
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH CHEHALEM PARK AND RECREATION DISTRICT ALLOWING FOR THE INCLUSION OF CERTAIN CITY STREETS INTO THE DISTRICT'S TRAIL SYSTEM INCLUDING TRAIL SIGNAGE SUBJECT TO CITY REVIEW AND APPROVAL

RECITALS:

1. Chehalem Park and Recreation District (CPRD) master plans include trails in Newberg and surrounding areas that are within CPRD's boundary. CPRD includes certain city streets as a part of its complete trail system. Trail signage within the City's rights-of-way requires the City's approval.
2. By authority granted in ORS 190.110, local government agencies may enter into agreements with other local government or public agencies for the performance of any or all functions and activities that a party to the agreement, its officers, employees or agents have the authority to perform.
3. CPRD and the City of Newberg Planning and Engineering staff first met on February 21, 2012, to discuss the associated tasks and responsibilities for both parties. A series of follow-up meetings resulted in a final draft of the proposed intergovernmental agreement (IGA), which is hereby attached as Exhibit "A" and by this reference incorporated.
4. The City of Newberg Attorney and CPRD's legal advisor have both reviewed and determined that the proposed IGA is an acceptable agreement meeting the needs of the City and the District.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council does hereby authorize the city manager to sign and execute an IGA with CPRD that allows CPRD to include certain City streets into the district's trail system including trail signage subject to review and approval by the City. The IGA is shown in the attached Exhibit "A", which is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 19, 2012.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of June 2012.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 21st day of June 2012.



Bob Andrews, Mayor

EXHIBIT "A" TO
RESOLUTION NO. 2012-3007

**INTERGOVERNMENTAL AGREEMENT
FOR PLACING OF SIGNS IN PUBLIC RIGHT OF WAY FOR
THE CHEHALEM HERITAGE TRAIL**

THIS AGREEMENT is made and entered this ____ day of _____, 2012, by and between the following governmental units:

Chehalem Park & Recreation District
125 South Elliott Road
Newberg, OR 97132
(503) 537-4165

City of Newberg
P.O. Box 970
Newberg, OR 97132
(503) 538-9421

Chehalem Park & Recreation District is hereinafter referred to as "CPRD."
City of Newberg is hereinafter referred to as "Newberg."

RECITALS:

1. This contract is authorized by ORS 190.110 which authorizes agreements between governmental units.
2. CPRD holds the vision to provide regional trails in Newberg and its surrounding areas that are within CPRD's boundary. CPRD has needs to include certain city streets and utilize them as part of its complete trail system.
3. The purpose of this agreement is to establish both parties' respective duties as to signage for the Chehalem Heritage Trail (TRAIL) on streets or rights-of-way that are under the jurisdiction of Newberg.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, it is mutually agreed as follows:

1. **CPRD Duties:** CPRD shall allocate full and adequate funding as needed and reimburse Newberg the full and actual costs incurred for the installation, repair, maintenance and replacement, or removal, of all TRAIL signage covered by this IGA. "Signage" as used in this agreement shall include all or any portion of the signs, posts, anchors, or hardware as required in the Newberg sign standards.
 2. **Newberg Duties:** Newberg shall perform work for the installation, repair, maintenance and replacement, or removal, of all TRAIL signage within its rights-of-way. Newberg agrees to take reasonable steps to protect all TRAIL signage within its rights-of-way from destruction or removal by an intentional act including construction activity by Newberg. Newberg retains authority for all TRAIL signage locations.
 3. **Damaged Signs:** CPRD shall notify Newberg of any damaged TRAIL signage for replacement as soon as possible.
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4. **Sign Specifications:** CPRD shall be responsible to meet the standards and specifications for signage if CPRD wants to supply any signage to Newberg for installation or replacement.
 5. **Disputes:** CPRD and Newberg shall attempt in good faith to resolve any dispute arising out of this IGA. In addition, CPRD and Newberg may utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
 6. **Hold Harmless:** The parties hereby covenant and agree to hold and save each other, their officers, agents, and other employees, harmless from all claims whatsoever, including attorney's fees and costs, by reason of any negligent acts or omissions of each party, its officers, agents, or employees.
 7. **Notice of Third Party Claims:** If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against Newberg or CPRD with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
 8. **Termination:** The IGA may be terminated by mutual consent of both parties or by written thirty day notice from any party to the other party. If the IGA is terminated, all existing TRAIL signage shall be removed immediately.
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**CHEHALEM PARK AND
RECREATION DISTRICT**

CITY OF NEWBERG

By: _____
Mike Ragsdale, CPRD President

By: _____
Daniel Danicic, City Manager
per Resolution No. 2012-3007

Date: _____

Date: _____

By: _____
Don Clements, CPRD Superintendent

Date: _____

APPROVED AS TO FORM & CONTENT

By: _____
Terrence D. Mahr, City Attorney

Date: _____

CPRD Contact:

