

RECEIPT RELEASE AND PARTIAL WAIVER

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of \$33,771.78, which sum represents partial payment, (on total contract cost of \$855,915.88, and on which the sum of \$812,144.10 has previously been paid) paid by the CITY OF PORTLAND, a municipal corporation of the State of Oregon to Cascade Construction Company, Inc., receipt whereof hereby is acknowledged pursuant to the terms and conditions of that certain contract entered into between said parties (Contract No. 17623) for labor and material, as set forth in said contract, and the undersigned in consideration thereof does hereby release said City, its officers, agents and employes from all claims and demands of every nature that it may now or ever have against said City, excepting only that claim submitted in Cascade Construction Company's letter to the City of Portland, dated March 20, 1981 (copy attached), its officers, agents and employes in anywise arising out of the above mentioned contract, and does hereby agree to save said City, its officers, agents and employes harmless from any liability as a result of said contract.

It is further certified that all work has been completed under said contract and that all amounts due for labor, material and other obligations, under said contract have been paid by the undersigned and that all actions for injuries or damage arising out of operations and work under said contract have been fully and finally settled or are fully covered by insurance protecting the City, its officers and employes and all other governmental bodies, their officers and employes, as well as the undersigned.

Cascade Construction Company, Inc.

By _____
_____(Title)

(Corporation Seal)

STATE OF OREGON)
) ss:
County of Multnomah)

BE IT REMEMBERED that on this _____ day of _____, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, who under oath did say that he is the _____, of the company executing the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and he stated that the seal affixed to said instrument is the corporation seal of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and Year last above written.

Notary Public for Oregon

My commission expires _____



**Cascade
Construction
Company, Inc.**

General Contractors
P.O. Box 4267, Portland, Oregon 97208
PHONE: 222-6421



Equal Opportunity Employer

March 20, 1981

City of Portland
Dept. of Public Works
621 S. W. Alder
Portland, Oregon 97205

Attention: Vic Rhodes

RE: Central Eastside Industrial District

Dear Sir:

As promised on December 10, 1980 we are submitting a formalized claim from our Subcontractor, Dirt & Aggregate Interchange, Inc.

Using the data presented and applying contract unit prices we have been paid \$256,434.96 for the items listed on the payment schedule. Applying contract prices to the quantities listed as Proposed Revision C.O. #5 we would be paid \$301,372.35, which increases the amount requested to \$44,937.39. The difference of \$6,453.15 would accrue to Cascade due to overhead, mobilization, traffic control fee and other costs normally added to subcontractor's work.

We have no records to indicate whether our costs were increased by the circumstances indicated in Dirt and Aggregate's narrative. We wish to resolve this matter as quickly as possible, close out the project, and obtain the monies being withheld as retainage. If you decide that there is merit to the claim for additional compensation and an agreement can be reached to revise C. O. #5 to the satisfaction of Dirt and Aggregate, Cascade will not require additional payment for itself.

Sincerely yours,

CASCADE CONSTRUCTION COMPANY, INC.

George R. Morton

George R. Morton
Vice President, Engineering

GRM:mk

8-124



OREGON C U P (Cleaning Up Pollution) AWARD -- 1974, 1975, 1976
CASCADE CONSTRUCTION CO. INC. has been named the recipient of the Oregon C U P Award for outstanding achievement in protecting the environment

ORDINANCE No. 151356

An Ordinance waiving portions of the City Engineer's report dated October 16, 1980 regarding Contract No. 17623, authorizing release of \$33,771.78, upon receipt of a partial release and waiver, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That the City Engineer's report, dated October 16, 1980, and adopted by Council on November 5, 1980, approved final payment to the contractor, Cascade Construction Company, in the amount of \$43,771.82.
2. That subsequent to the foregoing action, a claim has been submitted to the City as outlined in the attached Exhibit 'B'.
3. That it is not in the best interest of the City to hold all monies due under Contract No. 17623 until resolution of the claim because the City could be responsible for additional interest payments on the retained amount.

NOW, THEREFORE, the Council directs:

- a. That notwithstanding the previously cited City Engineer's report, partial payment in the amount of \$33,771.78 be made to Cascade Construction Company for work performed under Contract No. 17623 upon the receipt of a partial release and waiver substantially in conformance with the attached Exhibit 'A'.

Section 2. The Council declares that an emergency exists, because immediate release of the partial payment is required to avoid adverse fiscal impact; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 1 1981

Commissioner Mike Lindberg
Victor F. Rhodes:jw
March 26, 1981

Attest:


Auditor of the City of Portland

Calendar No. 1052

ORDINANCE No. 151356

Title

An Ordinance waiving portions of the City Engineer's report dated October 16, 1980 regarding Contract No. 17623, authorizing release of \$33,771.78 upon receipt of a partial release and waiver, and declaring an emergency.

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Filed MAR 27 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerkovich
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/MS</i>

BUREAU APPROVAL	
Bureau:	
Street & Structural Engineering	
Prepared By: Victor Rhodes:jw	Date: 3-26-81
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: <i>David J. Vargas</i>	
David J. Vargas, Acting Chief	

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

NOTED BY
City Attorney
City Auditor
City Engineer <i>John M. Lang</i>
John M. Lang, P.E.