay out, locate, relocate, adopt, establish, construct, designate, maintain and supervise the use and operation of highways which shall be known as "throughways", as that term is defined in ORS 374.010. ORS 374.015 (3) extends this authority to include state highways within the corporate limits of cities, and with the approval of municipal authorities to include city streets.

2. Pursuant to such authority, State proposes and plans to have the Harbor Drive-SW 14th Avenue Unit of the Harbor Drive-Washington County Line Section of the Portland-Salem Expressway in the City of Portland, Oregon, constructed as a throughway. This unit will extend generally from a connection with Harbor Drive to SW 14th Avenue.

3. Under the provisions of ORS 373.010, State is empowered to select and designate the street or streets within the corporate limits of any city over which state highways shall be routed; State has selected and designated S.W. Macadam Avenue as part of the Oswego Highway No. 3, within the City of Portland. In the judgment of State and City it is deemed necessary to provide a one-way couplet on the Oswego Highway within City.

4. Attached hereto, marked Exhibits "A" and "B", and by this reference made a part hereof, are two maps setting forth the location and general plans of the project covered in this agreement. Any portions of the plans relating to details of construction shall not be considered final and may be changed by either party to this agreement prior to the time of actual construction, provided that any changes affecting city streets must first have written approval of the City Engineer. All other plans not attached to this agreement, affecting city streets or property not now city streets but to be dedicated as such by the State, shall be submitted to City, and no contract for construction thereunder shall be let or awarded until all plans affecting said contract have been approved in writing by the City Engineer.

Hereinafter, for the purpose of this agreement, the said section of the said highway will be referred to as the "proposed expressway" or "expressway" and the work hereinabove described will be referred to as "project."

5. By the authority granted in ORS 374.060 the State is empowered, with the official approval of the City, to close any street, highway or road of the City at or near the point of its intersection with the throughway, or to make provision for the carrying of the street or road of the City over or under the throughway, or to provide a connection with the expressway by means of a utility or service road to a suitable point of connection and do any and all work on the streets, highways or roads as is necessary therefor.

6. By the authority granted in ORS 374.070, the municipal authorities shall designate the points where access shall be had to the throughway from existing streets; thereafter the municipal authorities shall not allow any street to intersect the throughway without the written approval of the State.

7. By the authority granted in ORS 374.075 the City is empowered to do anything or all things necessary to cooperate with the State for laying out, acquiring and constructing any section or portion of any street or highway within their jurisdiction as a throughway, and to convert any existing street or highway into a throughway.

8. To the end that human lives may be saved, property damage minimized, transportation by motor vehicles promoted, and that highway traffic in general be safeguarded, and to promote and protect public welfare, the State and the City hereby pledge complete cooperation, each with the other, in order to accomplish fully those things set forth and agreed to in this agreement.

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

THINGS TO BE DONE BY STATE:

1. State shall acquire all necessary right of way by purchase or otherwise, prepare all plans and specifications, let and award all contracts, and supervise the construction and improvement of the Harbor Drive-SW 14th Avenue Unit of the Harbor Drive-Washington County Line Section of the Portland-Salem Expressway, and all other streets, roads and structures which are covered herein.

2. State shall reconstruct the separation structure, as much as is necessary, carrying S.W. Terwilliger Boulevard over the throughway. A portion of said structure is shown colored in brown on Exhibit "A".

3. State shall construct and thereafter maintain a separation structure permitting traffic northbound from S.W. Terwilliger Boulevard to enter the throughway. Said structure is shown colored in purple on the attached Exhibit "A".

4. State shall construct a separation structure carrying S.W. Brier Place over the throughway. Said structure is shown colored in brown on said Exhibit "A".

5. State shall construct a separation structure carrying S.W. Corbett Avenue over the throughway. Said structure is shown colored in brown on said Exhibit "A".

6. State shall construct and thereafter maintain a twin separation structure carrying the throughway over relocated S.W. Hood Avenue. Said structure is shown colored in purple on said Exhibit "A".

7. State shall construct and thereafter maintain a separation structure over the throughway which will be part of a connection between S.W. Kelly and S.W. Macadam Avenues. Said structure is shown colored in purple on said Exhibit "A".