Don Clements
Superintendent
Chehalem Park and Recreation District
125 South Elliot Road
Newberg, OR 97132
Phone: 503.537.4165
Fax: 503.537.1277
Email: dclements@cprdnewberg.org

City Contact:

Russ Thomas
Public Works Maintenance Superintendent
City of Newberg
414 East First Street
P.O. Box 970
Newberg, OR 97132
Phone: 503.537.1233
Fax: 503.554.9411
Email: Russ.Thomas@newbergoregon.gov



EXHIBIT "A" TO RESOLUTION NO. 2012-3007

EXHIBIT A Map showing Proposed CPRD Trail Signage on Newberg's Rights-of-Way

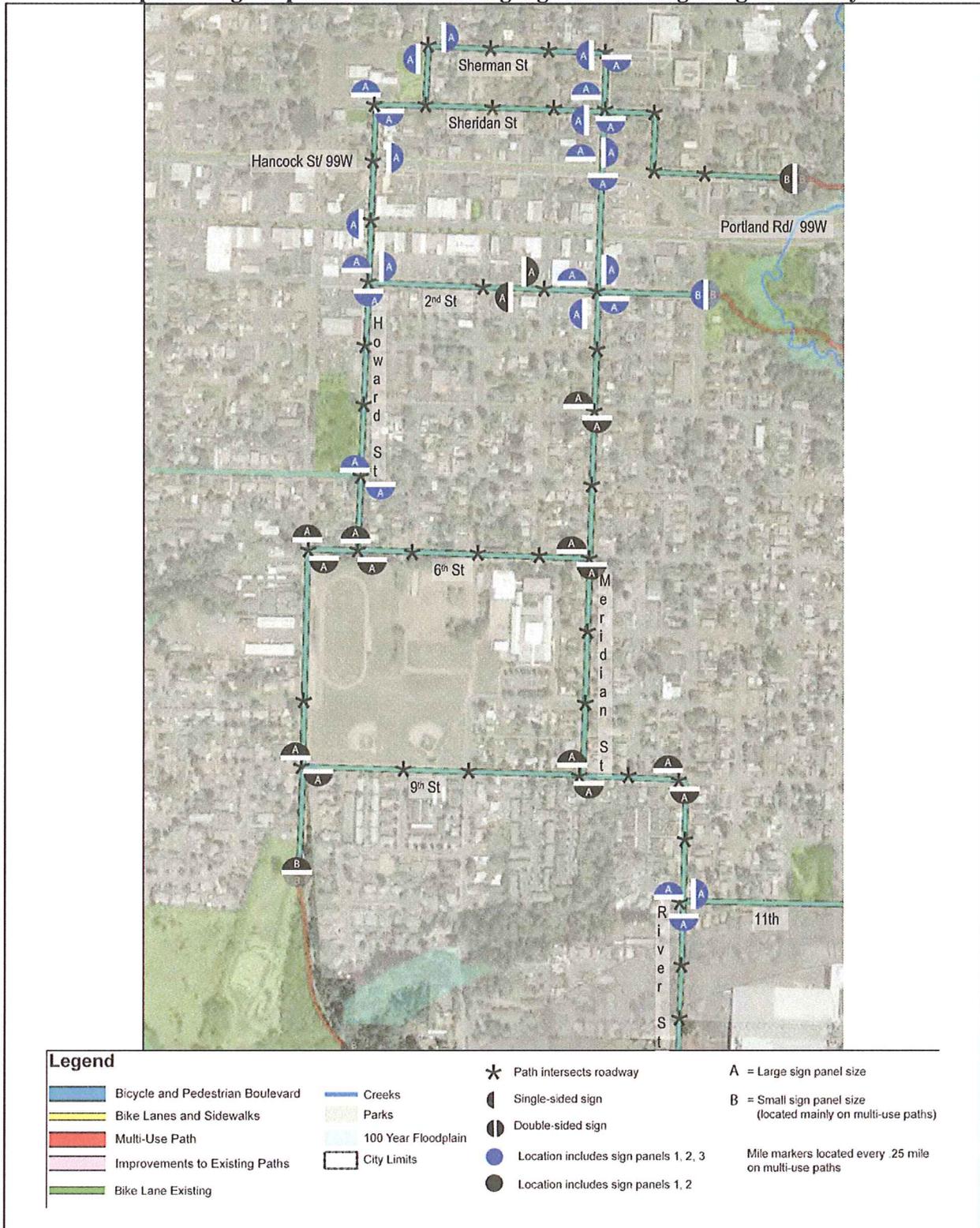


EXHIBIT B
Proposed CPRD Trail Signage (Typical Example)

