

ORDINANCE NO. 2552

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH THE STATE OF OREGON, HIGHWAY COMMISSION, FOR THE INSTALLATION AND MAINTENANCE OF TRAFFIC SIGNALS AT FIRST AND LYON STREETS, SECOND AND LYON STREET, SECOND AND ELLSWORTH STREETS, AND FOR CERTAIN MARKINGS AND SIGNING, AND DECLARING AN EMERGENCY.

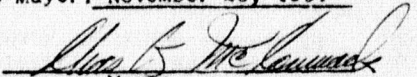
THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That the Mayor and City Manager of the City of Albany, Oregon be and they are hereby authorized to execute an agreement with the State of Oregon, by and through its State Highway Commission for the purpose of installing and maintaining traffic signals at First and Lyon Streets, Second and Lyon Streets, Second and Ellsworth Streets; providing for alterations in existing lights at First and Ellsworth Streets, and providing for certain marking and signing, a substantial copy of said agreement being attached hereto and, by reference, made a part hereof.

Section 2: Whereas, the existing conditions are such that the peace, health, and safety of the people of the City of Albany, Oregon, are involved, therefore an emergency is hereby declared to exist and this ordinance shall be in effect immediately upon its final passage and approval by the Mayor.

Passed by the Council: November 23, 1954

Approved by the Mayor: November 23, 1954

  
Mayor

ATTEST:

  
City Recorder

A G R E E M E N T

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ by and between the State of Oregon, by and through its State Highway Commission, hereinafter called "State", and the City of Albany, a municipal corporation, acting by and through its City Officials, hereinafter called "City".

W I T N E S S E T H :

RECITALS:

1. That certain highway which has been designated as the Albany-Corvallis State Highway No. 31, (US20) is a state highway under the jurisdiction and control of the State Highway Commission.
2. Under provisions of CRS 373.010, the Highway Commission is authorized and directed, whenever the route of a state highway passes through the corporate limits of a city, to select and designate the street or streets over which said highway shall be routed. Pursuant to such authority and direction, the Highway Commission has designated that certain street, or portions thereof, known as Ellsworth Street, as part of said Albany-Corvallis Highway, said street being within the corporate limits of City.
3. Under provisions of ORS 483.040, the Highway Commission is authorized and directed to provide a uniform system of marking and signing such state highway routes; and under provisions of ORS 483.044, said Commission is vested with general supervision with respect to the erection of official traffic signs or signals.
4. Under provisions of ORS 366.775, the Commission may enter into an agreement with any county, city, town or road district for the construction, reconstruction, improvement or repair of any road, highway or street upon terms and conditions mutually agreed to by the contracting parties.
5. In connection with the project herein mentioned and to expedite the flow of traffic within City, State, under the provisions of ORS 373.010, has or will designate portions of Lyon Street and First Avenue as part of said Albany-Corvallis Highway.
6. As a separate project but integrated with the project herein mentioned for traffic control, City has established one-way traffic west bound on First Avenue from Main to Calapooia Streets and east bound on Second Avenue from Calapooia to Main Streets.

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7. In the judgment of State and City, it is deemed necessary for the safety and convenience of the traveling public and to promote the safe and expeditious flow of traffic to complete an improvement project within the limits of City. Said project shall consist of establishing a one-way couplet of Ellsworth and Lyon Streets to carry traffic on said Albany-Corvallis Highway, including the necessary traffic signal installations and curb radius cutback, hereinafter described.

NOW, THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

THINGS TO BE DONE BY STATE:

1. State shall prepare and submit to City, for its approval plans for the project covered herein. Said project shall consist of the installation of fixed-time traffic signals at the intersections of First Avenue and Lyon Street, Second Avenue and Lyon Street, and Second Avenue and Ellsworth Street; the changing of the existing signal installations at the intersection of First Avenue and Ellsworth Street to integrate with this project; the cutting back of the curb radius in the northeast quadrant of the intersection of First Avenue and Ellsworth Street; and the interconnection of said signals. Attached hereto, marked Exhibit A, and by this reference made a part hereof is a plat of one page setting forth the location of said project.