8. State shall construct and thereafter maintain a separation structure carrying the throughway over S.W. Sheridan Street. Said structure is shown colored in purple on said Exhibit "A".

9. State shall construct and thereafter maintain the following connecting service streets:

(a) A connecting service street running from S.W. Terwilliger Boulevard to the throughway permitting northbound traffic only to enter the throughway. The location of said street is shown colored in green on said Exhibit "A".

(b) A connecting service street running from the throughway to S.W. Terwilliger Boulevard permitting southbound traffic only to leave the throughway. The location of said street is shown colored in green on said Exhibit "A".

(c) A connecting service street running from the throughway to S.W. Corbett Avenue permitting northbound traffic only to leave the throughway. The location of said street is shown colored in green on said Exhibit "A".

(d) A connecting service street running from S.W. Hood Avenue near S.W. Abernethy Street to the throughway permitting southbound traffic only to enter the throughway. The location of said street is shown colored in green on said Exhibit "A".

(e) A connecting service street running from the throughway to S.W. Macadam Avenue near S.W. Abernethy Street permitting northbound traffic only to leave the throughway. The location of said street is shown colored in green on said Exhibit "A".

(f) A connecting service street along S.W. Water Avenue from approximately the Harbor Drive Ramp to S.W. Hood Avenue. The location of said street is shown colored in green on said Exhibit "A".

(g) A connecting service street along S.W. Sheridan Avenue from S.W. Water Avenue easterly to a connection with an unnamed public road. The location of said reconstructed street is shown colored in green on said Exhibit "A".

(h) A connecting service street running from S.W. Sheridan Avenue northerly along the easterly side of the throughway to S.W. Montgomery Street. The location of said street is shown colored in green on said Exhibit "A".

10. State shall construct certain connecting service streets at the following locations:

(a) A connecting service street running from S.W. Brier Place to S.W. 1st Avenue. The location of said street is shown colored in orange on said Exhibit "A".

(b) A connecting service street running from S.W. Kelly Avenue to S.W. Hamilton Street. The location of said street is shown colored in orange on said Exhibit "A".

(c) A relocation of S.W. Slavin Road to a connection with S.W. Seymour Street and S.W. Corbett Avenue. The location of said road is shown colored in orange on said Exhibit "A". Said road is under the jurisdiction of Multnomah County.

(d) A connecting service street along S.W. Corbett Avenue from S.W. Hamilton Street to S.W. Julia Street. The location of said street is shown colored in orange on said Exhibit "A".

11. State shall close the following streets at the following locations: (All points of closure are shown by means of red lines on said Exhibit "A").

(a) S.W. Moss Street at the easterly and westerly right of way boundary lines of the throughway.

(b) S.W. Troy Street at the easterly and westerly right of way boundary lines of the throughway.

(c) S.W. Canby Street at the westerly right of way boundary line of the throughway.

(d) S.W. 12th Avenue at the northerly right of way boundary line of the throughway and at the northerly edge of a connecting service street running from S.W. Multnomah Boulevard to S.W. Canby Street.

(e) S.W. 11th Avenue at the northerly right of way boundary line of the throughway and at the northerly edge of a connecting service street running from S.W. Multnomah Boulevard to S.W. Canby Street.

(f) S.W. 10th Avenue at the northerly and southerly right of way boundary lines of the throughway.

(g) S.W. Burlingame Avenue at the northerly and southerly right of way boundary lines of the throughway.

(h) S.W. Logan Court at the easterly right of way boundary line of S.W. Burlingame Avenue and at the westerly right of way boundary line of S.W. Terwilliger Boulevard .

(i) S.W. 6th Avenue at the southerly right of way boundary line of the throughway.

(j) S.W. Logan Street at the northerly right of way boundary line of the throughway.

(k) S.W. 5th Avenue at the northerly and southerly right of way boundary lines of the throughway.

(l) S.W. 4th Avenue at the northerly and southerly right of way boundary lines of the throughway.

(m) S.W. 3rd Avenue at the northerly and southerly right of way boundary lines of the throughway.

(n) S.W. 2nd Avenue at the northerly and southerly right of way boundary lines of the throughway.

(o) S.W. 1st Avenue at the northerly and southerly right of way boundary lines of the throughway.

