

May 11, 1992

Misc. Contracts & Agreements  
No. 11,119

COOPERATIVE IMPROVEMENT AGREEMENT

THIS AGREEMENT is 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 OREGON CITY, a municipal corporation of 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. The Pacific Highway East is a part of the State highway system under the jurisdiction and control of the Oregon Transportation Commission and S.E. Dunes Drive is a part of the City street system, under jurisdiction and control of the City.
2. For the purpose of providing acceptable traffic circulation patterns on public highways and streets, City plans and proposes to construct intersection improvements and modify/relocate the existing traffic control signal equipment at the intersection of Pacific Highway East and S.E. Dunes Drive; hereinafter referred to as "Project". The location of the project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof. The project will be financed 100 percent with City funds at no cost to the State.
3. By the authority granted in ORS 366.770 and 366.775, State may enter into cooperative agreements with the counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
4. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon State Highways at places where State deems it necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected or maintained upon any State Highway by any authority other than State, except with its written approval. Traffic signal work on project shall conform to the current State standards and specifications.
5. No agreement could be located for the existing signal at Pacific Highway East and Dunes Drive. Therefore any future reference to the power and maintenance responsibilities for said signal will be as addressed in this agreement.

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

#### STATE OBLIGATIONS

1. State shall issue the required permits, review and approve the project plans and specifications, and provide material testing and technical inspection to insure State standards are met. State shall assign a liaison person to monitor the traffic signal work and roadwork performed by the City, or its contractors, within the boundaries of Pacific Highway East.
2. State hereby grants City the right to enter onto and occupy State right-of-way for the performance of necessary construction and relocation of the traffic signal equipment.
3. State shall compile accurate cost accounting records. City may request a statement of costs to date at anytime by submitting a written request. When the actual total cost of services provided by State have been computed, State shall furnish City with an itemized statement of said final costs.
4. State shall, upon completion of the project, perform all required signal and illumination maintenance associated with the project signal at its own expense. State shall provide power for said signal and illumination and will bill City for 100 percent of said power costs. State shall retain jurisdiction and control of the timing established for operation of the traffic signal.
5. State shall maintain the pavement surrounding the vehicle detector loops installed on State highway in such a manner as to provide adequated protection for said detector loops, and shall adequately maintain the pavement markings and signing installed on State right-of-way as part of the project.

#### CITY OBLIGATIONS

1. City, or its consultant, shall conduct the necessary field surveys, environmental studies, traffic investigations; arrange for relocation or reconstruction of any conflicting utility facilities; identify and obtain all required permits; and perform all preliminary engineering and design work required to produce preliminary plans, specifications, and cost estimates.

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2. City shall , upon State's review and approval of final plans, if applicable, prepare the contract and bidding documents, advertise for construction bid proposals, award all contracts to a State approved bidder, pay all contractor costs, furnish all construction engineering, field testing of materials, technical inspection (except as provided for in STATE OBLIGATIONS paragraph No. 1) and project manager services.

3. City shall, upon receipt of a fully executed copy of this agreement, forward to State's Region Office (9002 SE McLoughlin Blvd., Milwaukie, OR 97222) an advance deposit in the amount of \$3,500. Said amount being equal to the estimated total cost of State provided review, technical inspection and monitoring services for the project.

4. Upon completion of the project and receipt from State's Region Office of an itemized statement of the actual total cost of the State's services, City shall pay any amount which, when added to City's advance deposit, will equal 100 percent of the State's actual total costs of the project. Any portion of said advance deposits which is in excess of the total actual cost will be refunded or released to City.

5. City shall, upon completion of the project, reimburse State annually for 100 percent of all power costs attributed to the project signal and attached illumination.

6. City shall adequately maintain the pavement surrounding the vehicle detector loops as well as all pavement markings and signing installed on City right-of-way in accordance with the plans and specifications.

7. City has been issued Miscellaneous Permit No. 2B435043 attached hereto, marked Exhibit B, and by this reference made a part hereof. City agrees to comply with all provisions of said permit.

8. City shall authorize execution of this agreement during a regularly convened session of its City Commission.

#### GENERAL PROVISIONS

1. State and City agree and understand that a mutual review of the project plans and specifications will be conducted prior to advertisement for construction bid proposals, and that State's prior written approval is necessary before such advertisement.

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CITY OF OREGON CITY

2. The contractor, its subcontractor, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority has further been delegated to the Traffic Engineer pursuant to Subdelegation Order HWY-4 paragraph 3.

