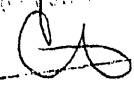


EXHIBIT "A"

A C C E P T A N C E

RECEIVED
FEB 6 8 55 AM 1981
GEORGE J. AUDITOR
CITY OF GASTON, ORE.
BY 

151038


The undersigned, by and through its duly authorized representatives, hereby acknowledge that they have read the terms and conditions of Ordinance No. **151038** an Ordinance providing for the reduction of the amount of retainage withheld from monthly progress payments for construction of the SW Arnold Creek District Sanitary Sewer System and do hereby agree, each for the other, that such amendment to the contract will not be used or construed to have waived any rights or constitute a defense to any claim or right of either the City or the undersigned and provided further that the execution of this acceptance does not constitute an admission by the undersigned of any statement or allegation contained in said Ordinance.

Frank Coluccio Construction Co., Inc.

By 

Vice President (Title)

Safeco Insurance Company of America
(Surety Company)

By 

Attorney-in-fact (Title)

APPROVED AS TO FORM


CITY ATTORNEY

151038



POWER OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

151038

8

No. _____

KNOW ALL BY THESE PRESENTS:

That **SAFECO Insurance Company of America**, a Washington corporation, does hereby appoint

-----E. W. SCOTT; R. E. FORTENBACHER; R. W. SMITH; JOHN W. REYNOLDS;
HAROLD E. COOK; R. A. MOORE; GARY R. STONE, Seattle, Washington-----

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind **SAFECO Insurance Company of America** thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, **SAFECO Insurance Company of America** has executed and attested these presents

this 22nd day of August, 1980.

CERTIFICATE

Extract from the By-Laws of **SAFECO Insurance Company of America**:

"Article VI, Section 12.—FIDELITY AND SURETY BONDS . . . the President, any Vice President, and the Secretary shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of
SAFECO Insurance Company of America adopted July 28, 1970

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article VI, Section 12 of the By Laws, and
 - (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
 - (iii) Certifying that said power-of-attorney appointment is in full force and effect,
- the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, W.D. Hammersla, Secretary of **SAFECO Insurance Company of America**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 2nd day of February, 1981.



EXHIBIT "A"

151039

A C C E P T A N C E

The undersigned, by and through its duly authorized representatives, hereby acknowledge that they have read the terms and conditions of Ordinance No. _____ an Ordinance providing for the reduction of the amount of retainage withheld from monthly progress payments for construction of the SW Arnold Creek District Sanitary Sewer System and do hereby agree, each for the other, that such amendment to the contract will not be used or construed to have waived any rights or constitute a defense to any claim or right of either the City or the undersigned and provided further that the execution of this acceptance does not constitute an admission by the undersigned of any statement or allegation contained in said Ordinance.

Frank Coluccio Construction Co., Inc.

By _____

_____(Title)

(Surety Company)

By _____

_____(Title)

ORDINANCE No.

An Ordinance amending the Contract in C-File No. 8954, Frank Coluccio Construction Company, Inc., for the construction of the SW Arnold Creek District Sanitary Sewer System by reducing the amount of retainage withheld and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The contract between the City of Portland and Frank Coluccio Construction Co., Inc. for the construction of the SW Arnold Creek District Sanitary Sewer System project was completed on January 5, 1981.
2. Additional time will be required before the final quantities are submitted to the Council for final payment.
3. The contractor has requested that the retainage withheld from the monthly progress payments be reduced from 5% to 2½%.
4. That the City has retained \$152,931.77 from the monthly progress payments of Frank Coluccio Construction Company, Inc.

NOW, THEREFORE, the Council directs:

- a. The contract between the City of Portland and Frank Coluccio Construction Co., Inc. for the construction of the SW Arnold Creek District Sanitary Sewer System is hereby amended, reducing the amount of retainage withheld from 5% to 2½%.
- b. The Auditor is hereby authorized to release upon passage of this ordinance the sum of \$76,465.88 payable to Frank Coluccio Construction Co., Inc. This money is now being held in escrow with the First National Bank of Oregon, Gateway Branch.
- c. This Ordinance shall have no force and effect until the acceptance by Frank Coluccio Construction Co., Inc. and his surety has been filed with the Auditor of the City, in the form of acceptance to be substantially in accordance with the terms and conditions of the form of acceptance which is attached to the original only hereof, marked Exhibit "A", and by reference made part hereof.

ORDINANCE No.

151038

Section 2. The Council declares that an emergency exists because this payment will allow Frank Coluccio Construction Company, Inc. to meet its commitments to its suppliers and subcontractors under the contract; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

ORDINANCE NO. 151038

JAN 19 1981

Frank Coluccio Construction Company, Inc.

JAN 28 1981

RECEIVED

Passed by the Council,

JAN 28 1981

Commissioner Mike Lindberg
W. A. Korsak:es
January 19, 1981

Attest:

Serge Guland
Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan	1	
Lindberg	1	
Schwab	1	
Ivancie	1	

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Calendar No. 236

ORDINANCE No. 151038

Title

An Ordinance amending the Contract in C-File No. 8954 with Frank Coluccio Construction Co., Inc. for the construction of the SW Arnold Creek District Sanitary Sewer System by reducing the amount of retainage withheld and declaring an emergency.

(Dist. 4 C-8954)

Filed JAN 23 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon Russell
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works Public Works YML / MS

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: W. A. Korsak Date: 1/19/81
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <u>J. F. Niehuser</u>

CALENDAR
Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer John Lang
<u>John Lang</u>

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan		
Lindberg		
Schwab		
Ivancie		

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Calendar No. 236

ORDINANCE No. 151038

Title

An Ordinance amending the Contract in C-File No. 8954 with Frank Coluccio Construction Co., Inc. for the construction of the SW Arnold Creek District Sanitary Sewer System by reducing the amount of retainage withheld and declaring an emergency.

(Dist. 4 C-8954)

Filed JAN 23 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon C. Bell
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works Public Works <u>YNL</u> <u>MS</u>

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: W. A. Korsak Date: 1/19/81
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <u>J. P. Niehuser</u> J. P. Niehuser

CALENDAR
Consent <u>X</u> Regular

NOTED BY
City Attorney
City Auditor
City Engineer John Lang
<u>John Lang</u>