

RESOLUTION LXXXX (90)

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE OREGON STATE  
DEPARTMENT OF TRANSPORTATION AND CLACKAMAS COUNTY FOR THE CONSTRUCTION-  
FINANCE OF BIKEWAY PROJECT

The City of Wilsonville resolves to enter into an agreement between the City and Oregon State Department of Transportation and County of Clackamas for construction and maintenance of Wilsonville Road according to the terms and provisions of an "AGREEMENT", a copy of which is attached hereto marked Exhibit "A" for identification purposes and made part of the Resolution

WHEREBY this resolution expressly authorizes the Mayor of the City of Wilsonville to execute said agreement on behalf of the City.

Adopted by the Wilsonville City Council at a regular meeting, thereof on August 1, 1977

Attest:

*Nancy Shaw*

*William G. Lowrie*  
William G. Lowrie, Mayor

Approved: Hunter & T...in  
MCH:dmc  
7/20/77

RECEIVED

JUL 20 1977

CITY OF WILSONVILLE

Misc. Contracts & Agreements  
No. 6203

CONSTRUCTION-FINANCE AGREEMENT  
BIKEWAY PROJECT

THIS AGREEMENT, made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, Highway Division, herein after referred to as "State", CLACKAMAS COUNTY, a political subdivision within the State of Oregon, acting by and through its Board of County Commissioners, hereinafter referred to as "County" and the CITY OF WILSONVILLE, a municipal corporation, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. By the authority granted in ORS 366.514, not less than one percent of funds received from the State Highway Fund shall be expended by State and City for the establishment of footpaths and bicycle trails. The establishment and maintenance of said footpaths and bicycle trails are for highway, road and street purposes.

2. By the authority granted in ORS 366.770 and 366.775, State, County and City may enter into agreements for the construction and maintenance of bicycle-pedestrian trails with mutually agreeable allocation of costs.

3. Under said authority State, County and City plan and propose to construct the Wilsonville Road Bikeway, approximately as shown colored in red on the sketch attached hereto, marked Exhibit A, and by this reference made a part hereof. Hereinafter, all acts necessary to accomplish this work shall be referred to as "project".

4. State, County and City have determined that the costs of the project should be allocated among the parties with State participation not to exceed the sum of \$60,000.00.

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

THINGS TO BE DONE BY STATE

1. State shall, prior to commencement of the work, review and concur in construction plans prepared by City and County.

JD - C

2. State shall assign a liaison engineer to monitor progress of the project to assure substantial compliance with State specifications. Final billings submitted by County must have approval of the liaison engineer prior to payment by the Highway Division, Finance Branch.

3. State hereby grants County the right to enter upon state highway right-of-way for the purpose of constructing the project.

4. Upon receipt of a notice from County that the plans and specifications have been approved and that work on the project is ready to start, State shall deposit the sum of \$30,000 with County, said sum being considered as equal to 50 percent of State's agreed maximum participation.

Upon receipt of certification that the project has been completed in a satisfactory manner, State shall forward a final payment of \$30,000 to County. In any event, the maximum State participation shall not exceed the sum of \$60,000.

#### THINGS TO BE DONE BY COUNTY AND CITY

1. County and City shall provide all materials and labor to construct the project which will consist of:

- a. Construction of a 48-foot roadway section (curb-to-curb) from the railroad crossing to the I-5 ramps.
- b. Paving the full width between columns through the I-5 interchange to provide for left turn movements.
- c. Construction of an 8-foot-wide bikeway from the Montebello subdivision (approximately 1620 feet west of the railroad crossing), along the south side of Wilsonville Road to the interchange ramps, through the interchange area in back of the bridge columns and continuing easterly, as a separate facility, to the Wilsonville Park entrance (approximately 1850 feet easterly of I-5).

2. County and City shall hold public hearings and prepare environmental statements, if required, obtain all permits, acquire the necessary right-of-way, prepare all plans, construct the project utilizing County and City forces and, following completion, perform the required maintenance operations.

3. County and City shall, prior to commencement of the work, submit plans for the project for review and concurrence by State. The bikeway design shall be based on the Oregon State Highway Division "Bikeway Design, January 1974."

4. County and City shall save and hold harmless the State of Oregon, the Oregon Transportation Commission, the members thereof, its officers, employees, and agents from any claim, suit, or action whatsoever for damages to property, or injury to, or death of any person, or persons, arising out of use, occupancy, or maintenance of the project.

5. City shall adopt a resolution authorizing its Mayor and Recorder to enter into this agreement, and become a part hereof.

