

RESOLUTION NO. 1638

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE MAYOR TO SIGN AMENDMENT NO. 2 TO FUND EXCHANGE AGREEMENT NO. 15,690 WITH THE STATE OF OREGON ACTING BY AND THROUGH THE OREGON DEPARTMENT OF TRANSPORTATION TO PROVIDE \$144,301 IN FUNDING FOR THE BICYCLE AND PEDESTRIAN PATH IMPROVEMENTS PROJECT.

WHEREAS, construction of the Bicycle and Pedestrian Path Improvements Project was completed in March 1999, which included construction of sidewalks along the west side of Boberg Road; and

WHEREAS, funding for these improvements included a combination of local match (6%) and federal grant (94%) administered by the state; and

WHEREAS, unexpended 1997 and 1998 grant funds were re-budgeted into the Miscellaneous Pedestrian Improvements Project (540-49130-5000-475) which is under design and will be constructed during the summer of 2000; and

WHEREAS, the City of Wilsonville and State of Oregon entered into the original Fund Exchange Agreement No. 15,690 on December 4, 1997 and Amendment No. 1 on July 1, 1999; and

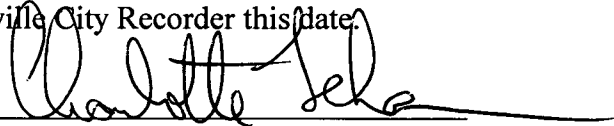
WHEREAS, this resolution authorizes the Mayor to sign Amendment No. 2 to Fund Exchange Agreement No. 15,690 which will increase the grant funding by adding the 1999 allocation of \$51,307; and

WHEREAS, with funding as outlined these projects may proceed so the improvements will be completed in a timely manner.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Based upon the recited findings above incorporated by reference herein, the City Council does hereby approve and authorize the Mayor to sign Amendment No. 2 to Fund Exchange Agreement No. 15,690 between the City of Wilsonville and the State of Oregon, acting by and through its Department of Transportation, a copy of which is marked Exhibit "A" and attached hereto and incorporated herein to provide additional funding for the Miscellaneous Pedestrian Improvements Project.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of May, 2000, and filed with the Wilsonville City Recorder this date.


CHARLOTTE LEHAN, Mayor

ATTEST:


SANDRA C. KING, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes

Misc. Contracts & Agreements
No. 15,690

AMENDMENT NO. 2
FUND EXCHANGE AGREEMENT
Boberg Road – Barber Street to Boeckman Road
Wilsonville Road from Brown Road to Meadows Parkway

The State of Oregon, acting by and through its Department of Transportation (State), and City of Wilsonville, acting by and through its Elected Officials (Agency), entered into Local Agency Agreement No. 15,690 on December 4, 1997 and Amendment No. 1 on July 1, 1999. Said agreements cover a fund exchange project for the construction of sidewalks and the installation of landscaping and streetlights on Boberg Road between Barber Street and Boeckman Road and on sections of Wilsonville Road from Brown Road to Meadows Parkway, hereinafter referred to as "Project."

It has now been determined by State and Agency that the agreements referenced above, although remaining in full force and effect, shall be amended by this agreement to add the City's 1999 STP fund allocation. The combined allocation will be used to continue the project as described above. The following changes shall be made:

Page 2, Amendment No.1, Paragraph 4 which reads:

"4. To assist in funding the project, Agency has requested State to exchange 1997 and 1998 Federal funds which have been allocated to Agency, for State funds based on the following ratio:

\$94 State for \$100 Federal

Based on this ratio, Agency wishes to trade \$98,799 Federal funds for \$92,871 State funds."

M C & A No. 15,690
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Shall be amended to read:

"4. To assist in funding the project, Agency has requested State to exchange 1997, 1998, and 1999 Federal funds which have been allocated to Agency, for State funds based on the following ratio:

\$94 State for \$100 Federal

Based on this ratio, Agency wishes to trade \$153,381 Federal funds for \$144,178 State funds."

Page 2, Amendment No. 1, Paragraph D which reads:

"D. This Fund Exchange shall be on a reimbursement basis, with State funds limited to a maximum amount of \$92,871. All costs incurred in excess of the fund exchange amount will be the sole responsibility of Agency."

Shall be amended to read:

"D. This Fund Exchange shall be on a reimbursement basis, with State funds limited to a maximum amount of \$144,178. All costs incurred in excess of the fund exchange amount will be the sole responsibility of Agency."

Page 3, Amendment No. 1, Paragraph J which reads:

"J. Agency shall compile accurate cost accounting records. Agency shall bill State, in a form acceptable to State, no more than once a month, for costs incurred on the project. State will reimburse Agency at 94 percent of the billing amount, not to exceed \$92,871. The cost records and accounts pertaining to the work covered by this agreement shall be retained for inspection by representatives of State for a period of three (3) years following final payment. Copies shall be made available upon request."

Shall be amended to read:

"J. Agency shall compile accurate cost accounting records. Agency shall bill State, in a form acceptable to State, no more than once a month, for costs incurred on the project. State will reimburse Agency at 100 percent of the billing amount, not to exceed \$144,178 The cost records and accounts pertaining to the work covered by this agreement shall be retained for inspection by representatives of State for a period of three (3) years following final payment. Copies shall be made available upon request."

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IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The funding for this fund exchange program was approved by the Oregon Transportation Commission on September 13, 1995, as a part of the 1996-1998 Statewide Transportation Improvement Program.

The Financial Services Branch Manager approved the fund exchange on February 25, 1997 for the 1997 project, January 13, 1999 for the combining of the 1997 and 1998 funds, and July 17, 1999 for the addition of the 1999 funds.

The Oregon Transportation Commission on March 18, 1999, approved Subdelegation Order No. 2 in which the Director grants authority to the Executive Deputy Director to approve and execute agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

APPROVAL RECOMMENDED

By _____
Region 1 Manager

Date _____

APPROVED AS TO
LEGAL SUFFICIENCY

By _____
Agency Attorney

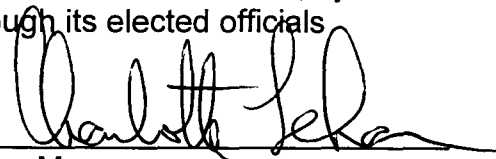
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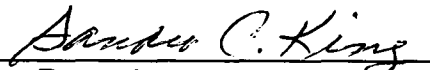
STATE OF OREGON, by and through
its Department of Transportation

By _____
Executive Deputy Director

Date May 16, 2000

CITY OF WILSONVILLE, by and
through its elected officials

By 
Mayor

By 
Recorder

Date May 16, 2000