



# CITY OF SALEM

585 Liberty St SE  
Salem, OR 97301

## Staff Report

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File #: 18-264

Version: 1

Date: 6/11/2018

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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 on the Brown Road NE Corridor Improvement Project

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): NOLA

**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 Brown Road NE 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 Brown Road NE Corridor Improvement Project.

**SUMMARY AND BACKGROUND:**

The Brown Road NE Corridor Improvement Project will widen Brown Road NE between San Francisco Drive NE and Sunnyview Road NE by adding sidewalks, bike lanes, and a left-turn lane at the intersection with Sunnyview Road NE (Attachment 1, Vicinity Map). The project will also provide stormwater system modifications, 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. Construction of the improvements is scheduled for 2019.

## 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 Brown Road NE 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 Services Agreement are as follows:

- The City will prepare legal descriptions and appraisals, recommend just compensation, negotiate terms, file for condemnation (if necessary), close all transactions, and co-sign the necessary right-of-way certification documentation.
- ODOT will prepare administrative determinations of value, make monetary offers, 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. Right-of-Way Services Agreement