



Legislation Details (With Text)

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| File #: | 19-027 | Version: | 1 | Name: | Meyers Road ODOT IGA 32587 Right of Way |
| Type: | Contract | Status: | | Status: | Consent Agenda |
| File created: | 1/7/2019 | In control: | | In control: | City Commission |
| On agenda: | 1/16/2019 | Final action: | | Final action: | |
| Title: | Intergovernmental Agreement with the Oregon Department of Transportation for the Meyers Road Extension Project | | | | |
| Sponsors: | John Lewis | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. Staff Report, 2. Attachment 1: IGA No. 32587, 3. Attachment 2: Resolution No. 18-38, 4. Attachment 3: ODOT Grant of Access Response Letter | | | | |

| Date | Ver. | Action By | Action | Result |
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Intergovernmental Agreement with the Oregon Department of Transportation for the Meyers Road Extension Project

RECOMMENDED ACTION (Motion):

Authorize approval of an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for right-of-way services related to the Meyers Road Extension Project (CI 17 -001).

BACKGROUND:

The Meyers Road Extension Project, located between High School Avenue and Hwy 213, is identified in the 2013 Transportation System Plan as project D46 - Meyers Road West Extension. This extension of Meyers Road will help to serve many purposes:

- Relieving congestion on Glen Oak Road; and
- Providing a new access through the area to foster future development of land parcels adjacent to the road; and
- Providing access for the Oregon City School District Transportation and Maintenance Facility, a future park at the corner of High School Avenue, and an additional access (from the south) to Clackamas Community College.

In order to construct the new eastern approach of the signalized intersection of Meyers Road and Hwy 213, the City was required to submit an application for a Grant of Access to ODOT. In Condition of Approval #4 for this Grant of Access (Attachment 3), ODOT is requiring that the existing reservation of access (driveway) for the Berge/Emmert property (19842 Highway 213, tax lot 3S-2E-9C-700) to Cascade Highway South (OR 213) at Engineering Station 272+20, East side, MP 3.88 (most northerly existing access) shall be purchased/removed.

Oregon state law (ORS 35.235) mandates that parties authorized by law to acquire property through condemnation first adopt a resolution stating the necessity and the purpose for which the property is required. In November 2018, City Commission adopted Resolution No. 18-38 declaring the necessity

and intent to appropriate real property and authorizing the institution of condemnation proceedings, if necessary, for the Meyers Road Extension Project. This included the driveway to be removed/acquired at STA OR 272+20 (Attachment 2).

The attached IGA for Right-of-Way Services for the Meyers Road Extension Project (Attachment 1), allows the City to hire ODOT to acquire the access reservation and allow closure of the driveway as required by the Grant of Access. These services are provided with a maximum not to exceed amount of \$60,500. This estimate includes legal description, right-of-way services, and compensation to the property owner. If ODOT is not able to successfully negotiate the acquisition, additional expenses would be likely if it is necessary to proceed with condemnation.

IGA Agreement No. 32146, which is referenced in this agreement, has not yet been finalized and approved by ODOT and the City. That IGA goes over the general information about the Meyers Road Extension project, including responsibility for construction, maintenance, operation, mitigation measures, and cost of the public approach. This IGA is anticipated to be brought to City Commission in upcoming months.

BUDGET IMPACT:

Amount: \$60,500
FY(s): 2018-2019
Funding Source: Transportation System Development Charges