



REQUEST FOR COUNCIL ACTION

Title: ODOT Art in the Public Right-of-Way Agreement

Preferred Agenda: September 22, 2020

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Ray Towry, City Manager

Type of Action: Resolution ____ Motion ____ Roll Call ____ Other __X__

Relevant Code/Policy: SH Charter, Chapter I, Powers of the City

Towards Council Goal: Aspiration I: Desirable Community

Attachments: Proposed ODOT IGA
Logger Statue Draft Engineered Roof Plan
Logger Statue Draft Roof 1
Logger Statue Draft Roof 2
Logger Statue Pictures 1-4

Purpose of this RCA:

The purpose of this RCA is to inform the Council of the Proposed Intergovernmental Agreement from ODOT for the maintenance of the artwork in the ODOT right-of-way and on ODOT property. In addition, Staff is seeking direction from the Council regarding a citizen-led initiative to place a roof over the Logger Statue currently standing on ODOT property, and the possibility of seeking a property line adjustment to take the area out of the ODOT right of way.

Background/Context:

The art sculpture of two men standing on springboards using a crosscut saw to cut a tree was originally made as a fund raiser for the 2018 Boy & Girls Club of the Greater Santiam. The sculpture is approximately 16ft high, standing on a tripod base of the original tree shape. It was placed in the Fall of 2018. The sculpture is very heavy and is anchored to the base concrete of an existing platform, with drilled anchors.

Because it sets within the old abandoned – though still preset – Right-of-Way of Holley Road, the structure is within ODOT jurisdiction. The entire corner there at the junction of Main St, Holley Rd, and Long St, is still either an owned tax lot (in the middle, see map) and the original roadway rights-of-way. There are two other structures on that land, one being a large petrified rock with a roof structure, and the second being a concrete structure with to pictorial symbol only (no text) of the city logo. The sculpture location is within the framework of a previous Rose Arbor, and at least 50ft from the nearest curb. The adjacent East Linn Museum has historically maintained the corner area. The sidewalk section between Long St and Main St is on the property of the East Linn Museum.

ODOT requires an Intergovernmental Agreement with the local jurisdiction for maintenance of the structure. ODOT also requires the local jurisdiction to own the structure, not a private group. The Council previously adopted a resolution to enter into an intergovernmental agreement (IGA) with ODOT for the maintenance of the artwork.

ODOT returned a proposed IGA to the City. Staff have reviewed it, and are requesting some changes.

In addition, citizens have approached the City, seeking to place a roof over the statue of the loggers, which would require approval from both the City and ODOT, and further modification of the IGA.

Finally, Staff has determined that future work or changes to the area would be much easier if the City pursued a property line adjustment to remove the area from the ODOT right-of-way.

The Challenge/Problem:

How should the City work with Citizens and ODOT to maintain artwork in the public right-of-way and on ODOT property?

Stakeholders:

- Sweet Home City Council – The City Council has the authority to enter into agreements with other governmental agencies.
- Oregon Department of Transportation – ODOT owns the property in question, and their cooperation and permission is required for any changes and future maintenance.
- Sweet Home Citizens – Citizens deserve an attractive City, including artwork in public areas.

Issues and Financial Impacts:

The Citizens requesting a roof over the sculpture have indicated that they will be financing the construction and labor. The only financial cost is the staff time necessary to modify the agreement with ODOT and review permits for the structure. If the Council chooses to cover the building permit fees for a structure, then there will be a small cost for the necessary third-party inspections. If a property line adjustment is pursued, City Staff estimates that it could cost approximately \$2,000 in survey and recording fees.

Elements of a Stable Solution:

A stable solution would include an agreement with ODOT for the maintenance of the artwork, and the erection of whatever structures the City Council believes are appropriate on the site and that ODOT is willing to allow.

Options:

1. Do nothing – Make no additions to the IGA with ODOT, or any accommodations for a new structure.
2. Direct Staff to Work with ODOT to Allow a Roofed Structure over the Loggers Statue – Staff will seek to make the necessary changes to the IGA in order for volunteers to erect a roof over the statue.
3. Direct Staff to Seek a Property Line Adjustment with ODOT to Move the Area Out of the Public Right-Of-Way – Staff will investigate the process and costs of a property line adjustment to remove the area out of ODOT's jurisdiction.
4. Direct Staff to Investigate Other Options – Staff can research different methods of protecting the artwork and any necessary changes to the IGA

Recommendation:

Staff does not have a specific recommendation, but seeks direction from the Council in the form of consensus of the Council.