

RESOLUTION No. 35574

Authorize commencement of litigation regarding construction of sewer at N E Airport Way (Resolution)

WHEREAS on or about July 21, 1991 the City of Portland, Bureau of Environmental Services, entered into a Contract for the construction of NE Airport Way Water and Sanitary Sewer System Phase II, NE 138th Avenue to NE 181st Avenue with Barnard Construction Company, Inc in the sum of \$3,556,024 00, and

WHEREAS the project has never been accepted by the City because of construction defects, and

WHEREAS problems have been discovered with the pipeline, including various cracks that caused the pipeline to be relined at an ultimate cost to the City of approximately \$1,500,000, and

WHEREAS the City's investigation reveals that the problems with the pipeline were caused by inadequate work by Barnard Construction Company, Inc, and

WHEREAS Barnard has failed to take responsibility for its inadequate work, despite repeated requests to do so

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portland, Oregon, that the City Attorney is authorized to commence an action to recover the costs incurred by the City in remedying the construction defects caused by Barnard Construction Company, Inc, and is also authorized to make such stipulations, agreements, or admission as in his judgment may be in the best interest of the City

BE IT FURTHER RESOLVED THAT if it should later appear that a settlement would be appropriate that this matter be returned to the Council for approval of any settlement agreement

ADOPTED by the Council,

DEC 11 1996

Commissioner Mike Lindberg
James H Van Dyke br November 25, 1996
bes:barnard jvd:resol

BARBARA CLARK
Auditor of the City of Portland

By

Betta Olson
Deputy

1988

Agenda No.

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Title

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at N.E. Airport Way. (Resolution)

INTRODUCED BY	DATE FILED DEC 05 1996
	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs	By <u>Cay Kirchner</u> Deputy
Finance and Administration	
Safety	For Meeting of _____
Commissioner Lindberg Utilities <u>Noted</u>	
Works	ACTION TAKEN:
BUREAU APPROVAL	
Bureau	
Prepared by Date 12/3/96 James H. Van Dyke:BR	
Budget Impact Review	
___ Completed ___ Not Required	
Bureau Head.	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS		
Consent <input checked="" type="checkbox"/>	Regular	Blumenauer	STEN	YEAS	NAYS
NOTED BY		Hales	Hales		
City Attorney	<u>J. H. Van Dyke</u>	Kafoury	Kafoury		
City Auditor		Landberg	Landberg		
City Engineer		Katz	Katz		