

Appendix C - Tillamook County Public Road Improvement Agreement Process

The Public Road Improvement Ordinance requires an Improvement Agreement between an applicant and County prior to final approval of a Public Road Improvement Permit and start of construction.

The basic format **(and procedure)** below is also applicable to Improvement Agreement utilized as part of Land Division Ordinance project bonding to enable land use applicants to proceed to final plat. Appropriate entries would be modified to reflect details of the Land Division Ordinance and the project work being bonded.

This highlight added 11/05

1. The Improvement Agreement is based on approved final construction plans and an approved estimate. Subject to approval by the Board, the County allows Improvement Agreements for completion of the following within a public right of way:
 - a. roadway improvements
 - b. drainage related improvements
 - c. erosion control
 - d. revegetation
 - e. slope stabilization

Improvement Agreements for other right of way or utility related improvements should be coordinated through the respective jurisdictions. These other improvements include, but are not limited to, state roads and utility improvements.

2. The ultimate approval authority for Improvement Agreements is the Board. Public Works reviews and prepares Improvement Agreements for the Board's consideration. Attached are a draft Improvement Agreement and draft Assignment of Funds (AOF).
3. Public Works can present the final documents to the Board for Improvement Agreement consideration after the following have been accomplished:
 - a. A set of final construction plans have been received, reviewed and approved by Public Works.
 - b. Public Works receives a Cost Estimate for the road and drainage work required to be completed in the project. Revegetation, slope stabilization and erosion control may be required parts of the Cost Estimate.
 - c. Public Works staff verifies the Cost Estimate as complete and adequate. Figures ultimately approved should represent competitive contract prices for the County to complete the project, if required.
 - d. Public Works will prepare the Improvement Agreement document(s). If a surety bond is utilized by the applicant, it would replace the AOF drafted by Public Works. The Improvement Agreement documents ultimately submitted to the Board for consideration include:

- (1) **Improvement Agreement** with name(s), date(s) and dollar figures typed into the body of the document and signed by the applicant.
 - (2) **Assignment of Funds** with names, date(s), and dollar figures typed into the body of the document and signed by the applicant. If utilized by the applicant, a **Surety Bond** would replace the AOF.
 - (3) **Cost Estimate** for the cost of the respective road and drainage improvements (*signed by an engineer*). In certain situations, if the amount of improvement is limited (such as paving only), the paving contractor estimate may be sufficient.
 - (4) Improvements Plans (incorporated by reference and available to the Board if desired).
- f. For any item to be considered by the Board and a decision rendered on, County Counsel needs to approve the final documents as to form. Under normal circumstances, this is a simple matter because the attached examples have been previously approved for past developments. If the draft Agreement format has been followed with essentially only blanks filled in, the applicant should be able to sign the Agreement/AOF prior to County Counsel review. Any further modifications to the Improvement Agreement beyond the draft format will require additional review. In this case, the applicant signing prior to County Counsel review may prove redundant if modifications are needed.
- g. The Improvement Agreement (and AOF) is/are then signed by the applicant. *If there are no changes to the draft model agreement/AOF formats, the applicant signing the documents prior to County Counsel review a reasonable expectation.*
- h. Public Works usually calls to verify the AOF account with the financial institution and to get a name point of contact with the institution for the account.
4. The time frame for the above process from final construction plan approval until final Board consideration usually takes 3 to 4 weeks. Any unique modifications to the attached documents will require additional review time. As a standard procedure, Public Works requires an Improvement Agreement and submission of a Cost Estimate **at least 1 (one) month prior** to requested date of Board approval. The Board considers Improvement Agreements during regular Wednesday meetings of the Board. The item must be put on the Board agenda in advance (a Public Works function).
5. Once the document is signed by the Board and returned to Public Works, a copy will be provided to the applicant. When the Construction Inspection Fee (as outlined in the Road Improvement Ordinance) is paid to the Public Works, the Director will be in a position to issue a written letter

approving the permit and authorizing initiation of the construction project.

6. Release of Assignment of Funds. The applicant shall request a final inspection by Public Works in accordance with the construction plans. On approval of the final inspection and receipt of a set of as-built construction plans (if different from approval final plans) and Public Works will initiate steps to release any Assignment of Funds.