APPROVAL RECOMMENDED

By [Signature]  
Region Engineer

Date 5/20/92

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

By [Signature]  
State Traffic Engineer

APPROVED AS TO  
LEGAL SUFFICIENCY

By [Signature]  
Asst. Attorney General

CITY OF OREGON CITY, by and  
through its Elected Officials

By [Signature]  
Mayor

APPROVED AS TO FORM

By \_\_\_\_\_  
City Attorney

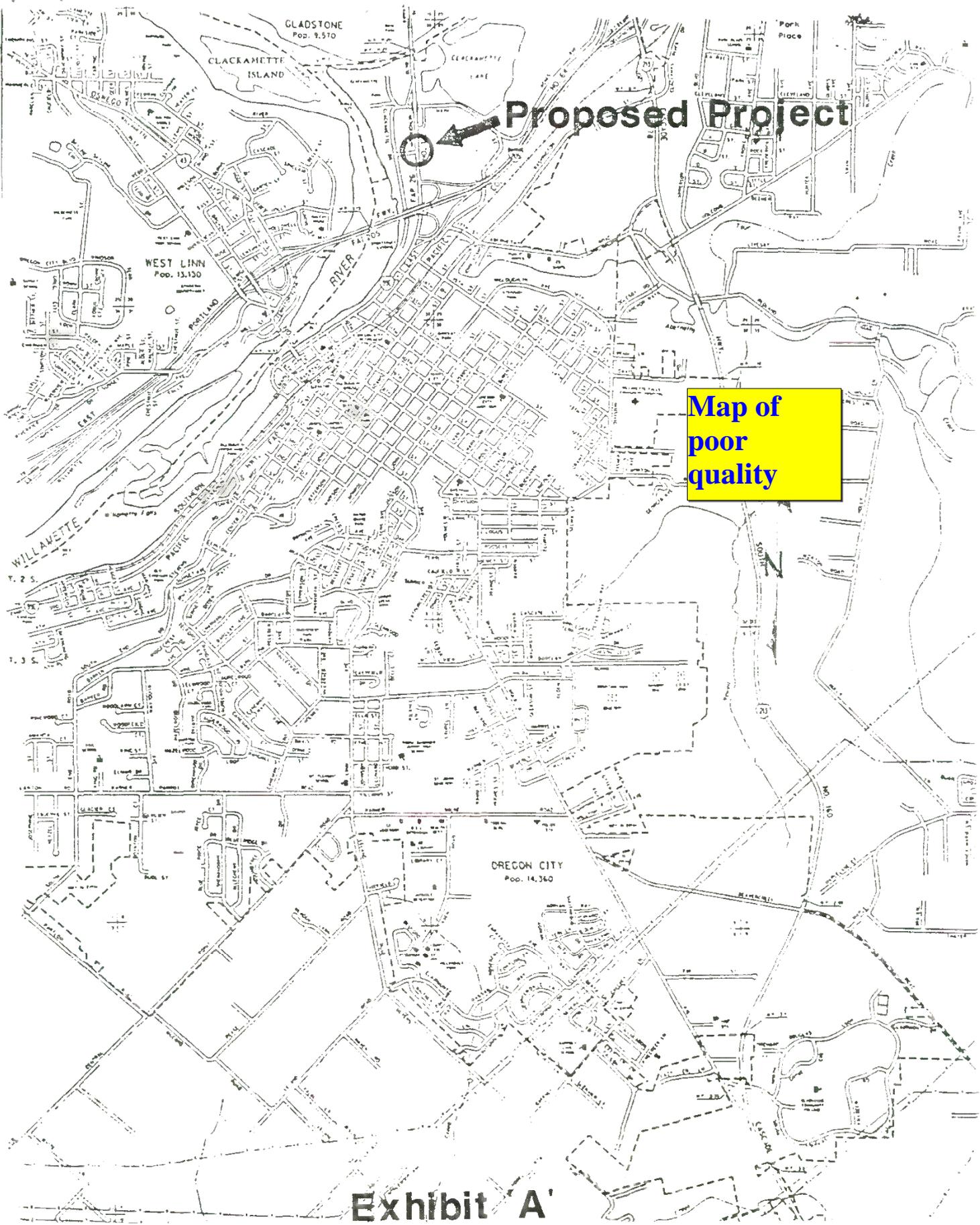
Date 5-20-92

Attest [Signature]  
City Recorder

CITY OF OREGON CITY  
Billing Address:

