

ORDINANCE No. 187778

Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement and release agreement with Jon Wiener and Julie Grandfield, Upper Hillsdale Private RDII Reduction Project No. E10479 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In May 2013, the Bureau of Environmental Services (BES) started work on the Upper Hillsdale Private RDII Reduction project (E10479) in the vicinity of Jon Wiener and Julie Grandfield's residence at 4014 SW 36th Place Portland, OR 97221
2. In March 2015, after heavy rainfall, Mr. Wiener and Ms. Grandfield's basement flooded. According to Mr. Wiener and Ms. Grandfield this was the first event of this kind in 22 years at this residence. In May 2015, representatives from BES examined the property but were unable to determine the cause of the flooding. In December 2015, the basement again flooded.
3. In January 2016, Mr. Wiener and Ms. Grandfield requested the City to reimburse them for costs associated with water damage and preventative measures taken to prevent further flooding.
4. The Bureau of Environmental Services (BES) has concluded that it would be feasible and reasonable to pay Mr. Wiener and Ms. Grandfield a sum of \$7,500.
5. Mr. Wiener and Ms. Grandfield will agree that this payment will fully discharge the City's obligations to them under the above-quoted condition of approval and that they will forever waive any claims against the City in relation to any future potential impacts of the Project.
6. The established cost is \$7,500. The level of confidence is high. Funds are available in the Sewer System Operating Fund, FY 2016 Budget, Bureau of Environmental Services, Project Number E10479

NOW, THEREFORE, the Council directs:


- a. The Director of the Bureau of Environmental Services or designee and the City Attorney are authorized to enter into a settlement and release agreement with Jon Wiener and Julie Grandfield in substantial conformance with the agreement attached as Exhibit A, which is approved as to form by the City Attorney.
- b. The Mayor and City Auditor are hereby authorized to pay for the contract from the Sewer System Operating Fund Budget.

Passed by the Council,
Commissioner Nick Fish

JUN 01 2016

Scott Gibson
April 22, 2016

Mary Hull Caballero
Auditor of the City of Portland

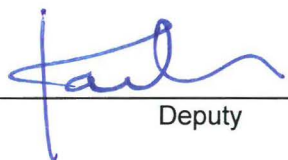

By 

Deputy

ORDINANCE NO.

Title

Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement and release agreement with Jon Wiener and Julie Grandfield, **BES Project E10479** (Ordinance) *Upper Hillside Private RDI Reduction* No.

INTRODUCED BY Commissioner/Auditor: FISH	CLERK USE: DATE FILED <u>MAY 17 2016</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland  Deputy
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish <i>Wick Fish</i> 	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	ACTION TAKEN: MAY 25 2016 PASSED TO SECOND READING JUN 01 2016 9:30 AM
BUREAU APPROVAL	
Bureau: Environmental Services Bureau Head: Michael Jordan <i>WJR Michael Jordan</i>	
Prepared by: Scott Gibson Date Prepared: April 22, 2016	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>EM</i>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval:	
City Attorney Approval: <i>WJR</i>	
Council Meeting Date May 25, 2016	

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

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