CITY OF SALEM

Legislation Details (With Text)

File #:	21-515	**Version:** 1		
Type:	Action Item		**Status:**	Agenda Ready
			In control:	City Council
On agenda:	11/22/2021		**Final action:**	

Title: Intergovernmental Agreement with Marion County for Stormwater Improvements within Elkins Way SE.

Ward(s): Ward 4
Councilor(s): Councilor Leung
Neighborhood(s): South Gateway
Result Area(s): Safe, Reliable, and Efficient Infrastructure

Sponsors:

Indexes:

Code sections:

Attachments: 1. Intergovernmental Agreement Elkins Way SE, 2. Project Location Map

Date	Ver.	Action By	Action	Result
11/22/2021	1	City Council		

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Intergovernmental Agreement with Marion County for Stormwater Improvements within Elkins Way SE.

Ward(s): Ward 4
Councilor(s): Councilor Leung
Neighborhood(s): South Gateway
Result Area(s): Safe, Reliable, and Efficient Infrastructure

SUMMARY:

This Intergovernmental Agreement establishes that the City will be responsible for maintaining developer-built stormwater facilities in Marion County rights-of-way within Elkins Way SE.

ISSUE:

Shall Council authorize the City Manager to execute an Intergovernmental Agreement (IGA) with

Marion County to establish terms and conditions under which the City will provide maintenance of developer-built stormwater facilities within Elkins Way SE?

RECOMMENDATION:

Authorize the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will provide maintenance of developer-built stormwater facilities within Elkins Way SE.

FACTS AND FINDINGS:

The City of Salem and Marion County have agreed to terms outlined in an IGA for developer-built stormwater facilities located within the Marion County right-of-way of Elkins Way SE (Attachment 1). Construction of stormwater facilities in Elkins Way SE is necessary to convey stormwater from Affinity Estates Subdivision, located at 6719 Devon Avenue SE, to Powell Creek (Attachment 2). The facilities will be built by the developer to City of Salem standards.

Upon approval of the IGA and acceptance of the proposed stormwater facilities, The City will accept maintenance responsibility, including any necessary repairs, modifications, or retrofits of the developer-built stormwater facilities within Elkins Way SE.

The IGA does not commit Salem to any financial contributions related to the construction of the stormwater facilities. Construction will be accomplished by the developer. Performance of the City's obligations under this IGA is not anticipated to have a measurable budget impact.

The City Manager may execute amendments to the IGA if the following requirements are met: (1) The amendments do not substantially expand the City's obligations; (2) The amendments do not broaden the scope of the agreement to other subjects; (3) The amendments do not increase the City's financial obligations; and, (4) The amendments may extend the term or renew the IGA so long as any other changes to the IGA do not substantially expand the City's obligations.

BACKGROUND:

On March 30, 2021, the City's Planning Administrator granted conditional approval for Affinity Estates Subdivision, an 88-lot residential subdivision located at 6719 Devon Avenue SE. The conditions of approval require the construction of stormwater facilities that comply with City of Salem Ordinance 8-20 and the City of Salem *Public Works Design Standards*. A portion of the required stormwater facilities are located outside of City jurisdiction and will be constructed within the Marion County right -of-way of Elkins Way SE, from Devon Avenue SE to Powell Creek. Marion County requires an IGA with the City of Salem to establish the terms and conditions of the City's maintenance responsibilities for the accepted stormwater facilities.

> Robert D. Chandler, PhD, PE
> Assistant Public Works Director

Attachments:
1. Intergovernmental Agreement
2. Project Location Map