City of Oregon City  
320 Warner Milne Rd.  
Oregon City, Oregon 97045

B1192002



**Exhibit A**



HIGHWAY DIVISION

APPLICATION AND PERMIT TO CONSTRUCT APPROACH ROAD

PERMIT NUMBER

28A35043

HIGHWAY NAME Pacific East (99E)		MILEPOINT 11.53	ENGINEERS STATION 25+39
HIGHWAY NUMBER 1E	COUNTY Clackamas	SIDE OF HIGHWAY <input type="checkbox"/> NORTH <input type="checkbox"/> EAST <input type="checkbox"/> SOUTH <input type="checkbox"/> WEST	APPROACH TO SERVE City Street
XXXXXXXXXXXXXXXXXXXX AT Dunes Drive AND		HIGHWAY REFERENCE MAP AND ATTACHED DRAWING NUMBERS	
APPLICANT NAME AND ADDRESS  CITY OF OREGON CITY 320 Warner Milne Road Oregon City, Oregon 97045  ATTN: JOHN BLOCK		BOND REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO REFERENCE OAR 734-50-025(6)	AMOUNT OF BOND \$ City to hold bond
		INSURANCE REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERENCE OAR 734-50-025(3)	<input checked="" type="checkbox"/> ADMINISTRATIVE FEE waived <input type="checkbox"/> TEMPORARY DEPOSIT
		AMOUNT \$	CHECK NUMBER
DISTRICT MAINTENANCE SUPERVISOR X <i>[Signature]</i>		DATE COMPLETE APPLICATION RECEIVED	
REGION ENGINEER X		DATE 5-11-9	
UTILITY PERMIT SUPERVISOR X		APPROVAL DATE	

APPLICANT X <i>[Signature]</i>	APPLICATION DATE 5/8/92	APPROACH ROAD COMPLETION DATE: 3-26-93 REFERENCE OAR 734-50-050(4)
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The applicant declares that he/she is the owner or lessee of the real property adjoining the above described highway and has the lawful authority to apply for this permit. When this application is approved by the Department of Transportation, the applicant is subject to the terms and provisions contained herein and attached hereto, and the terms of Oregon Administrative Rule, Chapter 734, Division 50, which is by this reference made a part of this permit. Copies of the Rule may be obtained from the District Maintenance Supervisor's office. Issuance of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county or other governmental agencies having either joint supervision over the section of highway or authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approval including, where applicable, local government determination of compliance with the statewide planning goals. (OAR 734-50-055)

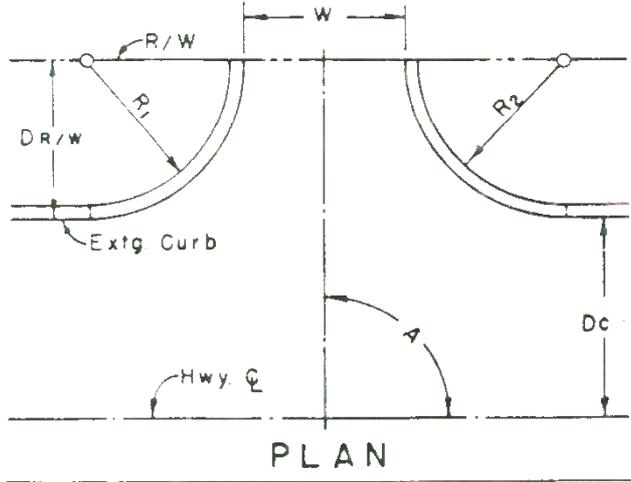
SPECIAL PROVISIONS

1—If the proposed application requires traffic control devices and/or special road construction, the applicant shall provide a copy of this application to the affected local government. The original application must be signed by the local government official.

LOCAL GOVERNMENT OFFICIAL SIGNATURE X	TITLE	DATE
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- 2—The applicant or his contractor shall notify the District Maintenance Supervisor's office at least 48 hours in advance of commencing work and after completing the work covered by this permit. (OAR 734-50-040) Telephone Number:
- 3. The attached plans and special provisions shall become a part of this permit.
- 4. This permit will document Agreement #11119

TYPE 5 APPROACH ROAD — CURBED HIGHWAY



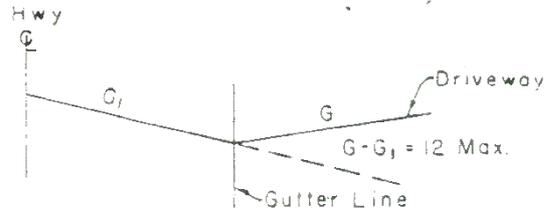
NOTE: All material and workmanship shall be in accordance with the current State of Oregon Standard Specification for Highway Construction.

