

EXHIBIT 'A'

SPECIAL COUNSEL AGREEMENT

The City of Portland, hereafter referred to as City, agrees to retain Williams, Stark, Hiefield & Norville, P.C., hereafter referred to as Attorney, to represent the City in a condemnation proceeding for the acquisition of property owned by Terry A. Robinson as described in Ordinance No. 152626 passed by the Council on December 16, 1981.

Attorney agrees to handle all necessary pre-trial preparation, try the case, and process through to final judgment doing all the necessary legal work required. This is intended to include any appeal action. This agreement is to terminate at the final conclusion of the case.

The basis of payment of the above services is to be \$85.00 per hour for principals and \$70.00 per hour for associates and \$20.00 per hour for paralegal staff. City agrees to pay necessary related costs such as filing and service fees, appraisal expense, and deposition fees. Attorney shall present itemized bills to the City. City shall review, approve and forward to the State all billings from the Attorney. All approved billings will be paid directly to Attorney by State.

The cost records and accounts pertaining to the work covered by this agreement are to be kept available for inspection by representatives of the City for a period of not less than three years after payment. Copies shall be made available upon request.

Attorney shall comply with all Federal, State and local laws and ordinances applicable to the work performed under this agreement.

Attorney declares to have no direct or indirect present or contemplated future personal interest in the property which is the subject of this case or in any way benefit from the acquisition of this property.

The City shall have the right to terminate this agreement without cause at any time.

Attorney agrees to provide City with a certificate establishing that he has qualified (a) as a direct responsibility employer as provided pursuant to ORS 656.407 (Workers' Compensation), or (b) as a contributing employer as provided by ORS 656.411, or (c) if the contract is to be performed without the assistance of others, he will sign a joint declaration with the

ORDINANCE No. 153029

An Ordinance authorizing an agreement with the law firm of Williams, Stark, Hiefield & Norville, P.C., to provide legal services in connection with a condemnation proceeding necessary for the Rivergate Interceptor Sewer project, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That in connection with the construction of the Rivergate Interceptor Sewer, one property owner, Terry A. Robinson, has refused to convey a sewer easement to the City which is necessary for the project. That Ordinance No. 152626, passed by the Council December 16, 1981, authorized the commencement of condemnation proceedings for the acquisition of that property.
2. The law firm of Williams, Stark, Hiefield & Norville, P.C., is well qualified in the area of condemnation litigation, and pursuant to consultant selection procedures, as specified by the City Code, that firm has been selected for this work, with the approval of the commissioner in charge.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner of Public Works and Auditor are authorized to enter into an agreement be entered into providing for the employment of the law firm of Williams, Stark, Hiefield & Norville, P.C., to assist the Office of the City Attorney in condemnation litigation which is necessary in order to acquire an easement across the Terry A. Robinson property, as described above and in Ordinance No. 152626, in connection with the Rivergate Interceptor Sewer project. Said agreement is to be substantially in the form of the agreement attached hereto to the original only and marked as Exhibit A.
- b. Upon execution of the contract for legal services as described herein and upon appropriate billings by legal counsel for services rendered, the Mayor and Auditor are authorized to draw and deliver warrants in payment thereof, said warrants to be charged to BUC 14621610, Project No. 3787, the total amount to be paid for such services not to exceed \$5,000.


ORDINANCE No.

Section 2. The Council declares that it is necessary to proceed immediately to acquire the real property in question in order that the project, as above described, may proceed without undue delay; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAR 31 1982

Commissioner Lindberg
R.C. Irelan/pm
March 1, 1982

Attest:


Auditor of the City of Portland

Calendar No. 824

ORDINANCE No. 153029

Title

An Ordinance authorizing an agreement with the law firm of Williams, Stark, Hiefield & Norville, P.C., to provide legal services in connection with a condemnation proceeding necessary for the Rivergate Interceptor Sewer project, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN		
LINDBERG		
SCHWAB		
STRACHAN		
IVANCIE		

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By _____ Deputy

INTRODUCED BY
Commissioner Lindberg

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works *ML/MS*

BUREAU APPROVAL

Bureau:

Prepared By: *R.C. Ireland/pm* Date: *3/1/82*

Budget Impact Review:
 Completed Not required

Bureau Head: *Joe Johnson*

CALENDAR

Consent Regular *X*

NOTED BY

City Attorney *[Signature]*

City Auditor

City Engineer

John Long