

## ORDINANCE No. 187281

\*Pay claim of Portland Leeds Living LLC - Tess O'Brien Apartments in the sum of \$125,000 involving the Bureau of Development Services. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland Leeds has filed a property damage claim against the City for damages suffered due to a permit cancellation involving the Bureau of Development Services on or about August 18, 2014.
2. The claim has been investigated by Risk Management Services. The investigation indicates there is risk the City may be found liable. Therefore, in order to avoid the risk of an adverse jury award, we feel it is prudent to compromise the claim at this time.
3. Risk Management Services recommends the claim be compromised for the total sum of \$125,000.00, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$125,000.00 made payable to Portland Leeds Living LLC.
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

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

Passed by the Council, AUG 05 2015

Mayor Charlie Hales  
Prepared by Mark Stairiker  
Date prepared: 7/20/2015


MARY HULL CABALLERO  
Auditor of the City of Portland

By *Gayla Jennings*  
Deputy


Agenda No.  
**ORDINANCE NO. 187281**  
 Title

*Tess O'Brien Apartments*

\*Pay claim of Portland Leeds Living, LLC in the sum of \$125,000 involving the Bureau of Development Services. (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <b>JUL 31 2015</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration <i>3/4/15</i> Hales	Mary Hull Caballero Auditor of the City of Portland  By:  Deputy  <b>ACTION TAKEN:</b>
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
<b>BUREAU APPROVAL</b> Bureau: OMF Bureau of Internal Business Services CAO: Fred Miller <i>See memo</i> Bureau Head: Bryant M. Enge Risk Manager: Kate Wood <i>cu</i>	
Prepared by: Mark Stairiker Date Prepared: July 23, 2015	
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date <b>August 19, 2015</b> <i>per Rachel W.</i>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	