

E5

RESOLUTION NO. 1875

WHEREAS, The Oregon State Highway Division has determined it necessary that appropriate designated officials be authorized to sign agreements on behalf of the City of Albany.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Mayor and City Recorder be authorized to sign all agreements dealing with the Periwinkle Bikepath Project.

DATED THIS 25TH DAY OF MAY, 1977.



MAYOR

ATTEST:



CITY RECORDER

27
1875

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, hereinafter referred to as "State"; and the CITY OF ALBANY, a municipal corporation within the State of Oregon, 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 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 and City plan and propose to construct the Periwinkle Creek 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 and City have determined that actual total cost of the project shall be shared by State and City and, in no event, shall State participation exceed the total sum of \$24,000.

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 advertisement for bids, review and concur in construction plans prepared by City.
2. Upon receipt of an acceptable construction contract from City, State shall deposit the sum of \$12,000 with City, said sum being considered as equal to 50 percent of State's agreed maximum participation.

3. Upon completion of the project and receipt of an itemized statement of final actual total cost of the project, State shall deposit with City the sum of \$12,000; except that, if the final construction cost of the project is less than \$30,000, the final payment by State shall be reduced by a pro rata share of the difference between the actual cost and \$30,000. In any event, the maximum State participation shall not exceed the sum of \$24,000.

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

THINGS TO BE DONE BY CITY

1. City shall hold public hearings and prepare the necessary environmental statements, if required, obtain all permits, acquire the necessary right-of-way, prepare all plans, advertise for bids, award all contracts, supervise construction and, following completion, perform the required maintenance operations. Actual construction of the project may be accomplished by the use of City forces, by contract, or by a combination of these methods, as City shall elect.

2. City shall, prior to advertisement for bids, submit plans for the project for review and concurrence by State. The bikeway design shall be based on the Oregon State Highway Division's "Bikeway Design, January 1974".

3. 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.

4. City shall, upon completion of the project, submit to State an itemized statement of costs, in triplicate, of the final actual total cost of the project.

5. City shall adopt an ordinance or resolution, as the case may be, authorizing the Mayor and Recorder to enter into this agreement, and the same shall be attached hereto and become a part hereof.

GENERAL PROVISIONS

1. State and City mutually agree and understand that should the project fail to advance to contract by June 1, 1977, it will be eliminated from State's current program and placed on the list of projects for future construction.

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. 1875 passed by its City Council on the 25th day of May, 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

Deputy State Highway Engineer

State Highway Engineer

CITY OF ALBANY, by and through its
City Officials

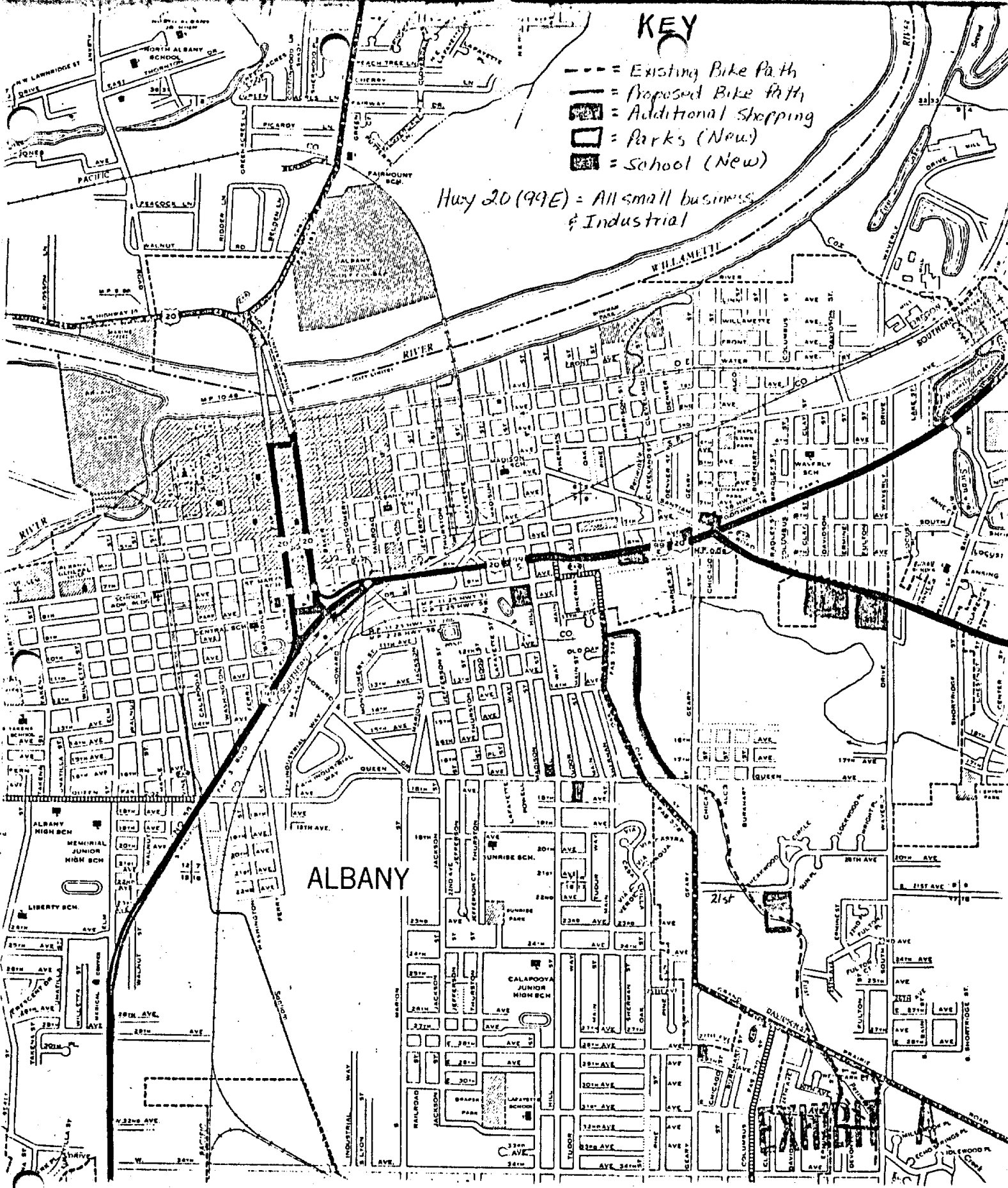
By [Signature]
Mayor

By [Signature]
City Recorder

KEY

- - - = Existing Bike Path
- = Proposed Bike Path
- = Additional Shopping
- = Parks (New)
- = School (New)

Hwy 20 (99E) = All small businesses & Industrial



ALBANY

WILKINSON