W =	SEE ATTACHED PLANS	R <sub>1</sub> =	R <sub>2</sub> =	A =
D =		D <sub>R/W</sub> =	CURB TYPE	
STONE BASE	SIZE AND TYPE	COMPACTED THICKNESS (INCHES)		
STONE LEVELING COURSE	SIZE AND TYPE	COMPACTED THICKNESS (INCHES)		
ASPHALTIC CONCRETE PAVEMENT	CLASS	COMPACTED THICKNESS (INCHES)		

Exhibit 'B'



Stone Base & Levelling Course  
**APPROACH TYPICAL SECTION**

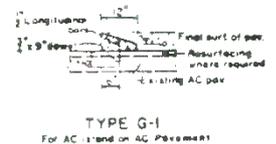
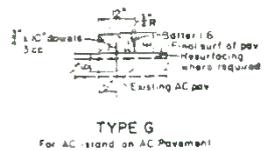
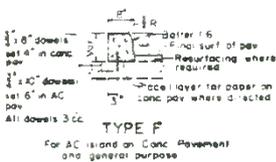
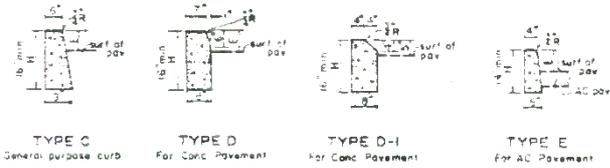


**PROFILE**

**NOTE:**

If driveway grade "G" is a minus grade a short vertical roll should be constructed outside gutter line so as to confine drainage in the gutter past the driveway.

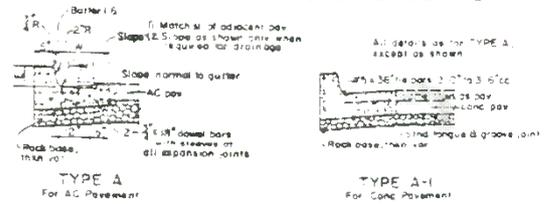
**CONCRETE CURBS**



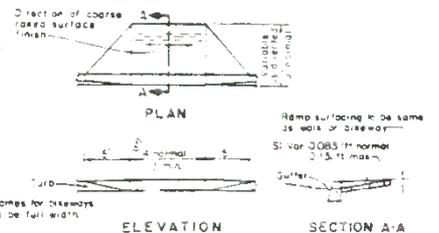
**GENERAL NOTES FOR CONCRETE CURBS**

1. Curb Exposure "E" - 7" normal. Vary as shown on plans or as directed.
2. Face Batter normal as shown for curb type. Vary as shown on plans or as directed.
3. Height "H" variable as shown on plans or as directed.
4. Joint Spacing: Expansion, 200 maximum and all points of tangency; Contraction, 10 maximum.
5. Transitions shall be used in connecting curbs of different exposures. "E" is the total vertical dimension of those curb surfaces having a slope of 10 or steeper. Minimum desirable transition length shall be 20' for each 1" difference in "E".
6. "H" (Curbs A, A-1) - 18" normal. Vary as shown on plans or as directed.
7. Top of all curbs shall slope toward the roadway O.C.Z. normal unless otherwise shown or as directed.
8. Dowels: All 1/2" length as shown. In new conc. pvtmt. set dowels before concrete hardens. In existing conc. pvtmt. drill holes 1/2" and grout dowels in. In AC pvtmt. drive dowels.

**MONOLITHIC CURB & GUTTER**



**SIDEWALK RAMP**



**Poor copy**

SPECIAL PROVISIONS FOR ROAD APPROACH

28A35043

APPLICANT: CITY OF OREGON CITY HIGHWAY: 1E M.P. 11.53

- 1.4) No work will be permitted on the roadway during the hours of darkness, nor between 7 to 8:30 A.M., nor between 4 to 6:00 P.M.
- 1.5) Grade and pave the highway shoulder and approaches with 12" of 1½"-0, 2" of 1"-0 and a minimum of 4' of A.C. placed in two lifts.
- 1.7) Work to be done under this permit shall include such retrimming, reshaping, ditch cleaning, repair work and other work as may be necessary to overcome deterioration which may occur in conjunction with the work authorized by this permit.
- 1.8) Permittee to verify all utility locations for relocation prior to construction, should any be in conflict with the proposed construction.
- 1.10) Adequate and appropriate traffic control shall be provided for all operations on or adjacent to a highway or street. The traffic control shall conform to the current Oregon State Highway Division's Manual on Uniform Traffic Control Devices and Supplements thereto. Flaggers must have a card or certificate indicating their completion of an approved work zone traffic control course.
- 1.13) The spreading of mud or debris upon any State highway is strictly prohibited and violation shall be cause for immediate cancellation of the permit. Cleanup shall be at applicant's expense.
- 1.16) Curbing will be constructed separately from the sidewalk.
- 1.18) Prior to commencement of work to be done under this permit, the applicant's contractor shall meet with the Permit Inspector at the job site to discuss the permit and the special provisions to the permit.
- 1.19) The applicant will be responsible for any and all costs involved in replacement of existing and installation of traffic signs resulting from work done under this permit.
- 2.17) An independent testing firm will be required to perform compaction tests of backfill and asphaltic pavement. Where the wearing surface is Portland Cement Concrete, it shall be tested for conformance to State Highway specification. All test results and documentation shall become a part of this permit.