

RESOLUTION NO. 5348-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE TERMINATION OF AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY RELATING TO BORLAND ROAD

WHEREAS, the City and Clackamas County entered into an Intergovernmental Agreement (IGA), effective October 16, 2003;

WHEREAS, the IGA related to certain improvements to the intersection of SW Borland Road and SW 56th Avenue in the vicinity of Bridgeport Elementary School and contained other obligations; and

WHEREAS, the parties have chosen not to complete the obligations in the IGA and prefer to terminate the IGA.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:


**Section 1.** The City Manager is authorized to execute the termination of the IGA with Clackamas County relating to Borland Road.

**Section 2.** This resolution is effective upon adoption.

Adopted by the City Council this 11<sup>th</sup> day of December, 2017.

CITY OF TUALATIN, OREGON

BY   
Mayor

APPROVED AS TO FORM  
BY   
City Attorney

ATTEST:  
BY   
City Recorder

**TERMINATION OF THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN CLACKAMAS COUNTY AND THE CITY OF TUALATIN  
FOR A SURFACE TRANSPORTATION PROJECT ON SW BORLAND ROAD AT SW  
56<sup>TH</sup> AVENUE**

THIS TERMINATION AGREEMENT is made and entered into on 12-11, 2017 by and between Clackamas County (hereafter called "COUNTY"), a political subdivision of the State of Oregon and the City of Tualatin, a municipal corporation of the State of Oregon (hereafter called "CITY").

WHEREAS, the parties entered into a certain Intergovernmental Agreement, effective October 16, 2003 (the "IGA"), which is attached hereto as Exhibit "A";

WHEREAS, the IGA related to certain improvements to the intersection of SW Borland Road and SW 56<sup>th</sup> Avenue in the vicinity of Bridgeport Elementary School (hereafter called the "Project");

WHEREAS, the parties have chosen not to complete certain obligations set forth in the IGA and prefer instead to terminate the IGA;

THEREFORE, the parties agree that the IGA is hereby terminated, subject to the following:

1. The termination shall be effective as of the date this Termination Agreement is fully executed and approved as required by applicable law.
2. Both the County and City agree that neither party shall be obligated to the other for any outstanding liabilities or obligations which may have accrued pursuant to the IGA.
3. This Termination Agreement may be executed in counterparts. Facsimile and electronic transmission of any signed original document, and retransmission of any signed facsimile or electronic transmission, shall be the same as delivery of an original.

[Signatures and Acknowledgments on Following Page]

Clackamas County

\_\_\_\_\_

By:  
Chair , Board of County Commissioners

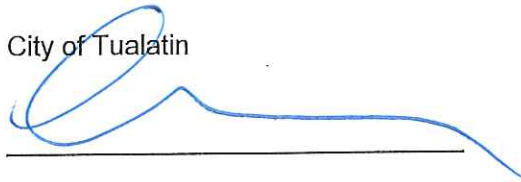
Date \_\_\_\_\_

\_\_\_\_\_

By:  
Recording Secretary

Date \_\_\_\_\_

City of Tualatin



\_\_\_\_\_

By:  
Mayor

Date 12-11-2017



\_\_\_\_\_

By:  
City Recorder

Date 12-11-2017

**INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY  
AND CITY OF TUALATIN FOR SURFACE TRANSPORTATION PROJECT ON  
SW BORLAND ROAD AT S.W. 56TH AVENUE**

This Agreement is made and entered into by and between Clackamas County, a political subdivision of the State of Oregon, (hereinafter referred to as "County"), and the City of Tualatin, a municipal corporation of the State of Oregon, (hereinafter referred to as "City").

