

**RESOLUTION NO. 1526  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING AMENDMENT NUMBER 01 TO COOPERATIVE IMPROVEMENT  
AGREEMENT WITH THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION**

**Whereas**, on or about March 4, 2019, the City of Prineville (“City”) and the State of Oregon, acting by and through its Department of Transportation (“ODOT”) entered into a Cooperative Improvement Agreement designated by ODOT as No. 32415 Miscellaneous Contracts and Agreements (the “Agreement”) regarding State’s US26: Meadow Lakes Drive-Combs Flat Road Project; and

**Whereas**, the Agreement contemplated a scope of work in which ODOT was bringing existing curb ramps up to current ADA standards, replacing and upgrading existing traffic signals, providing intersection safety improvements and constructing and upgrading portions of the ODOT Intelligent Information Systems (ITS) Infrastructure; and

**Whereas**, ODOT wishes to construct a storm water facility in conjunction with State’s US 26: Meadow Lakes Drive to Combs Flat Road project on City owned property near the intersection of Claypool Street and 5<sup>th</sup> Street; and

**Whereas**, the proposed storm water facility will treat water from the US Route 26 corridor and sections of the City; and

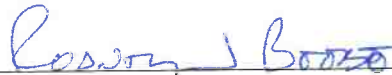
**Whereas**, City and ODOT wish to amend the Agreement to apply the HB2017 funding in the amount of \$3,000,000.00 for the design analysis and development efforts of US26: Meadow Lakes Drive to Combs Flat Road to include key storm-water drainage system needs, and City’s Downtown Streetscape amenities; and

**Whereas**, City and ODOT have negotiated an Amendment to the Agreement designated by ODOT as No. 73000-00005176 Miscellaneous Contracts and Agreements (“Amendment”) attached hereto and incorporated herein;

**Whereas**, City staff believes it is in the best interest of the City to approve and execute the Amendment.

**Now, Therefore**, the City of Prineville resolves that the Amendment is hereby approved and that the Mayor is authorized to sign such Amendment on behalf of the City.

Approved by the City Council this 14<sup>th</sup> day of June, 2022.

  
\_\_\_\_\_  
Rodney J. Beebe, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Morgan, City Recorder

**AMENDMENT NUMBER 01  
COOPERATIVE IMPROVEMENT AGREEMENT  
2017 Oregon Transportation Funding  
US26: Meadow Lakes Ave Dr-Combs Flat Rd (Prineville)  
City of Prineville**

This is Amendment No. 01 to Agreement No. 32415 between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT", and the **CITY OF PRINEVILLE**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on March 3, 2019. This Agreement is now identified as Agreement No. 73000-5176. All terms remain unchanged, except as amended herein.

The Agreement title shall be revised from "US26: Meadow Lakes Ave - Combs Flat Rd (Prineville)" to "US26: Meadow Lakes Dr - Combs Flat Rd (Prineville)".

It has now been determined by State and Agency that the Agreement referenced above shall be amended to revise the funding and revise the project scope to include the construction of storm water facilities. New Language is indicated by underlining and italics and deleted language is indicated by ~~strikethrough~~.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement**
  - a). **Exhibit B shall be deleted in its entirety and replaced with the attached Revised Exhibit B. All references to "Exhibit B" shall hereinafter be referred to as "Revised Exhibit B."**
  - b). **Insert new Exhibit D describing the approximate location of the storm water facility to be constructed by State on City property at the request of the Agency.**
  - c). **RECITALS, Paragraph 2, 3, 5 and 6 shall be amended to read as follows:**
    2. NW Beaver Street, NE Belknap Street, NW Claypool Street, NE Combs Flat Road, NE Court Street, NW Deer Street, NE Dunham Street, NE Elm Street, NE Fairview Street, NE Garner Street, NW Harwood Street, NE Holley Street, NE Idlewood Street, NE Juniper Street, NW Locust St, NE Knowledge Street, NW Maple Street, NW Meadow Lakes Avenue Drive, NE Spruce Street, and Main Street, are a part of the city street system under the jurisdiction and control of Agency.
  3. State's US26: Meadow Lakes Ave Dr - Comb Flats Rd (Prineville) project (Key No. 20268) consists of bringing existing curb ramps up to current ADA standards,