(p) S.W. Logan Street at the easterly right of way boundary line of S.W. Brier Place and at the westerly right of way boundary of S.W. View Point Terrace.

(q) S.W. View Point Terrace at the southerly right of way boundary line of the throughway.

(r) S.W. Miles Street at the easterly and westerly right of way boundary lines of the throughway.

(s) S.W. Nevada Street at the easterly and westerly right of way boundary lines of the throughway.

(t) S.W. California Street at the easterly and westerly right of way boundary lines of the throughway.

(u) S.W. Vermont Street at the easterly and westerly right of way boundary lines of the throughway.

(v) S.W. 1st Avenue at the northerly right of way boundary line of S.W. Vermont Street.

(w) S.W. Nebraska Street at the easterly and westerly right of way boundary lines of the throughway.

(x) S.W. Dakota Street at the easterly right of way boundary line of the throughway.

(y) S.W. Carolina Street at the westerly right of way boundary line of the throughway.

(z) S.W. Iowa Street at the easterly right of way boundary line of the throughway.

(aa) S.W. Pendleton Street at the easterly and westerly right of way boundary lines of the throughway.

(bb) S.W. Sweeney Street at the easterly and westerly right of way boundary lines of the throughway.

(cc) S.W. 1st Avenue at the easterly right of way boundary line of Slavin Road.

(dd) S.W. Boundary Street at the easterly and westerly right of way boundary lines of the throughway.

(ee) S.W. Mitchell Street at the easterly and westerly right of way boundary lines of the throughway.

(ff) S.W. 1st Avenue at the northerly and southerly right of way boundary lines of the throughway.

(gg) S.W. Richardson Street at the easterly and westerly right of way boundary lines of the throughway.

(hh) S.W. Julia Street at the easterly and westerly right of way boundary lines of the throughway.

(ii) S.W. View Point Terrace at the northerly and southerly right of way boundary lines of the throughway.

(jj) S.W. Seymour Court at the easterly right of way boundary line of the throughway.

(kk) S.W. Seymour Street at the easterly and westerly right of way boundary lines of the throughway.

(ll) S.W. Hamilton Court north of Seymour Street at the westerly right of way boundary line of the throughway.

(mm) S.W. Kelly Avenue at the northerly and southerly right of way boundary lines of the throughway.

(nn) S.W. Hamilton Street at the easterly and westerly right of way boundary lines of the throughway.

(oo) S.W. Bancroft Street at the easterly and westerly right of way boundary lines of the throughway.

(pp) S.W. Lowell Street at the easterly and westerly right of way boundary lines of the throughway.

(qq) S.W. Thomas Street at the easterly and westerly right of way boundary lines of the throughway.

(rr) S.W. Abernethy Street at the easterly and westerly right of way boundary lines of the throughway.

(ss) S.W. Lane Street at the easterly and westerly right of way boundary lines of the throughway.

(tt) S.W. Gaines Street at the easterly and westerly right of way boundary lines of the throughway.

(uu) S.W. Pennoyer Street at the easterly and westerly right of way boundary lines of the throughway.

(vv) S.W. Curry Street at the easterly and westerly right of way boundary lines of the throughway.

(ww) S.W. Whitaker Street at the easterly and westerly right of way boundary lines of the throughway.

(xx) S.W. Gibbs Street at the easterly and westerly right of way boundary lines of the throughway.

(yy) S.W. Grover Street at the easterly and westerly right of way boundary lines of the throughway.

(zz) S.W. Hoodway at the westerly right of way boundary line of S.W. Hood Street and at the easterly edge of S.W. Corbett Avenue.

(aaa) S.W. Hooker Street at the easterly and westerly right of way boundary lines of the throughway.

(bbb) S.W. Meade Street at the easterly and westerly right of way boundary lines of the throughway.

(ccc) S.W. Moody Avenue at the easterly and westerly right of way boundary lines of the throughway.

(ddd) S.W. Arthur Street at the westerly right of way boundary lines of the throughway.

(eee) S.W. Baker Street at the westerly right of way boundary line of the throughway.

