

# ORDINANCE No. 185914

\*Approve mutual general release and settlement with Nutter Corporation, Teufel Nursery, Inc. and Wolf Industries, Inc. to cover repairs to Elizabeth Caruthers Park (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:


1. The City of Portland, Bureau of Parks & Recreation ("PP&R") and Nutter Corporation ("Nutter") entered into contract 30000277 South Waterfront Park Improvements ("Contract") for the development of what is now known as Elizabeth Caruthers Park ("Park").
2. The Park was constructed by Nutter, and it was opened to the public by the City of Portland in June 2010.
3. Disputes have arisen between the City and Nutter regarding the work done by Nutter and two of its subcontractors, Teufel Nursery, Inc. ("Teufel") and Wolf Industries, Inc. ("Wolf"), pursuant to the Contract and warranty issues.
4. Nutter, Teufel, and Wolf have agreed to settle with PP&R as shown in the attached Exhibit 1 (Mutual General Release and Settlement Agreement). The City Attorney's office and PP&R recommend approval of this settlement by City Council.

NOW, THEREFORE, The Council Directs:

- a. The Director of PP&R is authorized to execute the Mutual General Release and Settlement Agreement with Nutter, Teufel and Wolf, in substantially similar form to that attached as Exhibit 1 to this Ordinance. Funds received pursuant to this ordinance shall be placed in PP&R's account for use towards repairs.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the provision of the funds for the repair projects that must be performed this spring; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: MAR 06 2013  
Mayor Charlie Hales  
Prepared by: Sandra Burtzos  
February 15, 2013

LaVonne Griffin-Valade  
Auditor of the City of Portland  
By   
Deputy

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*to cover repairs to Elizabeth Caruthers Park*

**INTRODUCED BY**  
Commissioner/Auditor:  
**Hales**

**COMMISSIONER APPROVAL**

Mayor—Finance and Administration - Hales

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Novick

**BUREAU APPROVAL**

Bureau: Parks & Recreation  
Bureau Head: Mike Abbate

Prepared by: Sandra Burtzos  
Date Prepared: February 15, 2013

Financial Impact & Public Involvement Statement  
Completed  Amends Budget

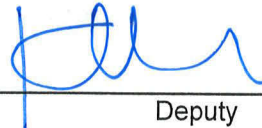
Portland Policy Document  
If "Yes" requires City Policy paragraph stated in document.  
Yes  No

Council Meeting Date  
**March 6, 2013**

**City Attorney Approval:**  
required for contract, code, easement, franchise, comp plan, charter

CLERK USE: DATE FILED MAR 01 2013

LaVonne Griffin-Valade  
Auditor of the City of Portland

By:   
Deputy

**ACTION TAKEN:**

**AGENDA**

**TIME CERTAIN**   
Start time: \_\_\_\_\_  
Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

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