replacing and upgrading existing traffic signals, providing pedestrian intersection safety improvements ~~and~~, constructing and upgrading portions of the ODOT ITS (Intelligent Information Systems) infrastructure and upgrading the storm-water drainage system serving sections of the City of Prineville and US26.

5. Agency wishes to apply its HB2017 funding in the amount of \$3,000,000.00 for the design analysis and development efforts of State's US26: Meadow Lakes Dr - Comb Flats Rd to include key storm-water drainage system needs; and Prineville Downtown Streetscape amenities, ~~bicycle facilities, crossing and pedestrian/ADA improvements at SE Lynn Blvd and Combs Flats Road.~~
6. Parties entered into Memorandum of Agreement No. 32817, attached hereto, marked Exhibit A, and by this reference made a part hereof, to document the Party's understanding and intentions in regard to creating a 'complete corridor' of coordinated and leveraged improvements to make the corridor safe and functional for all anticipated users on US 26 between Meadow Lakes Avenue Drive and Combs Flat Road, including all funding options.

**d). Insert new RECITALS, Paragraph 11, to read as follows:**

11. Agency wishes to have State construct a storm water facility in conjunction with State's US26: Meadow Lakes Ave Dr - Comb Flats Rd (Prineville) project on city owned property near the intersection of Claypool Street and 5<sup>th</sup> Street. This storm water facility will treat water from the US26 corridor and sections of the City of Prineville.

**e).TERMS OF AGREEMENT, Paragraph 1 shall be amended to read as follows:**

1. Under such authority, Parties agree to State incorporating Agency's pedestrian safety improvements and storm water improvements into State's US26: Meadow Lakes Dr - Comb Flats Rd (Prineville) project, hereinafter referred to as "Project". The Project improvements are described in Exhibit B, attached hereto and by this reference made a part hereof. The location of the Project is approximately as shown on the sketch map attached hereto, marked Exhibits C and D, and by this reference made a part hereof.

**f).TERMS OF AGREEMENT, Paragraph 2 shall be amended to read as follows:**

The Project will be financed at an estimated cost of \$9,864,301 in state and federal funds.

The estimate for the total Project cost is subject to change. State shall be responsible for any nonparticipating costs, and Project costs beyond the estimate.

**h). AGENCY OBLIGATIONS, Paragraph 4 shall be amended to read as follows:**

4. Agency agrees at its own expense to maintain and repair all improvements within the right of way and jurisdiction of the city including but not limited to those sidewalks, curb ramps, drainage swales, irrigation, decorative pedestrian lighting, electrical infrastructure and appurtenances, and stormwater facilities constructed as a part of the Project, but excluding those Project elements not listed above and constructed within State right of way and jurisdiction.

**i). Insert new AGENCY OBLIGATIONS, Paragraphs 2, and, to read as follows:**

2. Agency agrees State will perform all right of way functions and shall enter into a separate Right of Way Services Agreement between Agency and State Right of Way, referencing this Agreement number.
3. Upon completion of the Project, State shall transfer by deed, and Agency shall accept, that property acquired by the State and needed for the construction phases of the Project. The conveyance from State to Agency shall be free of costs or fees. Any property being conveyed shall be vested in Agency only so long as used for public transportation purposes. If said property is no longer used for public transportation purposes, it shall automatically revert to State.

