

RESOLUTION NO. 1585

A RESOLUTION AUTHORIZING THE CITY OF WILSONVILLE TO ENTER INTO A CONTRACT WITH WILLAMETTE AND PACIFIC RAILROAD FOR THE CONSTRUCTION OF THE WILSONVILLE ROAD RAILROAD CROSSING ALTERATION

WHEREAS, ORS Chapter 824 provides that the exclusive jurisdiction over railroad crossings with public streets, roads and highways is with the Oregon Department of Transportation (ODOT); and

WHEREAS, in accordance with ORS Chapter 824, the City of Wilsonville, as the authority in interest, has duly applied with the applicable Oregon laws and ODOT regulations and has secured a permit to construct an alteration of the Willamette and Pacific railroad crossing with Wilsonville Road; and

WHEREAS, pursuant to said permit of ODOT, the City has previously authorized the entry into negotiations and agreement with Willamette and Pacific Railroad Company in the selection of and payment to MacKay and Sposito, design engineers who specialize in the design and construction plans for railroad crossings of roads, streets and highways, for the Wilsonville Road railroad crossing design, construction plans, and specifications; and

WHEREAS, design and construction plans and specifications have been prepared by MacKay and Sposito which are acceptable to the City and to Willamette and Pacific Railroad Company, and

WHEREAS, the Stacy and Witbeck Inc. construction company specializes in such railroad crossing construction, has been endorsed by MacKay and Sposito, and is acceptable to the City of Wilsonville and to the Willamette and Pacific Railroad Company; and

WHEREAS, ORS 824.218 provides that all work done within the limits of railroad rights-of-way shall, if the railroad company so desires (which it has), be done and furnished by the railroad company, provided that in keeping with ORS 824.210, the ODOT permit was issued with the prescription that the construction costs are allocated to the City; and

WHEREAS, in negotiations with the contractor, Stacy and Witbeck, Inc., the City and the railroad company have determined the \$368,427 is a fair and reasonable contract price for the designed and planned railroad crossing construction; and

WHEREAS, the City of Wilsonville has budgeted the sum of \$525,000 for this project, which is sufficient to cover the contract price and any reasonable change orders which may arise during construction.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Manager is authorized to enter into a contract with Willamette and Pacific Railroad Company, wherein the construction services of Stacy and Witbeck Inc., will be employed by Willamette and Pacific Railroad Company to construct the railroad crossing with Wilsonville Road in accordance with the design and construction plans and specifications of MacKay and Sposito for the sum of \$368,427 to be paid for by the City of Wilsonville.
2. The City Engineer is authorized to approve the change orders, provided that the total cost does not exceed \$525,000 authorized in the Fiscal Year 1999-00 Capital Projects Fund

Budget, and certify the required improvements complete and make final payment included release of retainage.

3. The expenditure of funds for the project is authorized from:


ACCOUNT NO.	AMOUNT
540-49130-5000-465	\$525,000

ADOPTED, by the Wilsonville City Council at a regular meeting thereof this 2nd day of August, 1999, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, MAYOR

ATTEST:



Sandra C. King, CMC, City Recorder

SUMMARY OF Votes:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes