

RESOLUTION NO. 2510

NOW, THEREFORE BE IT RESOLVED BY THE ALBANY CITY COUNCIL, that it does hereby accept the AGREEMENT with the State of Oregon for the transfer of jurisdiction and maintenance responsibility for the Thurston Street Ramp Connection No. 2, and authorizes the Mayor to execute the AGREEMENT on behalf of the City of Albany.

Dated this 14th day of November, 1984.



Mayor

ATTEST:



City Recorder

CK:pf
10-30-84

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, by and through its Department of Transportation, Highway Division, hereinafter called "State"; and the CITY OF ALBANY, a municipal corporation, by and through its City Officials, hereinafter called "City".

W I T N E S S E T H

RECITALS

1. The Albany-Junction City Highway, State Primary Highway No. 58, including the Thurston Street Ramp Connection No. 2, in the City of Albany, are a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission as shown on the map attached hereto, marked "Exhibit A", and by this reference made a part hereof.
2. Pursuant to ORS 373.010 and ORS 373.015, whenever the route of any state highway passes through the corporate limits of any city, State may locate, relocate, reroute, abandon, alter, or change such routing when in its opinion the interest of the motoring public will be better served.
3. Pursuant to ORS 271.330, the State or any political subdivision within the State may relinquish title to any of its property not needed by it for public use to any other governmental body or political subdivision within the State, providing such property shall be used and continue to be used for public purpose.
4. The City proposes reconstruction of storm sewer lines with the right-of-way of the Thurston Street Connection No. 2 and it has been determined that the City should accept maintenance, jurisdiction and control of said Thurston Street Connection No. 2.
5. Said acceptance by City makes possible the elimination by State of the Thurston Street Connection No. 2 from the Albany-Junction City Highway, State Primary Highway No. 58 as shown colored in red and orange on the attached Exhibit A and hereinafter referred to as Unit A. The parties hereto plan and propose that jurisdiction and control over Unit A shall pass to City, and that said Unit A shall be maintained by City as part of its City street system. Unit A is described as follows:

UNIT A

All the land within the right-of-way boundaries of the Thurston Street Ramp Connection No. 2 from approximately opposite Highway Engineer's Station 420+40 of the Albany-

Junction City Highway No. 58; thence westerly and southerly to the northerly right-of-way boundary of Ninth Street and lying in Section 7, Township 11 South, Range 3 West, Willamette Meridian; Linn County, Oregon.

THINGS TO BE DONE BY STATE

1. State, by execution of this agreement, hereby approves the RECITALS herein, Exhibit A, THINGS TO BE DONE BY CITY, and all other provisions of this agreement.

2. State shall by resolution, formally eliminate Unit A as a part of the Albany-Junction City Highway, State Primary Highway No. 58 and the state highway system, and all right, title, and interest which State has in the right-of-way of that portion of Unit A as shown colored in red on Exhibit A shall thereupon pass to and vest in City so long as used for city street purposes. If said right-of-way is no longer to be used for city street purposes, it shall automatically revert to State. That portion of Unit A as shown colored in orange on Exhibit A shall be transferred by State to City for surface maintenance purposes only.

3. State reserves the perpetual right of access under the Albany-Junction City Highway (SPRR O'Xing) for the purpose of maintaining said structure and landscaping in the interchange area.

4. State shall retain that portion of right-of-way of the Albany-Junction City Highway and that real property acquired by State for right-of-way and other public purposes, approximately as shown colored in green on Exhibit A.

THINGS TO BE DONE BY CITY

1. City, by execution of this agreement, hereby approves of the RECITALS herein, Exhibit A, THINGS TO BE DONE BY STATE, and all other provisions of this agreement.

2. City agrees to accept all State's right, title and interest and assume all maintenance, jurisdiction and control of that portion of Unit A, approximately as shown colored in red on Exhibit A and further to assume surface maintenance of that portion of Unit A approximately as shown colored in orange on Exhibit A, at its sole expense as part of its City street system. City hereby expressly waives the requirements of ORS 373.015.

3. City shall pass an ordinance or resolution, as the case may be, authorizing the Mayor and Recorder to enter into the agreement on behalf of City, and the same shall be made a part hereof and attached hereto.

GENERAL PROVISIONS

1. The properties as heretofore described in this agreement are to be transferred, subject, however, to the rights of any utilities and private accesses located within said properties and further subject to the rights of the owners of said existing facilities, if there are any, to operate, reconstruct and maintain their facilities presently located within said sections.

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

The Oregon Transportation Commission, by a duly adopted delegation order, authorized its Chairman or Vice Chairman to act in its behalf in approving this agreement. Approval was given for this agreement on _____ by _____, which approval is on file in the Commission records. The delegation order also authorizes the State Highway Engineer to execute this agreement on behalf of the Commission.