**j). AGENCY OBLIGATIONS, Paragraphs 2 through 13 shall hereinafter be re-numbered as Paragraphs 4 through 15.**

**k). STATE OBLIGATIONS, Paragraph 7 shall be amended to read as follows:**

7. ~~State's Project Manager for this Project is Mike Darling – Senior Project Leader, 63055 N. Highway 97, Bldg M, Bend, OR 97701, (541) 388-6320, [Charles.m.darling@odot.state.or.us](mailto:Charles.m.darling@odot.state.or.us) Abbey Driscoll – Transportation Project Manager, 63055 N. Highway 97, Bldg M, Bend, OR 97703, (541) 410-5906, [abbey.driscoll@odot.oregon.gov](mailto:abbey.driscoll@odot.oregon.gov), or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.~~

**l). STATE OBLIGATIONS, Paragraphs 2 through 7 shall hereinafter be re-numbered as Paragraphs 3 through 8.**

5. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
6. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

**THE PARTIES**, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2021-2024 Statewide Transportation Improvement Program (STIP), (Key #20268) that was adopted by the Oregon Transportation Commission on July 16, 2020 (or subsequently by amendment to the STIP).

**CITY OF PRINEVILLE**, by and through its elected officials

By   
Mayor

Date \_\_\_\_\_

**STATE OF OREGON**, by and through its Department of Transportation

By \_\_\_\_\_  
Highway Division Administrator

Date \_\_\_\_\_

**LEGAL REVIEW APPROVAL (If required in Agency's process)**

By \_\_\_\_\_  
Agency Counsel

Date \_\_\_\_\_

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
Region 4 Manager

Date \_\_\_\_\_

**Agency Contact:**  
Eric Klann – City Engineer  
387 NE Third Street  
Prineville, OR 97754  
(541) 447-2357  
[eklann@cityofprineville.com](mailto:eklann@cityofprineville.com)

By \_\_\_\_\_  
Region 4 Right of Way Manager

Date \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

**State Contact:**  
Abbey Driscoll – Transportation Project Manager  
63055 N. Highway 97, Bldg M  
Bend OR, 97703  
(541) 410-5906  
[abbey.driscoll@odot.oregon.gov](mailto:abbey.driscoll@odot.oregon.gov)

**APPROVED AS TO LEGAL SUFFICIENCY**

By Herbert F. Lovejoy via email  
Assistant Attorney General

Date: May 19, 2022

REVISED EXHIBIT B – Project Description

- a) Construct streetscape improvements on US 26 between Deer Street and Main Street including but not limited to curb extensions and pedestrian scale decorative lighting.
- b) Replace/upgrade ADA pedestrian ramps between Harwood Street and Combs Flat Road;
- c) Replace and upgrade existing traffic signals at the following intersections:
  - i. US26 and Deer Street;
  - ii. US26 and Main Street;
  - iii. US 26 and Elm Street;
- d) Apply pedestrian safety upgrades at the following intersections:
  - i. US 26 and Harwood Street;
  - ii. US 26 and Deer Street;
  - iii. US 26 and Main Street;
  - iv. US 26 and Elm Street;
  - v. US 26 and NW Maple Avenue;
  - vi. US26 and Garner Street;
  - vii. Construct an enhanced pedestrian crossing with rectangular rapid flashing beacon and illumination at US 26 and NE Knowledge Street.
- e) ~~Conduct design analysis and potentially provide correction to the existing storm water system within the 'downtown' section of the corridor, based on the balancing of cost, priorities and funding contributions of the overall Project~~  
Construct and upgrade the storm drainage systems located on US26 between Main Street to Claypool Street as required to promote an appropriate level of functionality;
- f) Construct storm drainage system on city owned Claypool Street and a storm water facility on city owned property near the intersection of Claypool Street and 5<sup>th</sup> Street to service storm water from US26 and sections of the city of Prineville.
- g) Implementing ODOT ITS Central Signal System Improvements and upgrades, including a base goal of improved high-speed connectivity along and adjoining the Corridor and signals;

EXHIBIT D

Approximate location of Storm Water Facility to be built by State at Agency's request

