



## Staff Report

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**File #:** 20-303

**Version:** 1

**Date:** 8/24/2020

**Item #:**

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

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

### **SUBJECT:**

Broadway Street NE at Pine Street NE Signal, Street, and Intersection Improvements Intergovernmental Agreement No. 32964 for Right-of-Way Services.

Ward(s): 1, 5

Councilor(s): Kaser, Ausec

Neighborhood(s): Highland

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

### **ISSUE:**

Shall Council authorize the City Manager to execute the Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Broadway Street NE at Pine Street NE Improvements Project?

### **RECOMMENDATION:**

Authorize the City Manager to execute the Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Broadway Street NE at Pine Street NE Improvements Project (Attachment 1).

### **SUMMARY:**

The Broadway Street NE at Pine Street NE Improvements Project will modify the left-turn signals to protective permissive (flashing yellow arrows); reduce the four-lane roadway to three lanes with a center turn lane between Salem Parkway NE and Pine Street NE; and install a right-turn lane on the northbound leg of Broadway Street NE at Pine Street NE (Attachment 2, Vicinity Map).

The City has been awarded federal funding for a portion of the preliminary design, right-of-way acquisition, and construction of the project. The project is currently in the design phase, and right-of-way acquisition is ready to commence. Right-of-way or easements will be required at all four

corners of the intersection even if the proposed right-turn lane is excluded from the project. Construction is scheduled for 2022.

## **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 Broadway Street NE at Pine Street NE Improvements 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 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, 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 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.

At the August 10, 2020 Council meeting, Council postponed action on this item and requested additional information regarding the right turn lane that is a portion of the project. That Information is provided in the attached Supplemental Staff Report (attachment 4).

## **BACKGROUND:**

ODOT has informed the City that they have resources available to support the City with the right-of-way acquisition process. They have expertise providing valuations on small acquisitions required for this project. ODOT assisted the City in a similar manner for the Brown Road NE project with great success.

Brian D. Martin, PE  
City Engineer

### **Attachments:**

1. Intergovernmental Agreement for Right-of-Way Services No. 32964
2. Vicinity Map
3. Public Comment
4. Supplemental Report

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