

**RESOLUTION NO. 1398**

**A RESOLUTION REQUESTING AN ADMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY RELATED TO THE SOUTH IVY STREET SIDEWALK IMPROVEMENT PROJECT, REPEALING RESOLUTION NO. 1308.**

**WHEREAS**, authority is conferred upon local governments under ORS 190.010 to enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform;

**WHEREAS**, S. Ivy St. is a County Road, as defined in ORS 368, which is currently maintained by the City but within the corporate limits of the City;

**WHEREAS**, County and City desire to make the following improvements to S. Ivy St. between OR-99E and Lee Elementary School (hereafter called "Ivy St. Improvements" or the "Project"): (1) construction of sidewalks and bike lanes on both sides of the street where needed, (2) construction of ADA improvements, (3) installation of a signal at the intersection of S. Ivy Street and Township Road, and (4) addressing a residential driveway within the intersection of S. Ivy Street and Township Road. The Project location and approximate limits are shown the map marked "Exhibit A," attached hereto and by this reference made a part hereof;

**WHEREAS**, the County has entered into an agreement with the State of Oregon through its Department of Transportation (the "ODOT") to exchange unspent federal funds previously allocated to the Project for state funds, in order to fund the Project using state funding. ODOT has determined that Agency is eligible for state funds for the work to be performed under this Agreement through the State Funded Local Project Program;

**WHEREAS**, the total Project cost for the work to be performed under this Agreement is estimated at \$6,947,225 which is subject to change. Prior to exchanging funds, the federal share of the total Project cost is \$1,751,053. The City has committed \$4,789,254 as a matching amount, to be applied to the Project. In the event, the total Project cost exceeds the estimated total, County has committed to donating staff time to the project for managing the design and right-of-way phases of the project and for the construction management and inspection phase of the project (up to \$250,000 in staff time). In the event the total cost exceeds the estimated total and County-donated staff time, the County shall provide up to \$156,918 in funding;

**WHEREAS**, City desires that County perform the Project on its behalf, and agrees that the County should be entitled to payment for completion of that agreed upon work; and

**WHEREAS**, the County desires to perform the work on behalf of the City.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Canby as follows:

- (1) The City agrees to enter into agreement with Clackamas County in pursuant to ORS 190.010 for purposes of the terms and conditions as outlined in the **INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY RELATED TO THE SOUTH IVY STREET SIDEWALK IMPROVEMENT PROJECT**, Exhibit "A"

(2) Resolution No. 1308 is hereby repealed.


This Resolution will take effect immediately upon adoption by the City Council.

ADOPTED this 15<sup>th</sup> day of November, 2023 by the City of Canby City Council.



Brian Hodson  
Mayor

ATTEST:



Maya Benham  
City Recorder

**AMENDMENT #1  
TO THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY  
RELATED TO THE SOUTH IVY STREET SIDEWALK IMPROVEMENT PROJECT**

This AMENDMENT #1 to an Intergovernmental Agreement Between Clackamas County and the City of Canby Related to the South Ivy Street Sidewalk Improvement Project is entered into between Clackamas County (“County”), a corporate body politic, and the City of Canby (“City”), an Oregon municipal corporation. The County and the City are individually referred to herein as a “Party” and collectively as the “Parties.”

**RECITALS**

- A. The Parties entered into an Intergovernmental Agreement Between Clackamas County and the City of Canby Related to the South Ivy Street Sidewalk Improvement Project, on January 24, 2019 (“Agreement”);
- B. As the project progresses, the Parties have recognized a need to update the project cost, Parties’ cost contributions, and scope of work;
- C. Section 8. H. of the Agreement allows the Parties to mutually agree to modify or change the Agreement in writing; and
- D. The Parties desire to modify the Agreement to update project costs, Parties’ cost contribution, and scope of work.

**TERMS OF THE AMENDMENT**

NOW, THEREFORE, the Parties agree as follows:

- 1. The Recital section of the Agreement is hereby amended as follows:
  - a. The third WHEREAS is stricken and replaced entirely with the following:
 

“WHEREAS, County and City desire to make the following improvements to S. Ivy St. between OR-99E and Lee Elementary School (hereafter called “Ivy St. Improvements” or the “Project”): (1) construction of sidewalks and bike lanes on both sides of the street where needed, (2) construction of ADA improvements; (3) installation of a signal at the intersection of S. Ivy Street and Township Road, (4) addressing a residential driveway within the intersection of S. Ivy Street and Township Road, and (5) resurfacing of the asphalt pavement roadway. The Project location and approximate limits are shown on the map marked “Exhibit A,” attached hereto and by this reference made a part hereof;”
  - b. The fourth WHEREAS is stricken and replaced entirely with the following:

“WHEREAS, the County has entered into an agreement, no. 32756, with the State of Oregon through its Department of Transportation (the “ODOT”) to exchange unspent federal funds previously allocated to a portion of the Project, which covers improvements nos. 1 to 4, for state funds, in order to fund that portion of the Project using state funding. ODOT has determined that Agency is eligible for state funds for the work to be performed under this Agreement through the State Funded Local Project Program;

- c. The fifth WHEREAS is stricken and replaced entirely with the following:

“WHEREAS, the total Project cost for the work to be performed under this Agreement is estimated at \$6,947,225, which is subject to change. Prior to exchanging funds, the federal share of the total Project cost is \$1,751,053. The City has committed \$4,789,254 as a matching amount, to be applied to the Project. In the event, the total Project cost exceeds the estimated total, County has committed to donating staff time to the project for managing the design and right-of-way phases of the project and for the construction management and inspection phase of the project (up to \$250,000 in staff time). In the event the total cost exceeds the estimated total and County-donated staff time, the County shall provide up to \$156,918 in funding;”

2. Section 7 B. of the Agreement is stricken and replaced entirely with the following:

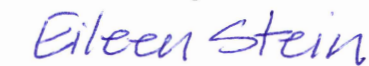
“ Contact Information:  
City of Canby  
Attn: City Administrator  
PO Box 930  
Canby, OR 97103”

3. Except as expressly amended above, all other terms and conditions of the Agreement shall remain in full force and effect. By signature below, the parties agree to this AMENDMENT #1, effective upon the date of the last signature below.

**City of Canby**

 11/16/23

Authorized Signature      Date



Printed Name

**Clackamas County**



Tootie Smith, Chair

12/07/2023

Date



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

December 07, 2023

BCC Agenda Date/Item: 20231207 II.D.4

Board of County Commissioners  
Clackamas County

**Approval of Amendment #1 to the Intergovernmental Agreement between Clackamas County and the City of Canby related to the South Ivy Street Sidewalk Improvement Project. Amendment value is \$4,758,410, agreement value is increased to \$6,947,225. Funding is through the State Funded Local Project Program, City of Canby, and County Road Fund. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	12/05/23: Request for Consent 07/13/17: BCC Approval of Supplemental Project Agreement 31172 01/24/19: BCC Approval of Supplemental Project Agreement 32756 with Oregon Department of Transportation for the S. Ivy Street (Canby) Project 01/24/19: BCC Approval of Intergovernmental Agreement 1308 with City of Canby for the South Ivy Street Sidewalk Improvement Project		
<b>Performance Clackamas</b>	The project will: a. Build a strong infrastructure, and b. Ensure safe, healthy and secure communities.		
<b>Counsel Review</b>	Yes, Hong Huynh	<b>Procurement Review</b>	No
<b>Contact Person</b>	Jonathan Hangartner, Senior Civil Engineer	<b>Contact Phone</b>	503-742-4649

**EXECUTIVE SUMMARY:** This is a proposed amendment to the project agreement between Clackamas County and the City of Canby to design and construct sidewalk and bicycle improvements along South Ivy Street between OR99E and Lee Elementary School. The project will provide enhanced bicycle and pedestrian connectivity and include constructing bike lanes and sidewalks on both sides of the road where needed, ADA improvements, and installing a signal at the intersection of South Ivy Street and Township Road. In addition, Ivy Street will be transferred to the City upon project completion.

For Filing Use Only

The proposed amendment reflects updates to project cost (mostly requested by the City), City of Canby cost contributions, and scope of work. The total project cost estimate has increased from \$2,188,815 to \$6,947,225, which is due to refinement of construction cost estimate through the design process and inflation of construction costs (approximately \$3.83M increase), increase in project duration (approximately 2 years), scope of work changes (approximately \$600K increase for resurfacing of asphalt pavement roadway), and greater project complexity and effort than originally estimated. The proposed amendment increases City of Canby estimated contribution from \$437,762 to \$4,789,254 to cover the increased estimated project cost. State Funded Local Project Program and County Road Fund contributions remain unchanged.

Design and right of way complexity and efforts have been greater than originally estimated. This included consultant services for twenty-seven (27) additional right-of-way files for acquisition, additional maps and descriptions, underground power design and connection to each building, illumination design, additional traffic analysis related to a roundabout alternative analysis and future traffic volumes for the proposed signal, and additional utility coordination related to a required joint trench layout (approximately \$375K increase).

**RECOMMENDATION:** Staff respectfully recommends that the Board of County Commissioners approve the attached Intergovernmental Agreement Amendment between Clackamas County and the City of Canby related to the South Ivy Street Sidewalk Improvement Project as listed in the agreement.

Respectfully submitted,

*Dan Johnson*

Dan Johnson  
Director of Transportation & Development