

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. \_\_\_\_\_**

Authorizing the County Chair to Execute an Intergovernmental Agreement with Tri-Met and the City of Lake Oswego for the Sellwood Bridge Project.

**The Multnomah County Board of Commissioners Finds:**

- a) The Willamette Shore Consortium, comprised of the City of Portland, Metro, the City of Lake Oswego ("COLO"), Clackamas County, the Oregon Department of Transportation, and the Tri-County Metropolitan Transportation District of Oregon ("TriMet") (the "Consortium"), is the current owner of the rail right-of-way known as the Willamette Shore Trolley Line (the "Right-of-Way") in the vicinity of the Sellwood Bridge Project (the "Project"). The Consortium holds the Right-of-Way for the purpose of preserving it for public rail mass transit use.
- b) The Consortium has designated TriMet as its Right-of-Way Agent, with responsibility for negotiating and executing real property agreements relating to the Right-of-Way and working with local jurisdictions concerning public improvement projects that may impact the Right-of-Way. The Consortium has designated COLO as the party responsible for operation and maintenance of the Right-of-Way as called for in the work programs and budgets adopted by the Consortium.
- c) As part of the Project, the County has done or will do the following work within the Right-of-Way: removed the Staff Jennings Trestle and plans to replace it with trackage on fill, will utilize a portion of the Right-of-Way as a haul road, will construct a multi-purpose access (the "MPA"), is placing landslide stabilization shafts and anchors, is constructing a temporary detour bridge utilizing air space, replace the existing Sellwood Bridge structure connecting to the interchange with Highway 43, will replace the existing culverts at Stephens Creek with a concrete arch culvert, and has removed trees and vegetation and excavated to accommodate construction and improvements, then will replant the disturbed areas with all native trees and vegetation.
- d) Use of the Right-of-Way benefits the Project because it maximizes safe and efficient access for the supply of materials and equipment to the construction site over the haul road. The Project will provide benefits to the Consortium including improved management of drainage, placement of new ballast and sub-ballast, and replacement of ties.

- e) County will pay the Consortium \$434,271 for the net value of temporary construction easements (after offsetting value of Right-of-Way improvements built at County's expense) and will reimburse COLO for potential trolley revenue lost during the Project resulting from the Right-of-Way closure, additional maintenance costs incurred as result of the Project, and Tri-Met license fees.

**The Multnomah County Board of Commissioners Resolves:**

1. The County Chair is authorized to enter into the IGA (with Exhibits A through D), modify the IGA and execute easements referenced in the IGA and such other ancillary agreements as necessary or desirable to further the intent of the IGA, so long as such modifications, easements and ancillary agreements do not result in a material increase in the obligations of Multnomah County or a material decrease in the benefits for Multnomah County under the IGA.

ADOPTED this 29<sup>th</sup> day of November, 2012.

**BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

---

**Jeff Cogen, Chair**

**REVIEWED:**

**JENNY M. MORF, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON**

By \_\_\_\_\_  
**Kenneth M. Elliott, Assistant County Attorney**

**SUBMITTED BY: Commissioner Deborah Kafoury**