



Staff Report

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Version: 1

Date: 9/12/2022

Item #: 3.3c.

TO: Mayor and City Council

THROUGH: Keith Stahley, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Intergovernmental Agreement with Marion County for Street and Utility Improvements within Lone Oak Road SE south of Sahalee Drive SE.

Ward(s): Ward 4

Councilor(s): Councilor Leung

Neighborhood(s): South Gateway

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

SUMMARY:

The Intergovernmental Agreement establishes that the City is responsible for maintaining the developer-built street and utility improvements in Lone Oak Road SE outside City limits.

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 maintain developer-built street and utility improvements in Lone Oak Road SE outside City limits.

RECOMMENDATION:

Authorize the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will maintain developer-built street and utility improvements in Lone Oak Road SE outside City limits.

FACTS AND FINDINGS:

The City of Salem and Marion County have agreed to terms outlined in the attached IGA for developer-built street and utility improvements within the Marion County right-of-way of Lone Oak

Road SE (Attachment 1). Construction of street and utility improvements in Lone Oak Road SE is required as a condition of development for Affinity Estates Subdivision, located at 6719 Devon Avenue SE (Project Location Map, 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 street and utility improvements, the City will accept maintenance responsibility, including any necessary repairs or modifications of the developer-built facilities within Lone Oak Road SE.

The IGA does not commit Salem to any financial contributions related to the construction of the 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 IGA addresses an area of infrastructure inside the Urban Growth Boundary that will eventually be annexed into the city, at which time the infrastructure will be maintained no differently than other city infrastructure.

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 5b of SUB21-01MOD1 requires the Developer to construct Lone Oak Road SE from the development to Sahalee Drive SE. The conditions of approval require that the construction of street improvements and public utilities to comply with the City of Salem *Public Works Design Standards*. A portion of the required facilities are located outside of City jurisdiction and will be constructed within the Marion County right-of-way of Lone Oak Road SE. Marion County requires an IGA with the City of Salem to establish the terms and conditions for the City's maintenance responsibilities for the accepted street and utility improvements.

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

Attachments:

1. Intergovernmental Agreement for Lone Oak Road SE
2. Project Location Map