



## Staff Report

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**File #:** 18-201

**Version:** 1

**Date:** 5/14/2018

**Item #:** 3.3d.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

**SUBJECT:**

Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the McGilchrist Street SE Corridor Improvement Project.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

**ISSUE:**

Shall Council authorize the City Manager to execute the attached Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the McGilchrist Street SE (12<sup>th</sup> Street SE to 25<sup>th</sup> Street SE) Corridor Improvement Project?

**RECOMMENDATION:**

Authorize the City Manager to execute the attached Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the McGilchrist Street SE (12<sup>th</sup> Street SE to 25<sup>th</sup> Street SE) Corridor Improvement Project.

**SUMMARY AND BACKGROUND:**

The McGilchrist Street SE Corridor Improvement Project will widen McGilchrist Street SE to a 3-lane arterial with additional turn lanes and an additional eastbound travel lane east of 22<sup>nd</sup> Street SE (Attachment 1, Vicinity Map). The project will also realign 22<sup>nd</sup> Street SE at McGilchrist Street SE and provide storm system modifications, sidewalk improvements, utility relocations, and traffic signal modifications.

The City has been awarded federal funding for a portion of the preliminary design and right-of-way acquisition costs. The project is currently in the design phase and has reached the point where right-of-way activities are ready to commence. Funding for construction of the project has not yet been

secured.

## **FACTS AND FINDINGS:**

On January 13, 2016, Council authorized the City Manager to execute a Local Agency Certification Agreement (Certification Agreement) with the Oregon Department of Transportation (ODOT) to allow the City to assume responsibility for the administration and management of federally funded local transportation projects.

The McGilchrist Street SE Corridor Improvement Project meets the criteria of the Certification Agreement. The terms and conditions of the Certification Agreement require that a separate Right-of-Way Services Agreement (Attachment 2) with ODOT be executed when right-of-way acquisition is required. The Right-of-Way Services Agreement for the project defines the responsibilities of ODOT and the City throughout the right-of-way acquisition process. Key highlights of the Right-of-Way Service Agreement are as follows:

- The City will prepare legal descriptions and appraisals, recommend just compensation, make monetary offers, negotiate terms, file for condemnation (if necessary), close all transactions, and co-sign the necessary right-of-way certification documentation.
- ODOT will provide oversight to the City and co-sign the necessary right-of-way certification documentation.

Council approval to acquire right-of-way for the project will be addressed under a separate staff report at a later date.

Brian D. Martin, PE  
City Engineer

### **Attachments:**

1. Vicinity Map
2. Intergovernmental Agreement for Right-of-Way Services