



## Staff Report

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**File #:** 22-403

**Version:** 1

**Date:** 9/12/2022

**Item #:** 3.3b.

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**TO:** Mayor and City Council

**THROUGH:** Keith Stahley, City Manager

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

### **SUBJECT:**

Intergovernmental Agreement with Marion County for an Emergency Access Gate within Lone Oak Road SE adjacent to Rees Hill Road SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway

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

### **SUMMARY:**

The Intergovernmental Agreement establishes that the City is responsible for ensuring the maintenance of a developer-built emergency access gate in Lone Oak Road SE adjacent to Rees Hill Road 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 ensure the maintenance of a developer-built emergency access gate along Lone Oak Road SE adjacent to Rees Hill Road SE.

### **RECOMMENDATION:**

Authorize the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will ensure the maintenance of a developer-built emergency access gate along Lone Oak Road SE adjacent to Rees Hill Road SE.

### **FACTS AND FINDINGS:**

The City of Salem and Marion County have agreed to terms outlined in an IGA for a developer-built

emergency access gate within Rees Hill Road SE (Attachment 1). Construction of the emergency access gate is required by Marion County as a condition of development for Affinity Estates Subdivision, located at 6719 Devon Avenue SE (Attachment 2). The gate will be built by the developer to City of Salem standards.

Upon approval of the IGA and acceptance of the emergency access gate, the City will ensure that the emergency gate is maintained, including ensuring that it is repaired or replaced if damaged.

The IGA does not commit Salem to any financial contributions related to the construction of the emergency gate. 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 emergency gate can be removed when improvements are made at the intersection of Lone Oak Road SE and Rees Hill Road SE that provide for adequate sight distance to Marion County standards.

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; and, (3) The amendments do not increase the City's financial obligations. 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 February 8, 2022, the City's Planning Administrator granted conditional approval for Affinity Estates as modified under Subdivision Plat No. SUB21-01MOD1, an 88-lot residential subdivision located at 6719 Devon Avenue SE. Condition 5c of SUB21-01MOD1 requires the Developer to construct Lone Oak Road SE from the development to Rees Hill Road SE and authorizes that access be restricted to emergency vehicles only. The conditions of approval require that construction of street improvements comply with the *City of Salem Public Works Design Standards*. The emergency gate will ensure that non-emergency vehicles are not able to access the Lone Oak/Rees Hill intersection until additional safety improvements are completed. Marion County requires an IGA with the City of Salem to establish the terms and conditions of the City's responsibility for ensuring the maintenance of the emergency gate.

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

## **Attachments:**

1. Intergovernmental Agreement for Rees Hill Road SE
2. Project Location Map