

RESOLUTION NO. 1513

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THAT INTERGOVERNMENTAL AGREEMENT WITH JACKSON COUNTY FOR IMPROVE AND ELIMINATE RAIL CROSSINGS

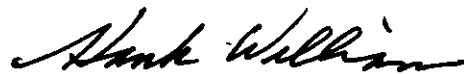
Recitals:

- A. In 2010 the City and Jackson County entered into an intergovernmental agreement (IGA) for the opening of the Twin Creeks Rail Crossing and subsequent closure of the Seven Oaks Crossing.
- B. In 2017 the Oregon Department of Transportation elected to do redo the Rail Order for the Twin Creeks Crossing and Seven Oaks Closure. The new order required a new or amended IGA with Jackson County.
- C. Jackson County has revised the IGA requiring the City to take jurisdiction of Bursell Road as part of the agreement and finish any safety improvements that may be warranted after the Oregon Department of Transportation improvement project at Scenic and Highway 99.

The City of Central Point resolves as follows:

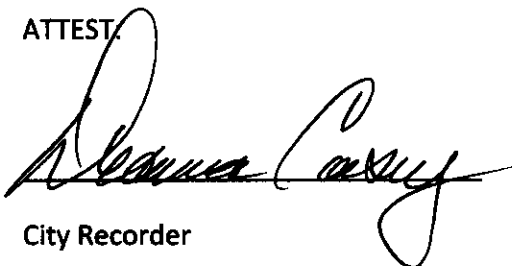
Section 1. The Council approves the IGA amendment attached hereto as Exhibit "A" and authorizes the City Manager or his designee to sign said Amendment No. 1 to the intergovernmental agreement with Jackson County as set forth on the attached exhibit.

Passed by the Council and signed by me in authentication of its passage this 29<sup>th</sup> day of June, 2017.



Mayor Hank Williams

ATTEST.



City Recorder

Res. No. 1512 ; June 29 2017

**AMENDMENT NO. 1**

**TO THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN JACKSON COUNTY AND THE CITY OF CENTRAL POINT  
For  
IMPROVE AND ELIMINATE RAILROAD CROSSINGS**

This FIRST AMENDMENT to the intergovernmental agreement, made and entered into on February 3, 2010, by and between Jackson County, Oregon, a political subdivision of the State of Oregon, hereinafter referred to as "County", and the City of Central Point, Oregon, a municipal corporation, hereinafter referred to as "City". County and City are collectively referred to as "Parties".

The Parties agree as follows:

**1) AGREEMENT section titled, "County Responsibilities" paragraph 1 which reads:**

- A. Elimination of an At-Grade Crossing. County agrees that upon completion of the upgrades by City to the Scenic Avenue rail crossing as described in City Responsibilities paragraph 2A, below, County will initiate the legal process to eliminate the Seven Oaks Road rail crossing identified as ODOT Crossing No. C-447.70 or some other public at-grade crossing on the Siskiyou mainline in Jackson County, subject to approval by the ODOT Rail Division.

**Shall be amended and replaced in its entirety as follows:**

- A. Elimination of the Seven Oaks Road Rail Crossing. County agrees that upon receiving a resolution from City requesting a jurisdictional road exchange of Bursell Road from County to City, the County will eliminate the Seven Oaks Road rail crossing identified as ODOT Crossing No. C-447.70. County will complete this work before the City opens the Twin Creeks rail crossing (ODOT Crossing No. C-446.35) and may do so in any manner of County's choosing.
- B. County agrees to complete needed asphalt maintenance patches and apply a chip seal pavement treatment to Bursell Road before October 31, 2017.

**2) AGREEMENT section titled "City Responsibilities" paragraph 2 which reads:**

- A. Improvement of Scenic Avenue Crossing. The existing rail crossing at Scenic Avenue and Highway 99, which is identified as ODOT Crossing No, C-447-10 is in need of upgrading. City agrees to construct the necessary upgrades to that crossing to the satisfaction of County and the ODOT Rail Division, including necessary elevation changes, vehicle traffic signals, and an interconnection with the crossing signals. The City will complete all engineering design, right-of-way purchase, permit acquisition, public notice and coordination, construction, and construction inspection. These upgrades will be constructed at City expense. The City will provide the County engineered plans for our review and approval prior to construction. The City agrees to begin work on such project as soon as practicable and to pursue completion with reasonable diligence.

- B. Elimination of an At-Grade Crossing. If the Board of Commissioners agrees to remove the Seven Oaks Road crossing identified as ODOT Crossing No. C-447.70, or some other public at-grade crossing on the Siskiyou mainline in Jackson County, City agrees that upon completion of the upgrades to the Scenic Avenue crossing as described in City Responsibilities at paragraph 2A, City will reimburse County for the costs to eliminate said crossing.

**Shall be amended and replaced in its entirety as follows:**

- A. Improvement of Scenic Avenue Crossing. The existing rail crossing at Scenic Avenue and Highway 99, identified as ODOT Crossing No, C-447-10 is in need of upgrading. The jurisdiction of this intersection is presently under the Oregon Department of Transportation (ODOT) on Highway 99, under County jurisdiction west of Highway 99, and under City jurisdiction east of Highway 99. ODOT has currently funded improvements to the intersection with a current construction schedule of 2020. The City agrees to work with ODOT on the design and safety improvements. The City, or by and through ODOT, will complete all engineering design, right-of-way purchase, permit acquisition, public notice and coordination, construction, and construction inspection for the improvements currently funded for 2020. In the event ODOT's funded project described herein does not fully address reasonable safety concerns of Jackson County, the City agrees to construct such additional reasonable safety improvements as mutually agreed by City and County, including upgraded crossing arms and signal timing equipment, and associated engineering design, right-of-way purchase, permit acquisition, public notice and coordination, construction, and construction inspection. The City, or by and through ODOT, will provide the County engineered plans for review and approval prior to construction. Notwithstanding the foregoing, in the event such additional safety improvements include a requirement that City install in excess of 100 feet of continuous welded rail to allow for interties between the Scenic and Twin Creeks rail crossings, City may seek additional funding from other sources, excluding Jackson County, to offset such additional unanticipated costs. Said additional safety improvements to the Scenic Avenue Crossing as mutually agreed between City and County, shall be completed by December 31, 2033.
- B. Elimination of the Seven Oaks Road Rail Crossing. The City agrees to complete an engineering design, secure needed right-of-way and to pay for all demolition and construction costs to remove the Seven Oaks Road crossing identified as ODOT Crossing No. C-447.70.
- C. By October 31, 2017, the City shall pass a resolution requesting a jurisdictional road transfer of Bursell Road from the County to the City.

**3) APPORTIONMENT FOR FUNDING section which reads:**

- A. City shall pay all construction costs for the elimination of the Seven Oaks Rail crossing identified as ODOT Crossing No. C447-70, or some other public at-grade crossing on the Siskiyou mainline in Jackson County. The County will provide an engineered design for this closure.

