

## RESOLUTION NO. 3006

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AND FUNDING AGREEMENT WITH PORTLAND & WESTERN RAILROAD, INC. FOR RE-CONSTRUCTION OF A GRADE CROSSING AT THE 5<sup>TH</sup> STREET RAILROAD CROSSING ASSOCIATED WITH THE 5<sup>TH</sup> STREET / KINSMAN ROAD EXTENSION PROJECT.**

WHEREAS, the City has planned and budgeted for completion of Capital Improvement Projects #139, 2099, and 4196, known as 5<sup>th</sup> Street / Kinsman Road Extension project (the Project); and

WHEREAS, the extension of 5<sup>th</sup> Street and Kinsman Road as part of the Project necessitate safety and regulatory improvement of the 5<sup>th</sup> Street railroad crossing; and

WHEREAS, the 5<sup>th</sup> Street railroad crossing is under the jurisdiction of Portland & Western Railroad (Railroad) and subject to Railroad design and construction requirements; and

WHEREAS, the City entered into an Agreement for Provision of Preliminary Engineering Services in Connection with Grade Crossing Improvements with Portland & Western Railroad for preliminary engineering and construction inspection services for the 5<sup>th</sup> Street railroad crossing as part of the Project; and

WHEREAS, the preliminary engineering work is complete and the City desires to enter into a Construction and Funding Agreement with the Railroad to construct the 5<sup>th</sup> Street railroad crossing as part of the Project; and

WHEREAS, construction of the 5<sup>th</sup> Street railroad crossing will allow for timely completion of the Project.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. The City of Wilsonville, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, a Construction and Funding Agreement with Portland & Western Railroad, Inc. for an amount of \$1,571,757.75, which is substantially similar to **Exhibit A** attached hereto.

Section 2. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17<sup>th</sup> day of October, 2022, and filed with the Wilsonville City Recorder this date.

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JULIE FITZGERALD, MAYOR

ATTEST:

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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville

EXHIBIT:

- A. Portland & Western Railroad, Inc. Construction and Funding Agreement