

MUTUAL RELEASE

This Mutual Release is executed on February \_\_, 1982 by John H. Thodos (Thodos) and the City of Portland, a municipal corporation (City).

RECITALS:

1. On November 15, 1977 Thodos and the City entered into an Agreement by the terms of which Thodos agreed to provide the City certain architectural services pertaining to the construction of indoor tennis courts in the St. Johns area of the City.

2. Thodos asserts a claim against the City arising out of the performance of the contract for architectural services in the amount of \$26,543.95.

3. The City makes claim against Thodos arising out of the performance of the architectural services in the sum of \$43,472.05.

4. The parties are willing to mutually release all claims against the other arising out of the November 15, 1977 Agreement, and otherwise.

IT IS THEREFORE AGREED between the parties that each party does hereby release and discharge all claims which he or it may have against the other party arising out of the November 15, 1977 Agreement for architectural services, or otherwise.

EXECUTED IN DUPLICATE on February \_\_, 1982.

\_\_\_\_\_  
JOHN H. THODOS

CITY OF PORTLAND, OREGON

By \_\_\_\_\_  
CHARLES R. JORDAN

By \_\_\_\_\_  
GEORGE YERKOVICH  
City Auditor

STATE OF OREGON        )  
                          )ss.  
County of Multnomah)

Be it remembered that on this \_\_\_ day of February, 1982 personally appeared the above-named John H. Thodos who acknowledged to me that he executed the foregoing Mutual Release freely and voluntarily.

Subscribed and sworn to before me this \_\_\_ day of February, 1982.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My commission expires:

STATE OF OREGON        )  
                          )ss.  
County of Multnomah)

Be it remembered that on this \_\_\_ day of February, 1982 personally appeared the above-named Charles R. Jordan, Commissioner of Public Safety of the City of Portland, and George Yerkovich, City Auditor of the City of Portland, who acknowledged that they executed the foregoing Mutual Release on behalf of the City of Portland.

Subscribed and sworn to before me this \_\_\_ day of February, 1982.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My commission expires:

ORDINANCE No. 152834

152834

An Ordinance authorizing the Commissioner of Public Safety and City Auditor to execute on behalf of the City a Mutual Release of all claims arising out of the contract dated January 15, 1977 with John H. Thodos for architectural services in connection with the St. Johns Indoor Tennis Court project; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. On November 15, 1977 the City and John H. Thodos (Thodos) entered into an Agreement for Thodos to provide the City with architectural services for the St. Johns Indoor Tennis Court project.
2. A dispute arose between the City and Thodos regarding the performance of the Agreement for architectural services. The City claims Thodos owes it \$43,472.05 because the sole bid based on Thodos' work exceeded the estimated cost of the project. Thodos claims the City owes him \$26,543.95 for services performed under the Agreement. Because of the uncertain outcome of any litigation involving the respective disputed claims of the parties and the expense of such litigation the Commissioner of Public Safety and the City Attorney's Office recommend that a proposed Mutual Release of these claims be approved.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner of Public Safety and the City Auditor be authorized to execute a Mutual Release, in the form of which a copy, marked Exhibit A, is attached to the original only of this Ordinance, of all claims between the City and Thodos arising out of the January 15, 1977 Agreement for architectural services.

Section 2. The Council declares that an emergency exists because the agreement of the parties to settle these claims should be carried out as soon as possible; therefore this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, FEB 10 1982

Commissioner Jordan  
TRWilliams:mc  
January 12, 1982

Attest:

  
Auditor of the City of Portland

Calendar No. 348

ORDINANCE No. 152834

Title

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Filed FEB 5 1982

GEORGE YERKOVICH Auditor of the CITY OF PORTLAND

By [Signature] Deputy

Table with 3 columns: Commissioner Name, Yeas, Nays. Rows include JORDAN, LINDBERG, SCHWAB, STRACHAN, IVANCIE.

Table with 2 columns: Commissioner Name, Calendar. Rows include JORDAN, LINDBERG, SCHWAB, STRACHAN, IVANCIE.

INTRODUCED BY Commissioner Jordan

NOTED BY THE COMMISSIONER Affairs Finance and Administration Safety Utilities Works

BUREAU APPROVAL Bureau: Prepared By: Date: Thomas R. Williams 1/12/82 Budget Impact Review: Completed Not required Bureau Head:

CALENDAR Consent Regular

NOTED BY City Attorney City Auditor City Engineer