6. County shall enter into this agreement during a duly authorized session of its Board of County Commissioners.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. City Officials have acted in this matter pursuant to Ordinance or Resolution No. \_\_\_\_\_ passed by its City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 1977.

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 agreement on behalf of the Commission.

APPROVED

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

\_\_\_\_\_  
Technical Services Engineer

\_\_\_\_\_  
State Highway Engineer

ATTEST

\_\_\_\_\_  
County Clerk

CLACKAMAS COUNTY, by and through its  
Board of County Commissioners

By \_\_\_\_\_  
Chairman

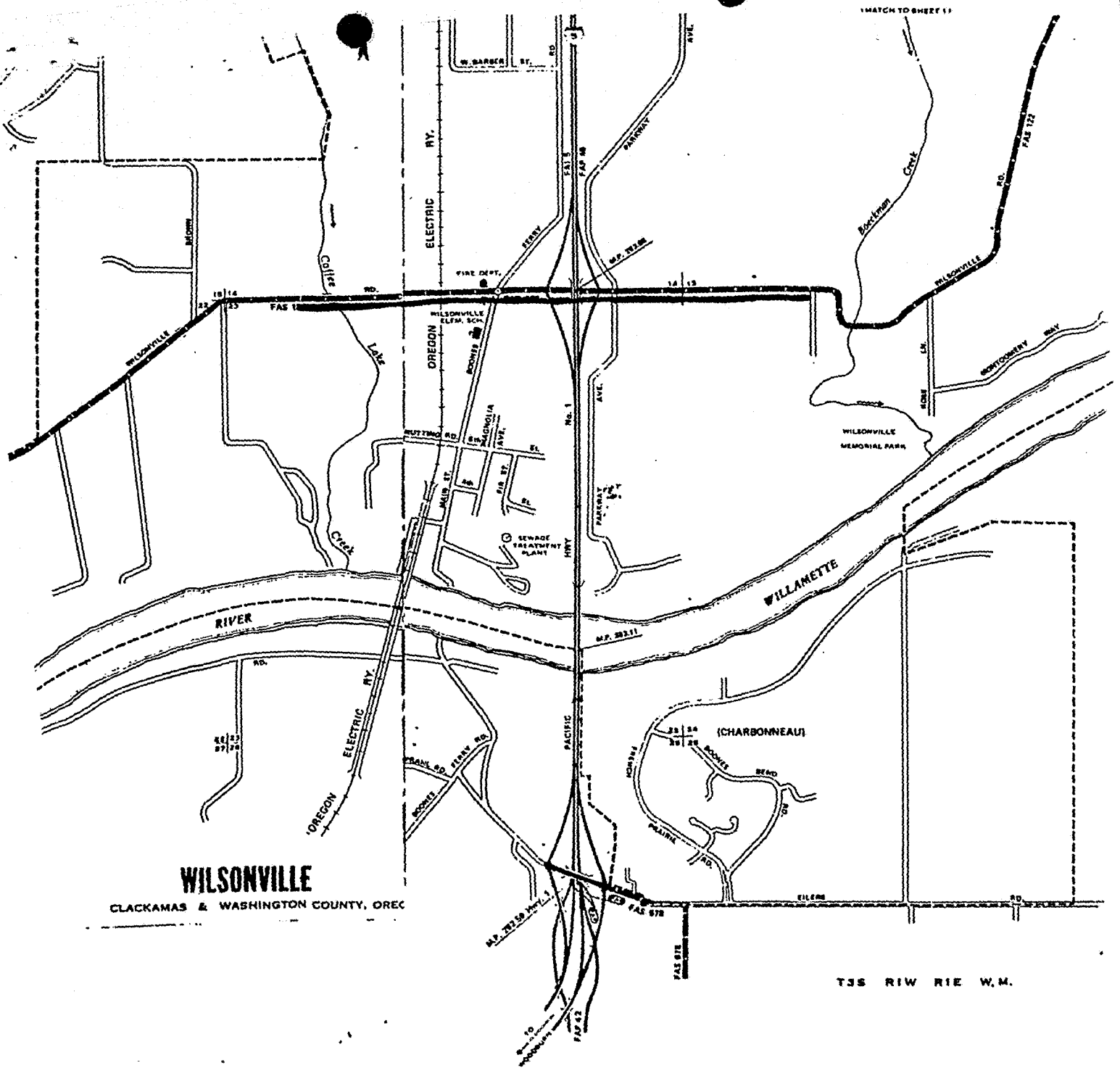
By \_\_\_\_\_  
Commissioner

By \_\_\_\_\_  
Commissioner

CITY OF WILSONVILLE, by and through its  
City Officials

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Recorder



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**EXHIBIT A**