

RESOLUTION NO. 1883

WHEREAS, this a resolution approving the construction-finance agreement for the installation of traffic control signals at the intersection of the Albany-Junction City Highway (Pacific Boulevard) and 34th Avenue between the Oregon State Highway Division and the City of Albany, Oregon.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Mayor and the City Recorder be authorized to execute this agreement between the Oregon State Highway Division and the City of Albany covering construction and financing of the installation of traffic control signals at the intersection of the Albany-Junction City Highway and 34th Avenue. A copy of said agreement is attached as Exhibit A.

DATED THIS 22ND DAY OF JUNE, 1977.



MAYOR

ATTEST:



CITY RECORDER

ROUGH DRAFT
MCH:ljt
6/3/77

Misc. Contracts & Agreements
No. 6153

**CONSTRUCTION-FINANCE AGREEMENT
TRAFFIC SIGNAL INSTALLATION**

THIS AGREEMENT, made and entered into by and between the STATE OF OREGON, by and through its Department of Transportation, Highway Division, hereinafter referred to as "State"; and the CITY OF ALBANY, a municipal corporation, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. The Albany-Junction City Highway, State Primary Highway No. 58, is a state highway under the jurisdiction and control of the Oregon Transportation Commission.

2. By the authority granted in ORS 366.775, State and City may enter into agreements for construction and maintenance of any state highway with the allocation of costs on terms mutually agreeable to the contracting parties.

3. By the authority granted in ORS 487.850, State is authorized to determine the character or type of traffic control signals to be used, and to place or erect them upon state highways at places where state deems necessary for the safe and expeditious control of traffic. No traffic control signals shall be erected or maintained upon any state highway by any authority other than State, except with its written approval.

4. State and City, in their judgment, have deemed it necessary and desirable, in order to maintain a safer and more expeditious flow of traffic, to install traffic control signals at the intersection of the Albany-Junction City Highway and 34th Avenue, lying within the corporate limits of the City of Albany. Hereinafter, all acts necessary to accomplish this installation shall be referred to as "project".

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

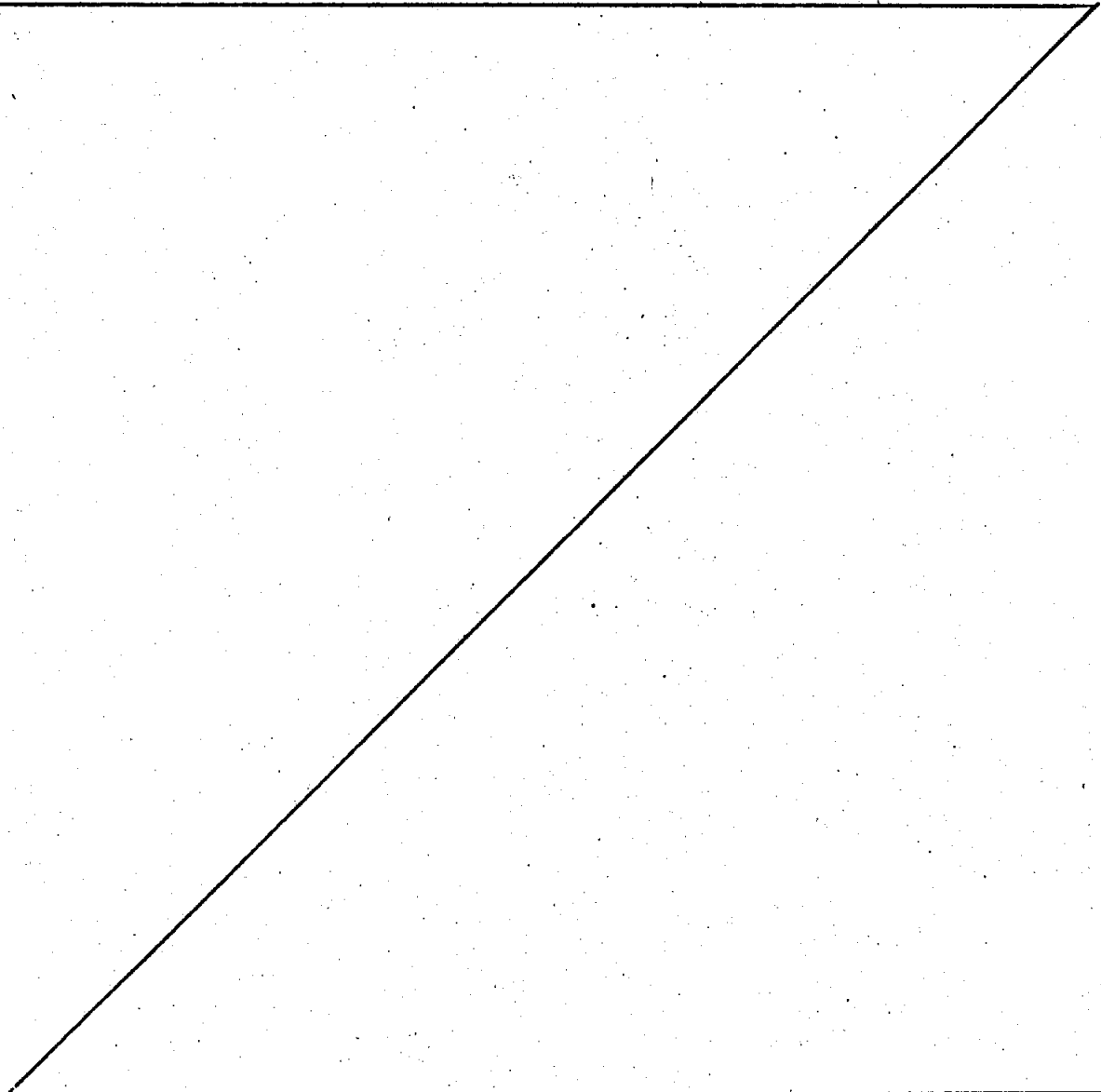
THINGS TO BE DONE BY STATE

1. State shall, at their sole expense, perform all preliminary engineering, prepare the plans and contract documents, award all contracts, supervise the installation and, upon completion of the project, perform all necessary maintenance operations thereon.

2. The project may be accomplished by the use of state forces, by contract or by a combination of these methods, as State shall elect.

THINGS TO BE DONE BY CITY

1. City shall be responsible for, and pay all costs of, electrical energy consumed in operation of the traffic control signal.
2. City shall make no changes in the timing program established for the traffic signals without prior written approval of State.
3. City shall pass a resolution authorizing its City Officials to enter into this agreement and the same shall be made a part hereof and attached hereto.



SPECIAL PROVISIONS

1. State and City mutually agree and understand that, if requested by City, a mutual review of the signal design plans shall be conducted to the satisfaction of both parties prior to advertisement for bids on the project.

2. Provisions of State and Federal law applicable to public contracts and agreements of this type are hereby incorporated by reference as if fully set forth herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. City has acted in this matter pursuant to Resolution No. 1883, adopted by the City Council on the 22nd day of June, 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

Assistant State Highway Engineer

STATE OF OREGON, by and through its
Department of Transportation,
Highway Division

State Highway Engineer

CITY OF ALBANY, by and through its
City Officials

By *[Signature]* Mayor

By *[Signature]* City Recorder