

ORDINANCE No. 183511

*Approve settlement of claims with Ken Leahy, Construction, Inc. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In December 2007, the City of Portland, Bureau of Environmental Services ("BES"), filed a lawsuit against Ken Leahy Construction, Inc., and Thomas/Wright, Inc., in Multnomah County Circuit Court, entitled *City of Portland v. Ken Leahy Construction, Inc., and Thomas/Wright, Inc.*, Case No. 0712-14686, asserting claims for breach of the contract and for negligence.
2. KLC has agreed to settle with BES as shown in the attached Exhibit 1 (Settlement Agreement with KLC). The City Attorney's office and BES recommend approval of this settlement by City Council.

NOW, THEREFORE, the Council directs:

- a. The Director of BES is authorized to execute the Settlement Agreement with Ken Leahy Construction, Inc., in substantially similar form to that attached as Exhibit 1 to this Ordinance. Funds received pursuant to this ordinance shall be placed in BES's account.

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: FEB 03 2010

Commissioner: Dan Saltzman
Prepared by: James H. Van Dyke
Date Prepared: January 27, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

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<p>INTRODUCED BY Commissioner/Auditor: Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>JAN 29 2010</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities – Fritz</p> <p>Position 2/Works – Fish</p> <p>Position 3/Affairs - Saltzman <i>Dan Saltzman</i></p> <p>Position 4/Safety – Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>LaVonne</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott</p> <p>Prepared by: Chief Deputy City Attorney James H. Van Dyke Date Prepared: January 27, 2010</p> <p>Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date February 3, 2010</p>	<p>ACTION TAKEN:</p>
<p>City Attorney Approval</p> <p><i>JVD</i> Chief Deputy City Attorney James H. Van Dyke</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman —————	
4. Leonard	4. Leonard ✓	
Adams	Adams ✓	