

RESOLUTION NO. 2495

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM ONE AMENDING SECTION 4.9 OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SHERWOOD AND THE CITY OF WILSONVILLE REGARDING COST, CONSTRUCTION OWNERSHIP, AND OPERATION OF SEGMENT 3B OF A 48-INCH DIAMETER WATER TRANSMISSION LINE FROM THE TERMINUS OF SEGMENT 3A IN KINSMAN ROAD TO THE BEGINNING POINT OF SEGMENT 4 NEAR THE INTERSECTION OF THE PROPOSED, AS YET TO BE COMPLETED, SEGMENT OF KINSMAN ROAD AND BOECKMAN ROAD, A LENGTH OF APPROXIMATELY 2,400 FEET

WHEREAS, the cities drafted Section 4.9 of the aforementioned Intergovernmental Agreement based upon estimates of the cost of mitigation required by state and federal agencies; and

WHEREAS, subsequent research and analysis demonstrates that cost more precisely, and the proposed amendment reflects that analysis;

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

Section 1.

The City Council authorizes the amendment of Section 4.9 of the aforementioned Intergovernmental Agreement between the City of Sherwood and the City of Wilsonville, replacing Section 4.9's current language with the following:

4.9 *Mitigation Funding.* Following the date of substantial completion, the Parties agree to establish a mitigation fund in the amount of \$55,000.00 for the purpose of funding environmental mitigation, monitoring, and maintenance, as required by the Oregon Division of State Lands and the United States Army Corp of Engineers, including but not limited to landscaping and wetland mitigation. Sherwood shall pay to Wilsonville the amount of \$23,054.70, which the Parties agree is equal to Sherwood's percentage obligation of \$55,000.00 calculated according to the cost-sharing methodology set forth in the Segment 3A Agreement and the final "true-up" percentage calculated under Section 4.7.1 above. Wilsonville shall retain these funds for a period of up to five years

following the date of substantial completion. The funds shall be deposited in a separate account and used only for the purpose of mitigation, monitoring, and maintenance related to the Segment 3B Project. At the end of the retention period, Wilsonville shall return Sherwood's percentage portion of any unused funds, including interest thereon, to Sherwood. During the retention period, Wilsonville shall provide a financial accounting of the funds to Sherwood upon request but not more than quarterly.

ADOPTED by the Wilsonville City Council at a regular meeting there of this 3rd day of November 2014, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Goddard	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Yes

Attachments:

Exhibit 1 – Addendum One to the Intergovernmental Agreement Regarding Transmission Segments 3B