

Exhibit A

SETTLEMENT AGREEMENT

This settlement agreement is executed between the City of Portland, Oregon (“City”) and Locating, Inc. (“LI”). Collectively, LI and City shall be referred to as “parties” and each may individually be referenced as a “party.”

RECITALS

1. The City of Portland Oregon (“City”) is the owner of certain underground facilities within the city limits.
2. Locating, Inc. (“LI”) is a Washington corporation that provides “locate” services, which includes the location of underground facilities.
3. In late March 2004, LI was contacted by the Oregon One Call Center to locate certain underground facilities on behalf of the City so that a City Contractor could perform excavation work near the intersection of NW Naito Parkway (formerly Front Avenue) and the Steel Bridge (hereafter the “project site.”)
4. LI responded to that request by sending an employee to the site of the proposed excavation in order to mark the City’s underground facilities at that location.
5. A dispute has arisen between the City and LI regarding the performance of LI’s services. The City contends LI failed to properly locate a fiber optic cable line beneath NW Naito Parkway at the project site. LI disputes that contention.
6. The City’s contractor struck the City’s fiber optic line at the project site, which required the line to be repaired. The City paid for the repair costs.
7. The City contends LI should reimburse the City for its costs. LI contends it is not responsible for the damage or costs incurred by the City.

AGREEMENT

- A. Resolution of Dispute. By executing this Agreement both LI and the City agree to resolve all claims and disputes of whatever nature that have arisen, or could have arisen out of LI’s activities as referenced above.
- B. Payment. LI agrees to pay the City the sum of Thirty Thousand Dollars (\$30,000.00) in resolution of the dispute that has arisen between the parties as referenced above.
- C. Mutual Release. The City releases LI, its officers, employees, agents, assigns, and successors from any and all claims that have been or which could have been brought against LI arising out of the locate activities referenced above. Similarly, LI releases the City, its bureaus, officers, employees, agents, assigns and successors from any and all claims that have been or which could have been brought against the City arising out of the locate activities referenced above.

