

RESOLUTION NO. 2546

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WILSONVILLE, THE CITY OF HILLSBORO, AND THE TUALATIN VALLEY WATER DISTRICT REGARDING PLACEMENT OF WATER TRANSMISSION PIPELINE IN KINSMAN ROAD DURING UPCOMING CONSTRUCTION

WHEREAS, TVWD and Hillsboro (collectively “Users”) are planning to construct a water transmission pipeline (“Pipeline”), up to 72-inches in diameter, extending from Hillsboro to the Willamette River Water Treatment Plant in Wilsonville. The Pipeline is intended to convey water to the Users by the year 2026; and

WHEREAS, using federal funding through the Oregon Department of Transportation (“ODOT”), Wilsonville has already completed approximately ninety percent (90%) of the design work for the future construction of a new segment of Kinsman Road between Barber Street and Boeckman Road (“Kinsman Project”). Federal funding will also be used, along with Wilsonville funds, for the construction of the Kinsman Project. The construction contract for the Kinsman Project will be awarded by ODOT; and

WHEREAS, Users have requested that at the same time ODOT constructs the Kinsman Project, Users be allowed to locate a segment of the Pipeline within the Kinsman Project right-of-way (“Kinsman Right-of-Way”) as part of the Pipeline Project, at User’s sole risk, in order to save time and expense to Users and avoid a potential future demolition and reconstruction of the newly constructed Kinsman Project; and

WHEREAS, in addition to design on the Kinsman Project already being approximately 90% complete, Wilsonville has obtained certain environmental and wetland permits required for construction of the Kinsman Project but still needs permits for its sanitary sewer improvements: and

WHEREAS, there are several unknowns at this time surrounding the possible addition of the Users' Pipeline to the Kinsman Project, including but not limited to additional cost that may be incurred by Wilsonville for staff time, re-design time, construction delays and other related construction costs that may be caused by amending contracts and/or permits already in place as well as costs during the construction phase, including but not limited to construction costs, management, oversight, inspection, and administration and engineering overhead; and

WHEREAS, design and construction of the Kinsman Project is being done pursuant to a contract with ODOT, but agreement is yet to be reached between ODOT, Wilsonville, and Users concerning project construction costs, management, cost sharing, and payment terms, including but not limited to the cost allocation for excavation and related roadway work up to the subgrade for that portion of the road bed where Users' Pipeline will be located; and

WHEREAS, the final Pipeline location, feasibility, terms and fees related to Users' occupancy of Wilsonville's Kinsman Right-of-Way have not yet been established between Wilsonville and Users; and

WHEREAS, Users acknowledge that Wilsonville may impose terms, conditions, and fees for the use of the rights-of-way and property in a future agreement and Parties intend to negotiate in good faith the terms, conditions, and fees for use of the rights-of-way and property in a future agreement; and

WHEREAS, the Parties desire to memorialize their respective risks and obligations under the circumstances.

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

1. The above recitals are incorporated by reference.
2. The Wilsonville City Council hereby authorizes the City Manager to execute on behalf of the City the Memorandum of Understanding Between the City of

Wilsonville, the City of Hillsboro, and the Tualatin Valley Water District regarding Placement of Water Transmission Pipeline in Kinsman Road During Upcoming Construction, a copy of which is marked Exhibit 1, attached hereto and incorporated by reference as if fully set forth herein.

3. This Resolution becomes effective upon the date of adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this ____ day of July, 2015, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes

Attachments:

Exhibit 1 – Memorandum of Understanding Between the City of Wilsonville, the City of Hillsboro, and the Tualatin Valley Water District regarding Placement of Water Transmission Pipeline in Kinsman Road during Upcoming Construction