



## Staff Report

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**File #:** 23-170

**Version:** 1

**Date:** 5/8/2023

**Item #:** 3.3 c.

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**TO:** Mayor and City Council

**THROUGH:** Keith Stahley, City Manager

**FROM:** Brian D. Martin, PE, Acting Public Works Director

**SUBJECT:**

Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement Project.

Ward(s): Ward 8

Councilor(s): Councilor Varney

Neighborhood(s): West Salem

Result Area(s): Safe, Reliable, and Efficient Infrastructure

**SUMMARY:**

The Intergovernmental Agreement specifies City and Oregon Department of Transportation responsibilities to acquire right-of-way for the Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement Project.

**ISSUE:**

Shall Council authorize the City Manager to execute the attached Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation for the Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement Project?

**RECOMMENDATION:**

Authorize the City Manager to execute the attached Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation for the Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement project (Attachment 1).

**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 Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement Project (Attachment 2, Project Location Map) meets the criteria of the Certification Agreement. The terms and conditions of the Certification Agreement require that a separate Intergovernmental Agreement for Right-of-Way Services with ODOT be executed when right-of-way acquisition is required. The Intergovernmental Agreement for Right-of-Way Services for the Project defines the responsibilities for ODOT and the City through the right-of-way acquisition process.

Key highlights of the Intergovernmental Agreement for Right-of-Way Services are:

- The City will prepare legal descriptions, conduct 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, provide valuation, 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.

## **BACKGROUND:**

The volume of traffic on Orchard Heights Road NW makes crossing the roadway challenging, and a gap in the sidewalk presents a barrier for pedestrians. Both of these problems impede pedestrian access to Orchard Heights Community Park. The intent of this project is to improve pedestrian safety along Orchard Heights Road NW by constructing missing sidewalks and an enhanced pedestrian crossing at Parkway Drive NW.

Allen Dannen, PE  
Acting City Engineer

## **Attachments:**

1. Intergovernmental Agreement
2. Project Location Map