

RESOLUTION NUMBER 11-1991

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY A SUPPLEMENTAL AGREEMENT WITH THE SOUTHERN PACIFIC TRANSPORTATION COMPANY WHICH EXTENDS THE TIME TO BEGIN CONSTRUCTION ON AN EASEMENT AGREEMENT WHICH PERMITS THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A THIRTY-SIX INCH STORM DRAIN CROSSING RAILROAD PREMISES AT THE EAST END OF S.E. OCHOCO STREET.

WHEREAS, the City of Milwaukie, through its Public Works Department, has applied for and received permission to bore under Southern Pacific Transportation Company's main railroad line at the east end of S.E. Ochoco Street (Engineers Station 273+50, Mile Post 756.16, described on Railroad's Oregon Division Drawing L-6166A, dated November 16, 1988) for the purpose of installing a thirty-six inch (36") storm drain with a forty-eight inch (48") casing to drain storm water from the Ardenwald area to Johnson Creek; and

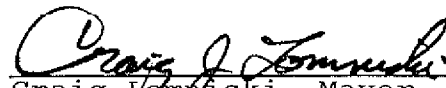
WHEREAS, that permission expired February 21, 1991; and

WHEREAS, the Southern Pacific Transportation Company is willing to extend that permission to September 9, 1991, through a Supplemental Agreement to Deed Audit No. 67426 (Lease Audit No. 210704); and

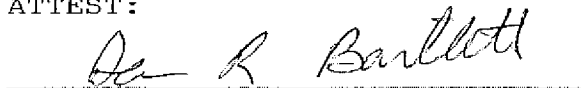
WHEREAS, the Southern Pacific Transportation Company requires a certified copy of the Resolution passed by the governing body of the City of Milwaukie authorizing execution and acceptance of the Supplemental Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie that it hereby authorizes the City Manager to sign a two-party Supplemental Agreement with the Southern Pacific Transportation Company extending the time to begin construction on Easement Agreement to construct, reconstruct, maintain, and operate a 36" storm drain crossing Railroad premises near the east end of S.E. Ochoco Street, subject to certification by the City's insurance company.

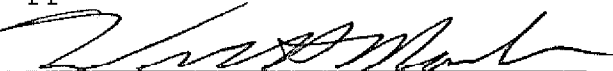
Introduced and adopted by the City Council of the City of Milwaukie, Oregon on the 2nd day of April, 1991 at a regular meeting of the City Council.


Craig Tomplicki, Mayor

ATTEST:


De R. Barlett

Approved as to form:


City Attorney