

AMENDMENT NUMBER 01
RIGHT OF WAY SERVICES AGREEMENT
Fanno Creek Trail: Woodard Park – Bonita Rd/85th Ave – Tualatin Br.
City of Tigard

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as “State,” and **the City of Tigard**, acting by and through its elected officials, hereinafter referred to as “Agency,” entered into on August 7, 2020.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to increase the dollar amount of State’s obligations under this Agreement.

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.**

TERMS OF AGREEMENT, Paragraph 3 subparagraph a., Page 2, which reads:

Under no condition shall State’s obligations under this Agreement exceed \$278,614.00, including all expenses, unless agreed upon by both Parties in writing in a fully executed amendment to this Agreement. This maximum is the amount programmed in the STIP for the right of way phase of the Project.

Shall be deleted in its entirety and replaced with the following:

Under no condition shall State’s obligations under this Agreement exceed \$500,000.00, including all expenses, unless agreed upon by both Parties in writing in a fully executed amendment to this Agreement. This maximum is the amount programmed in the STIP for the right of way phase of the Project.

3. **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.
4. **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

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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 #19327) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

CITY OF TIGARD, by and through its
elected officials

By _____

Date _____

By _____

Date _____

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

By _____
Agency Counsel

Date _____

Agency Contact:

Zach Morris, Senior Project Engineer
13125 SW Hall Blvd.
Tigard, OR 97223
503-718-2467
zacharym@tigard-or.gov

State Contact:

Damon Gray, Right of Way Agent
123 NW Flanders Street
Portland, OR 97209
503-731-8425
Damon.gray@odot.oregon.gov

STATE OF OREGON, by and through
its Department of Transportation

By _____
State Right of Way Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 1 Right of Way Manager

Date _____

By _____

Date _____

By _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By N/A _____
Assistant Attorney General

Date: _____