RECOMMENDED FOR APPROVAL

By _____
Region Engineer

APPROVED AS TO
LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

By _____
State Highway Engineer

CITY OF ALBANY, by and through
its City Officials

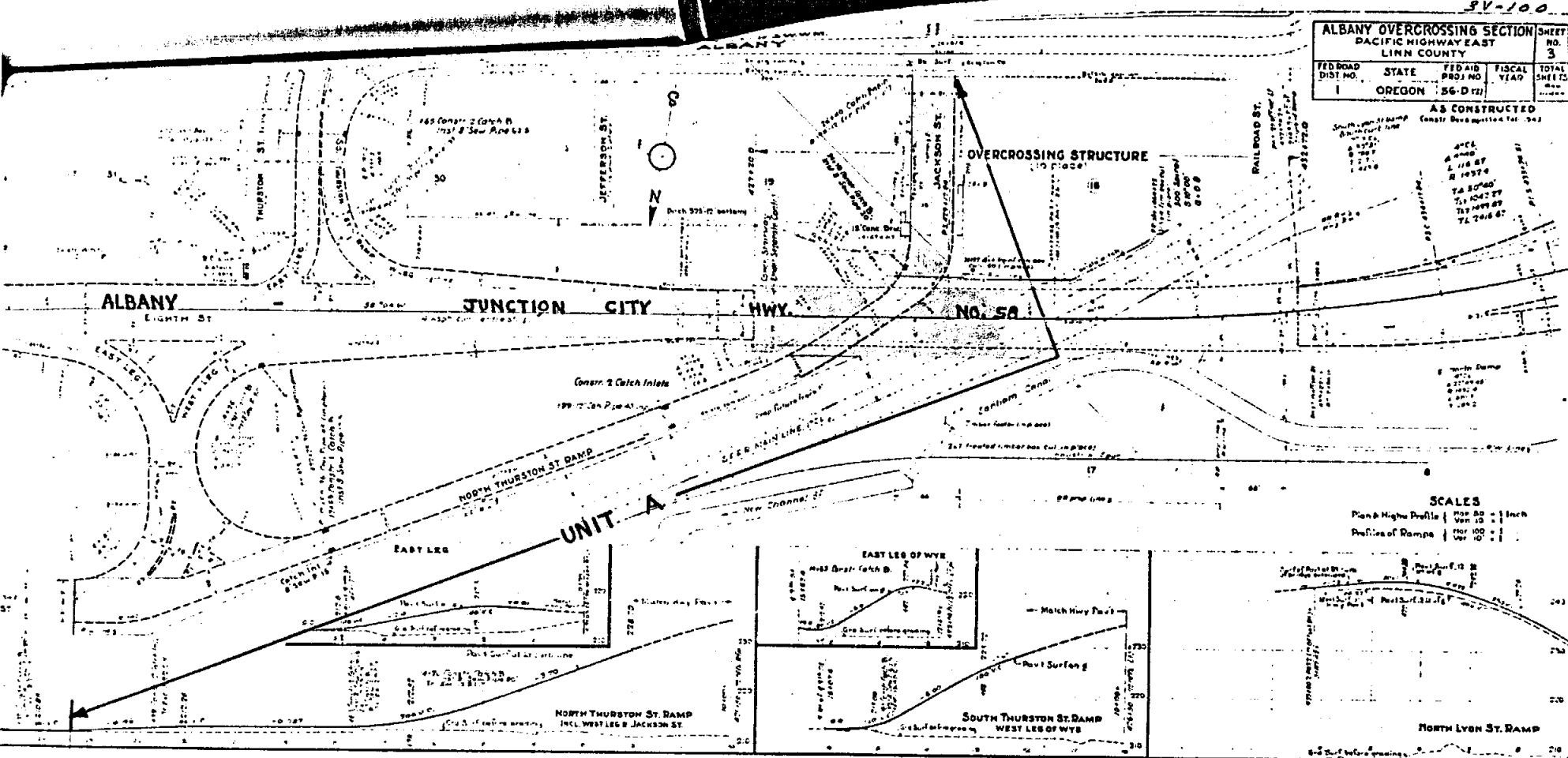
By Donald W. Bradley
Mayor

SV-100

ALBANY OVERCROSSING SECTION				SHEET NO.
PACIFIC HIGHWAY EAST				3
LINN COUNTY				
FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	TOTAL SHEETS
1	OREGON	56-D (2)		...

AS CONSTRUCTED
Const. Date Sept. 1954

APCC
L 118 67
R 19374
TA 5040'
To 1042 77
To 1049 89
To 1046 67



SCALES
Plan & High Profile | 1" = 100' | 1" = 10' | 1" = 1" | 1" = 1"
Profile of Ramps | 1" = 100' | 1" = 10' | 1" = 1" | 1" = 1"

NOTE: All grades constructed as shown

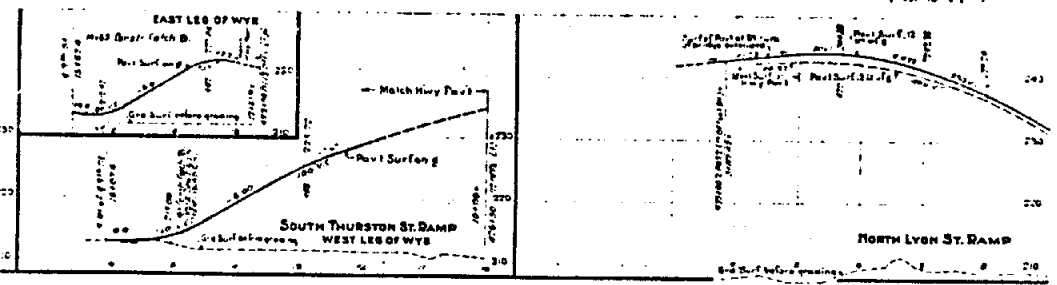


EXHIBIT A

- TO BE TRANSFERRED TO CITY
- TO BE RETAINED BY STATE
- CITY TO MAINTAIN UNDER STRUCTURE (Thurston St. Ramp)

Note: See 43-125 to 43-130. Subgrade to be constructed in order to provide correct drainage including all ramps. The ALBANY & THE ALBANY OVERCROSSING shall be separately shown on a project contract.