**WITNESSETH**

**RECITALS**

1. Borland Road is a part of the County roadway system under the jurisdiction and control of Clackamas County. SW 56th Avenue is a part of City's road system under the jurisdiction and control of the City of Tualatin.
2. By the authority granted in ORS 190.010, any unit of government may enter into agreements with units of local government or state agencies for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

**NOW, THEREFORE**, the parties agree as follows:

**TERMS OF AGREEMENT**

1. City has approved plans for the construction of improvements at the intersection of SW Borland Road/SW 56th Avenue/ Bridgeport Elementary School. The improvements, (hereinafter referred to as "Project"), include the following:
  - a. Provide left-turn storage lanes on SW Borland Road.
  - b. A new roadway, SW 56th Avenue forming the south leg of the intersection.
  - c. A new, fully actuated traffic signal, sidewalks, bike lanes and illumination for pedestrian/bicycle circulation and safety.

The location of the project is approximately as shown on the sketch map marked Exhibit A, attached hereto and incorporated by this reference. The Project will be constructed by a private party pursuant to a land use approval granted by City.

204 142

**2. County Responsibilities**

- a. Review traffic signal design plans in a timely manner.
- b. Pay one hundred percent (100%) of the traffic signal power until January 1, 2006.
- c. Issue a Street Construction and Encroachment permit following final approval of traffic signal plans.
- d. Review traffic signal timing and signal timing changes within five (5) work days, providing comments in writing to the City, or agent of the City completing the traffic signal timing changes.

**3. City Responsibilities**

- a. City will assist County, if necessary and on request from County, in insuring that the private party that will construct the Project obtains all permits for construction; and City will perform all inspections to insure that the Project is constructed and functions according to the approved plans.
- b. Perform all routine and emergency maintenance.
- c. Prepare all signal timing plans. All signal timing plans and signal timing plan changes shall be reviewed and approved in writing by the County, which approval shall not be unreasonably withheld, until the jurisdictional transfer of signal occurs on January 1, 2006.
- d. Request a jurisdictional transfer of Borland Road from the County from Wilke Road to 65<sup>th</sup> Avenue to be effective January 1, 2006. Prior to or at the time of the transfer, County will perform a 2-inch asphalt overlay on Borland, or provide a cash equivalent to City calculated as follows, at County's option:

65<sup>th</sup> Avenue- Wilke Road = 3000 LF  
Average pavement width = 36 FT  
Area = 108,000 SF

2" AC Overlay =  $\frac{1 \text{ Ton}}{78} = 1,385 \text{ tons}$

	Unit price	
AC pavement	\$50/ton	\$69,250
Striping		<u>\$2,250</u>
Total cash equivalent		\$71,500

4. **General Provisions**

- a. This agreement may be amended in writing by mutual consent of the parties.
- b. County and City, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, shall indemnify, defend, save and hold harmless each other, and their members, officers and employees from all claims, suits and liabilities which may occur in the performance of this project, as a result of its own negligence.

IN WITNESS WHEREOF the parties have signed this agreement on the dates shown.

**CLACKAMAS COUNTY**

By: *Bill Keenan*  
Chair

By: *Melvin Morrison*  
Recording Secretary

Date: 10/16/03

Approved as to form:

*[Signature]*  
County Counsel

**CITY OF TUALATIN**

By: *[Signature]*  
Mayor

By: *Steve Weller*  
City Recorder

Date: 7-14-03

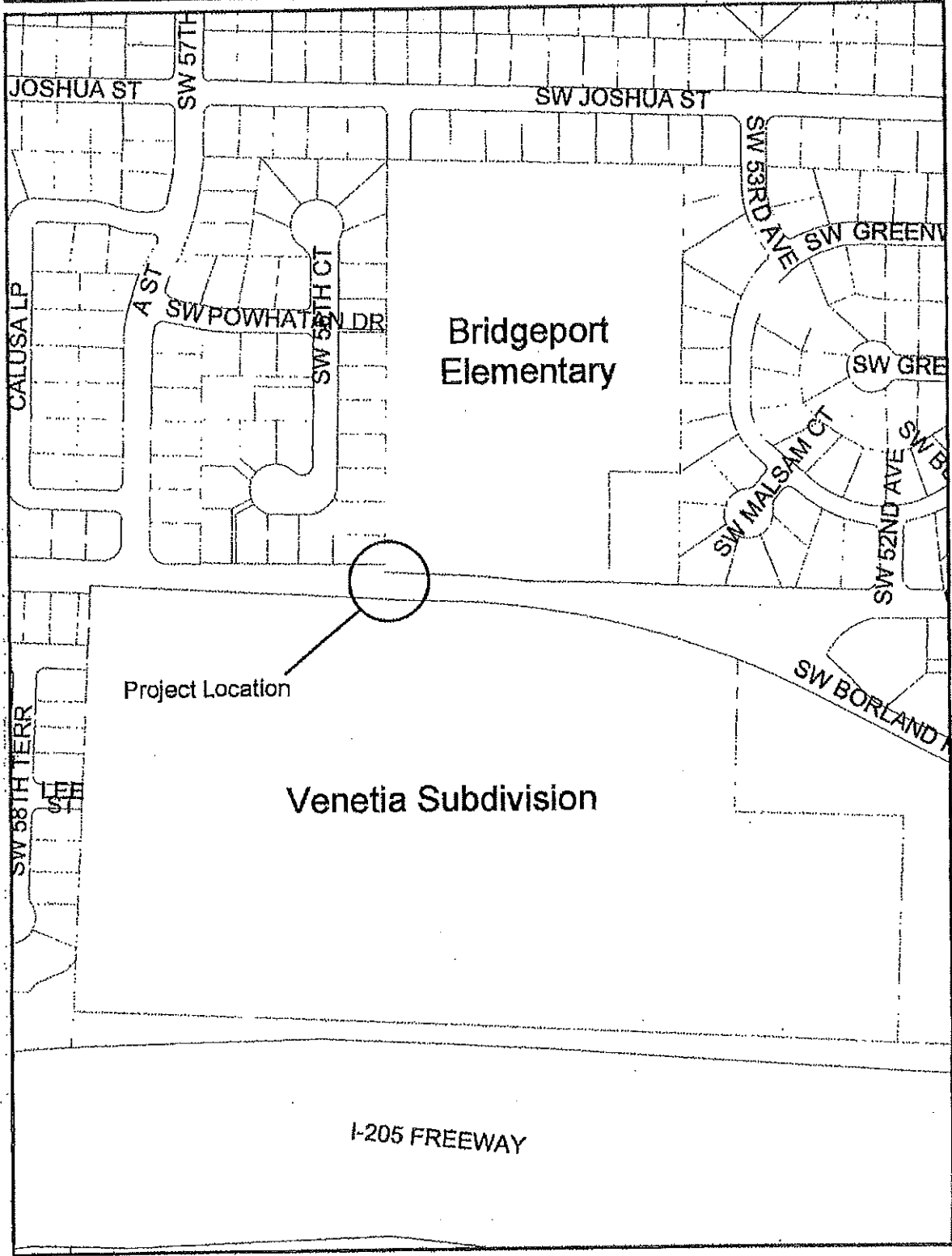
Approved as to form:

*Brenda L. Brader*  
City Attorney

an/DTD/Borlandroad.lga3(6/11/03)

EXH. A

Exhibit A TUALGIS



RF 1:3,500

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Department  
Printed 6/16/03







**EXHIBIT "B"**

**CLACKAMAS COUNTY**  
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

BORLAND ROAD  
JURISDICTIONAL TRANSFER TO THE CITY OF TUALATIN

PAGE 1 OF 1  
RD. FILE NO. 21547 | DRAWN BY CUTSHALL | DESIGN BY N/A | DATE 02-10-11

**LEGEND**

-  TRANSFERRED AREA OF RIGHT-OF-WAY CONTAINING 314,676 Sq. Ft.
-  LOT LINES
-  RIGHT OF WAY LINES
-  PLAT BOUNDARY LINES