



COPY

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DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR. 97045

November 25, 2015

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of Amendment No. 1 between Clackamas County
and the Oregon Department of Transportation for Termination of Agreement
No. 28781 for OR 213, Harmony, Sunnyside Roads Sidewalk/Signal Improvements**

Purpose/Outcomes	This Amendment will terminate the Agreement funding the OR 213, Harmony Road and Sunnyside Road sidewalk and Intelligent Transportation System (ITS) improvements. The project scope will be incorporated into a future non-federal aid project titled "Southwest Connector Project" (CIP #30003).
Dollar Amount and Fiscal Impact	The project will eliminate \$1,500,000 in Federal Aid from this project, but will be moved to the Jennings Ave: OR 99E to Oatfield Road Project.
Funding Source	Federal Aid Surface Transportation Program (STP): \$1,500,000 County Match: \$171,682 (\$152,742 from Development Agency & \$18,940 from Road Fund)
Safety Impact	This project would have installed sidewalk and ADA improvements on OR 213 (82 nd Ave), Harmony Road and Sunnyside Road to provide important pedestrian connections and construct various signal improvements in the same area to complete an important communications gap. These improvements will be incorporated into the Southwest Connector Project.
Duration	Terminates the agreement in its entirety.
Previous Board Action	04/28/11: Execution of Agreement No. 27192 11/23/11: Execution of Agreement No. 27743 for Right of Way Services for subject project 05/09/13: Execution of Agreement No. 28781 (replaced and terminated Agreement No. 27192 in its entirety)
Contact Person	Joel Howie, Project Manager – DTD Engineering 503-742-4658

BACKGROUND:

In 2013, the County entered into an Agreement for the OR 213, Harmony Road and Sunnyside Road area sidewalk and signal improvements project. This project consists of constructing sidewalks and bike lanes accessing the OR 213/Harmony Rd/Sunnyside Rd intersection.

The Development Agency's Southwest Connector Project was conceived in 2014 to improve the safety and mobility of motorists, pedestrians and cyclists in the Clackamas Town Center area. The scope of the Southwest Connector overlaps with this project and it is desirable to defederalize this project and transfer the funds to the Jennings Ave: OR 99 to Oatfield Rd Project. The Jennings Ave: OR 99 to Oatfield Rd Project was awarded Federal Multimodal Transportation Enhance Program Funds, but is short funded by approximately \$1.5 million. With the reallocation of these funds, the Jennings Avenue project can be constructed.

This agreement terminates Agreement No. 28781 in its entirety. Within the next few months, a separate agreement for the use of these funds will be subsequently entered into as Agreement No. 31035 for the Jennings Ave: OR99 to Oatfield Rd Project.

This IGA has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners approves Amendment No. 1 with the Oregon Department of Transportation for the Termination of Agreement 28781 for OR 213, Harmony Road and Sunnyside Road sidewalk and ITS improvements.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Bezner". The signature is fluid and cursive, with the first name "Mike" and last name "Bezner" clearly distinguishable.

Mike Bezner, PE
Transportation Engineering Manager

**AMENDMENT NUMBER 01
TERMINATION
LOCAL AGENCY AGREEMENT
SURFACE TRANSPORTATION PROGRAM - URBAN
OR 213, Harmony, Sunnyside Roads Sidewalk/Signal Improvements**

The STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State," and CLACKAMAS COUNTY, acting by and through its elected officials, hereinafter referred to as "Agency," entered into Agreement 28781 on June 4, 2013.

It has now been determined by State and Agency that the Agreement referenced above, shall be terminated in its entirety. The reason for this termination is as follows:

The Project is being de-federalized. All federal funds are being removed from this Project and transferred to the Jennings Ave: OR 99 to Oatfield Road Project (K# 19276). A separate agreement for the use of these funds will be subsequently entered into as Agreement No. 31035.

Agreement number 28781, Terms of Agreement, Paragraph 7 permits termination of the Agreement by mutual written consent of both Parties.

Agreement number 28781 with Agency is hereby terminated in its entirety upon execution of this Termination Agreement.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2015-2018 Statewide Transportation Improvement Program (STIP), (Key #15599) that was adopted by the Oregon Transportation Commission on December 18, 2014 (or subsequently by amendment to the STIP).

SIGNATURE PAGE TO FOLLOW

State/Agency
Agreement No. 28781-01

Clackamas County, by and through its
elected officials

By _____
Chair

Date _____

By _____
Recording Secretary

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By  _____
Agency Counsel

Date 11/6/15

STATE OF OREGON, by and through
its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 1 Manager

Date _____

By _____
District 2B Manager

Date _____

Agency Contact:

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State Contact:

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