

RESOLUTION NO. 2303

A RESOLUTION OF THE CITY OF WILSONVILLE EXTENDING THE TEMPORARILY REDUCED VEHICULAR SPEED OF 20 MILES PER HOUR ALONG A SEGMENT OF BOECKMAN ROAD, ORIGINALLY IMPOSED BY RESOLUTION NO. 2156 IN CONFORMANCE WITH OREGON REVISED STATUTES (ORS 810.180)

WHEREAS, the City of Wilsonville ("City") has jurisdiction and control over certain street and roads within its boundaries; and

WHEREAS, the below described segment of Boeckman Road is within the boundaries of the City and is a roadway over which the City has jurisdiction and control; and

WHEREAS, the segment of Boeckman Road located between Engineers Station 43+00 to Engineers Station 51+00 has been sinking and deteriorating since it was opened for public use on or about July 16, 2008; and

WHEREAS, as a result of the sinking and settlement of portions of that roadway, damage has occurred to the roadway and adjacent bridge structure, resulting in a situation that raises potential safety related concerns for vehicular, pedestrian, and bicycle traffic in the immediate area, as well as continued deterioration of the bridge structure; and

WHEREAS, due to the foregoing, the City enacted Resolution No. 2156 for a period of two (2) years to allow City staff to study the road situation and find the cause of the problems; and

WHEREAS, City staff conducted such studies and as a result thereof the City has filed litigation against certain parties who were responsible for the road's construction and design, which suit alleges those parties are responsible to make all needed repairs thereto; and

WHEREAS, the litigation is progressing but will not be resolved soon enough to allow any construction on this roadway to occur during the 2011 construction season; and

WHEREAS, the City Engineer recommends that the reduced speed be continued to reduce the potential for further damage to the road and bridge and to diminish the safety related concerns for vehicular, pedestrian and bicycle traffic in the immediate area until the repairs required can be made once the litigation is resolved; and

WHEREAS, ORS 810.180(8) states: "A road authority may establish by ordinance or order a temporary designated speed for highways in its jurisdiction that is lower than the

statutory speed ... if, in the judgment of the road authority, the temporary designated speed is necessary to protect any portion of the highway from being unduly damaged, or to protect the safety of the public and workers when temporary conditions such as construction or maintenance activities constitute a danger."


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

1. The City of Wilsonville concurs with Staff recommendation that the condition of the roadway between the referenced Engineer Stations has deteriorated due to errors made by contractors in its construction and design, resulting in settlement of portions of the roadway and the adjacent bridge, resulting in a situation where higher speeds could create potential safety concerns for vehicular, pedestrian and bicycle traffic and will cause a more rapid deterioration of the roadway and bridge, pending settlement of the lawsuit.
2. The City further agrees that attempts to repair the problems prior to resolution of the litigation could jeopardize the City's litigation position and the outcome of the litigation and could result in higher costs to the City and potential loss of funds that might otherwise be recovered from the parties the City deems responsible to pay for the repairs.
3. The City does not have funds available to make the repairs prior to resolution of the litigation.
4. Based on the foregoing, the posted speed of the section of Boeckman Road between the above-referenced Engineers Stations to 20 miles per hour shall be temporarily continued until the lawsuit is resolved and the repairs to the road and bridge can thereafter be promptly performed, during the next available construction season following resolution.
5. This resolution becomes effective upon the date of adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of June, 2011, 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 Núñez	Yes
Councilor Hurst	Yes
Councilor Goddard	Excused
Councilor Starr	Yes