2. State shall direct and prosecute the project, in the first instance, either by its own forces or contract.

3. State shall pay the entire costs of marking and signing the route of said Albany-Corvallis Highway. Said cost is estimated to be One Thousand and No/100 (\$1,000) Dollars.

4. State shall pay, in the first instance, all costs and disbursements of the project, except for the cost of moving certain utilities, if any there be, as hereinafter provided. Said cost is estimated to be Twelve Thousand and No/100 (\$12,000) Dollars.

5. Upon completion of the project, State shall submit to City an itemized statement of the total actual cost of the project, not including items to be paid solely by State or City. Said total actual cost shall be shared equally by State and City, each to pay one-half thereof. If said total actual cost is less than Twelve Thousand and No/100 (\$12,000) Dollars, State shall reimburse City the sum by which the Six Thousand and No/100 (\$6,000) Dollars paid by City, as hereinafter provided, exceeds City's one-half share of said total actual cost.

THINGS TO BE DONE BY CITY

1. City, by executing this agreement, approves the plans and locations for the project submitted by State.

2. City shall, without cost to State, relocate and reconstruct, or cause to be relocated or reconstructed, all water, sewer, gas, electric, telephone, telegraph and all other utility conduits, lines, poles, mains, pipes and facilities of every kind and nature, if any there be, which must be relocated or reconstructed in carrying out the project. If such work is necessary, it shall be integrated with the signal installation work of State or its contractor.

3. City shall pay, upon execution of this agreement, to the State Highway Commission the sum of Six Thousand and No/100 (\$6,000) Dollars as its share of the estimated cost of this project, not including those items to be paid solely by State or City. However, if the aforementioned total actual cost of the project exceeds Twelve Thousand and No/100 (\$12,000) Dollars, City, upon receipt of the aforementioned itemized statement of cost, shall pay the State Highway Commission the sum which added to the Six Thousand and No/100 (\$6,000) Dollars, paid by City, represents City's one-half share of said total actual cost.

4. City shall maintain and operate the traffic signals, covered by this agreement, at its own expense; shall pay for all electrical energy consumed; and shall not change the timing program without prior written approval of State.

5. City has enacted and will enforce and continue in effect the ordinances providing for one-way traffic on the following streets:

- (a) North Bound:  
Lyon Street between Ninth and First Avenues.
- (b) South Bound:  
Ellsworth Street between First and Ninth Avenues.
- (c) West Bound:  
First Avenue between Baker and Broadalbin Streets.
- (d) East Bound:  
Second Avenue between Broadalbin and Baker Streets.

A certified copy of said ordinances and a certified copy of ordinances providing

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for one-way traffic, mentioned in Recital 6, shall be submitted to State upon execution of this agreement.

GENERAL PROVISIONS:

1. City and State agree that at such time as any part of the equipment covered by this agreement is in need of replacement the cost thereof shall be borne equally by State and City; provided, however, that this provision shall not apply in the event that the Albany-Corvallis Highway or another state highway is not routed over and through the aforementioned intersections at the time the replacement of said equipment is accomplished.

2. The one-way couplet carrying traffic on the Albany-Corvallis Highway shall be open to traffic when the traffic signal installations are complete, not later than March 13, 1955.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their official seals as of the day and year first above written, City acting pursuant to City Ordinance No. 2552.

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED:

\_\_\_\_\_  
State Highway Engineer

APPROVED AS TO FORM:

\_\_\_\_\_  
Chief Counsel

STATE OF OREGON, by and through  
its State Highway Commission:

By \_\_\_\_\_  
Chairman

By \_\_\_\_\_  
Commissioner

By \_\_\_\_\_  
Commissioner

CITY OF ALBANY, a municipal  
corporation:

By Clark B. McLinn

By \_\_\_\_\_

ATTEST:

William D. Bell  
Recorder