12. State shall reconstruct and maintain S.W. Hood Avenue and its southerly connections to S.W. Macadam Avenue and its northerly connections to S.W. Macadam Avenue, S.W. Corbett Avenue, and the Ross Island Bridge, and shall reconstruct S.W. Macadam Avenue and its northerly connections to S.W. Hood Avenue and S.W. Kelly Avenue. Said construction is shown colored in blue on the attached Exhibits "A" and "B" and shall comprise the northbound and the southbound legs of the one-way couplet of the Oswego Highway.

13. State shall dedicate, by conveying to City for street purposes at the completion of construction and prior to the acceptance of any maintenance responsibility by City, all areas covered by paragraph 10 above, which are not already under the jurisdiction of the City as street area, except that the State shall only grant to the City an easement for rights of way on such connecting service streets as are within the right of way boundary lines of the expressway.

14. State shall, without cost to City, relocate or reconstruct, or cause to be relocated or reconstructed, those utility conduits, lines, poles, mains, pipes and other facilities required to be relocated or reconstructed to conform to the proposed plans and ultimate requirements of the project over which the state highway system is routed, which are not covered by the provisions in paragraphs 2 and/or 3 under THINGS TO BE DONE BY CITY.

15. On receiving from City an itemized statement in triplicate showing the costs incurred by City in moving, or causing to be moved, the water and sewer lines, pipes, mains, conduits, or doing or causing to be done other work required by paragraph 3 under THINGS TO BE DONE BY CITY, State shall reimburse City for such costs, except that State shall be required to pay for cost of labor only and not for materials of any new water or sewer lines, service connections, meters, hydrants, valves, pipes, mains, conduits, or other facilities; and State shall not be required to pay for any facilities affected by this project which are not located on the route of the state highway.

THINGS TO BE DONE BY CITY:

1. The City, by execution of this agreement, does hereby consent to and officially approve, except as to details of construction, pursuant to and in accordance with ORS 374.060, 374.070, and 374.075, all of the plans and provisions contained in Exhibit "A", including in such consent and official approval the rights and obligations of the State as set forth in this agreement.

2. City shall, without cost to State, relocate or reconstruct or cause to be relocated or reconstructed, all water, sewer, gas, electric, telephone, telegraph, or other utility conduits, lines, poles, mains, pipes and facilities of every kind and nature which are covered by permit or franchise from City authorizing their relocation or reconstruction by City without cost to City, or which for any other reason may be relocated or reconstructed by City without cost to City and which are required to be relocated or reconstructed to conform to the proposed plans and ultimate requirements of that portion of the project over which the state highway is routed (see paragraph 2 under RECITALS).

3. City shall relocate or reconstruct, or cause to be relocated or reconstructed, all city-owned water, sewer, gas, electric, telephone, telegraph, or other utility conduits, lines, poles, mains, pipes and facilities of every kind and nature required to be relocated or reconstructed to conform to the proposed plans and ultimate requirements of that portion of the project over which the state highway is routed. So that it may be reimbursed for such costs City shall submit to State 3 copies of an itemized statement showing the costs and disbursements made, but City shall not charge State for the costs of any new water or sewer pipes, meters, hydrants, valves, mains, conduits or other utility facilities.

4. City shall enact and enforce, or keep in effect and enforce the necessary ordinances or resolutions designating the following described streets as one-way streets:

(a) S.W. Macadam Avenue as a one-way northbound street from S.W. Bancroft Street northerly to S.W. Corbett Avenue.

(b) S.W. Hood Avenue as a one-way southbound street from S.W. Porter Street southerly to S.W. Lowell Street.

5. City shall enact and enforce, or keep in effect and enforce, necessary ordinances establishing as through-stop streets all portions of the existing and future streets that are to become a part of the Oswego Highway.

6. City, by the execution of this agreement, does hereby designate, pursuant to ORS 374.070, the only points of access to the expressway to be as heretofore described and as set forth in paragraph 9 under THINGS TO BE DONE BY STATE.

7. Upon completion of the project and written acceptance by the City Engineer, the City shall thereafter maintain those connecting service streets and those certain portions of streets which are to be constructed and reconstructed, all pursuant to paragraph 10 under THINGS TO BE DONE BY STATE; provided, however, that re-located Slavin Road shall be maintained by Multnomah County.

8. By the execution of this agreement, City does hereby consent, pursuant to and as required by ORS 373.030 (2), to any and all changes of grade, if any there be, in connection with and arising out of the construction of the proposed expressway and the construction or reconstruction of any and all other streets, roads, and structures covered herein.

