

RESOLUTION NO. 2803

WHEREAS, the Albany Redevelopment Agency has approved funds in the 1988-89 budget for the improvement of the Queen Avenue railroad crossing of the Southern Pacific Transportation Company tracks; and

WHEREAS, the Albany Redevelopment Agency has adopted a resolution authorizing the City of Albany to enter into an agreement with Southern Pacific Transportation Company for the construction of a rubber crossing at Queen Avenue; and

WHEREAS, the Albany Redevelopment Agency has agreed to reimburse the City of Albany for the City's costs incurred in fulfilling the terms of this agreement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the mayor to execute the attached agreement with Southern Pacific Transportation Company for the improvement of the Queen Avenue railroad crossing.

DATED this 10th day of August, 1988.



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

# Southern Pacific Transportation Company

Room 251-N Union Station • 800 Northwest Sixth Avenue • Portland, Oregon 97209

G. A. GREBLO  
SUPERINTENDENT  
H. R. KAVENY  
ASSISTANT SUPERINTENDENT  
H. A. CARR  
DIVISION MECHANICAL MANAGER  
M. R. CHRISTENSEN  
DIVISION ENGINEER

IN REPLY PLEASE REFER TO

July 14, 1988

GMO 84148

JUL 18 88

Mr. John Joyce  
Director of Public Works  
City of Albany  
P. O. Box 490  
Albany, OR 97321

SUBJECT: Proposed Rubber Crossing Installation at Queen Avenue,  
C-691.5 - ALBANY

Dear Mr. Joyce:

Attached for your further handling are duplicate counterparts of the proposed agreement covering the installation of the rubber crossing surface at Queen Avenue.

Please arrange for execution on behalf of the City of Albany and return both counterparts to my office for our further handling. You should also attach a certified copy of the resolution passed by the City Council authorizing execution and acceptance of this document. A fully executed counterpart will be returned for your record.

If you have any questions, please contact Ms. Sue Grabler, of my staff, in Portland at 220-4612.

Yours truly,

*M. R. Christensen*

Aug 10 88

THIS AGREEMENT, made this 12 day of August, 1988, by and between SOUTHERN PACIFIC TRANSPORTATION COMPANY, a corporation, herein termed "Railroad", and CITY OF ALBANY, a municipal corporation of the State of Oregon, address: City Hall, Albany, Oregon, herein termed "City";

RECITALS:

The parties hereto desire to evidence by this instrument their agreements with respect to the rehabilitation of Queen Avenue where same crosses tracks and property of Railroad at or near Albany, in the County of Linn, State of Oregon (Crossing No. C-691.5).

AGREEMENT:

1. Railroad shall furnish the necessary labor, materials, tools and equipment and shall perform the following work:

- (a) remove existing crossing surface;
- (b) prepare track to receive rubber pad within the crossing area; and
- (c) install 288 feet of High-Miler rubber pad crossing at \$173 per foot at a total estimated cost of \$49,824.

City agrees to reimburse Railroad for the cost to Railroad in furnishing the rubber pad crossing material. The remainder of the work specified above shall be at the expense of Railroad.

2. Any other rehabilitation work at said crossing shall be by and at the expense of City. No work shall be performed on the premises of Railroad by any contractor for City until such contractor has entered into Railroad's standard form of Contractors Right of Entry Agreement. Not to exceed \$10,000.

3. Railroad shall submit to City a bill for the estimated cost to Railroad in performing work for which City is obligated to reimburse Railroad hereunder upon completion of such work which bill City agrees to promptly pay.

4. The work to be performed by Railroad hereunder shall be commenced as soon as labor and materials are available following execution of this instrument and shall be completed within one (1) year thereafter.

5. This agreement shall be binding upon and inure to the benefit of the successors and assigns of Railroad and the assigns of City.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate the day and year first herein written.

SOUTHERN PACIFIC TRANSPORTATION  
COMPANY

By \_\_\_\_\_  
(Title)

CITY OF ALBANY

By Tom Hillman  
Mayor

By [Signature]  
Clerk