GENERAL PROVISIONS:

1. The City, by execution of this agreement, does not waive any of its rights to the use of street area in connection with the laying and maintaining of water mains, sewer pipes and other utility services, and does not convey to State any control whatsoever over city streets except as may be specifically provided in this agreement.

2. State shall be responsible for the landscaping of the expressway at its own expense, and upon completion of said landscaping, shall thereafter be responsible for the proper maintenance and care of the same at its own expense.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by their respective officials and have caused their respective seals to be affixed hereto as of the day and year first above written, the City officials acting pursuant to Ordinance No. _____, passed by the Council

ATTEST:

STATE OF OREGON, by and through its
State Highway Commission

Secretary

By _____
Chairman

APPROVED:

By _____
Commissioner

State Highway Engineer

By _____
Commissioner

APPROVED AS TO FORM:

Chief Council

CITY OF PORTLAND, a municipal corporation

By _____
Mayor

APPROVED AS TO FORM:

City Attorney

By _____
Commissioner of Public Works

ORDINANCE No. 106488

An Ordinance authorizing the execution of an agreement between the City of Portland and the State of Oregon, by and through its State Highway Commission, defining and establishing the rights and duties of the parties as to the construction and maintenance of the Harbor Drive-SW 14th Avenue Unit of the Harbor Drive-Washington County Line Section of the Portland Salem Expressway, and declaring an emergency.

The City of Portland does ordain as follows:


Section 1. The Council finds that the State of Oregon, by and through its State Highway Commission, proposes and plans to have the Harbor Drive-SW 14th Avenue Unit of the Harbor Drive-Washington County Line Section of the Portland-Salem Expressway in the City of Portland constructed as a "throughway", by authority granted the State in ORS 374.015; that by the authority granted in ORS 374.075 the City is empowered to do all things necessary to cooperate with the State for laying out, acquiring and constructing any section or portion of any street or highway within the City's jurisdiction as a throughway, and to convert any existing street or highway into a throughway; that the City should enter into an agreement with the State of Oregon defining and establishing the rights and duties of the parties in the construction and maintenance of said "throughway"; now, therefore, the Mayor and Commissioner of Public Works are hereby authorized and directed to enter into an agreement on behalf of the City of Portland with the State of Oregon, by and through its State Highway Commission, defining and establishing the rights and duties of the City and State of Oregon in the construction and maintenance of the Harbor Drive-SW 14th Avenue Unit of the Harbor Drive-Washington County Line Section of the Portland-Salem Expressway, which agreement shall be subject to the prior approval of the City Engineer as to substance, subject to approval of the City Attorney as to form, and substantially in accordance with the form of agreement marked Exhibit "No. 1", attached hereto and by this reference made a part of this ordinance.

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: In order that an agreement may be made, without unnecessary delay, with the State of Oregon defining and establishing the rights and duties of the parties for the

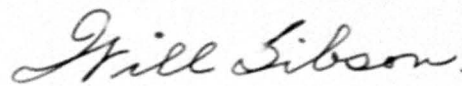
ORDINANCE No. 106488

construction and maintenance of the project described in Section 1 of this ordinance; therefore, an emergency hereby is 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 21 1957


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Schrunk	

Calendar No. 3822

ORDINANCE No. 106488

Title

An Ordinance authorizing the execution of an agreement between the City of Portland and the State of Oregon, by and through its State Highway Commission, defining and establishing the rights and duties of the parties as to the construction and maintenance of the Harbor Drive-S.W. 14th Avenue Unit of the Harbor Drive-Washington County Line Section of the Portland Salem Expressway, and declaring an emergency.

Filed AUG 16 1957

Will Gibson.
Auditor of the CITY OF PORTLAND
By *R. L. Ivey* Deputy

INTRODUCED BY
Commissioner Bowes

DRAWN BY
EWC:gm
Date 8/15/57

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works <i>W. Q. B. L.</i>

City Attorney <i>R. B. B.</i>

NOTED FOR CITY AUDITOR
<i>W. Q. B. L.</i>
<i>R. B. B.</i>

APPROVED
Date
By
City Engineer
Date
By