

CLAIM RELEASE - DAMAGES

151622

(Individual)

City of Portland, Oregon

KNOW ALL MEN, THAT I, John Douglas Holloway - Jodyne L. Holloway, living and residing at 2201 SW Palatine St., Portland, Oregon 97219, in consideration of the sum of \$50.00, lawful money of the United States heretofore paid to me by the City of Portland, Oregon, the receipt whereof is hereby acknowledged, do hereby remise, release and forever discharge the said City of Portland, its officers, agents and employees of and from all, and all manner of, action and actions, cause and causes of action, suits, debts, sums of money, claims and demands whatsoever, in law or in equity against the said City of Portland, its officers, agents and employees, that I, the undersigned, ever had, now have, or that my heirs, executors, or administrators hereafter can or may have by reason of any matter, cause or thing whatsoever in anywise arising out of the incidents, matters, or things mentioned and referred to in Ordinance No. 151622, of May 27, 1981, a copy of which is hereto annexed.

It is understood and agreed that this settlement is the compromise of a doubtful and disputed claim, and that the payment made is not to be construed as an admission of liability on the part of the parties hereby released, and that said release(s) denies/deny liability therefore and intend(s) merely to avoid litigation and buy peace thereby.

THE UNDERSIGNED HAS READ THE FOREGOING PROPERTY CLAIM RELEASE, fully understands that no other consideration or payment will be given and that this Property Claim Release contains the entire agreement between the parties hereto and that there is no other agreement, promise or inducement for this payment other than as expressed by this Agreement.

IN WITNESS WHEREOF, I have hereunto caused this release to be executed in the City of Portland, Multnomah County, Oregon, on this 24th day of JUNE, 1981.

John Douglas Holloway (Seal)
John Douglas Holloway
Jodyne L. Holloway (Seal)
Jodyne L. Holloway

Address
2201 SW Palatine St. Portland, OR 97219

WITNESS:

James J. [Signature]
11245 SW James St Tigard OR 97223
Address

APPROVED AS TO FORM

Christopher P. Thomas
CITY ATTORNEY
City Attorney

CLAIM RELEASE - DAMAGES

151622 ^{BO}

(Individual)

City of Portland, Oregon

KNOW ALL MEN, THAT I, Kathryn A. Blanchard,
living and residing at 12145 SW 33rd Ave. Portland, Oregon 97219,
in consideration of the sum of \$950.00, lawful money of the United
States heretofore paid to me by the City of Portland, Oregon, the receipt
whereof is hereby acknowledged, do hereby remise, release and forever
discharge the said City of Portland, its officers, agents and employees of
and from all, and all manner of, action and actions, cause and causes of
action, suits, debts, sums of money, claims and demands whatsoever, in law
or in equity against the said City of Portland, its officers, agents and
employees, that I, the undersigned, ever had, now have, or that my heirs,
executors, or administrators hereafter can or may have by reason of any
matter, cause or thing whatsoever in anywise arising out of the incidents,
matters, or things mentioned and referred to in Ordinance No. 151622,
of May 27, 19 81, a copy of which is hereto annexed.

It is understood and agreed that this settlement is the compromise of
a doubtful and disputed claim, and that the payment made is not to be
construed as an admission of liability on the part of the parties hereby
released, and that said releasee(s) denies/deny liability therefore and
intend(s) merely to avoid litigation and buy peace thereby.

THE UNDERSIGNED HAS READ THE FOREGOING PROPERTY CLAIM RELEASE, fully
understands that no other consideration or payment will be given and that
this Property Claim Release contains the entire agreement between the
parties hereto and that there is no other agreement, promise or inducement
for this payment other than as expressed by this Agreement.

IN WITNESS WHEREOF, I have hereunto caused this release to be executed
in the City of Portland, Multnomah County, Oregon, on this 19 day of
June, 19 81.

Kathryn A. Blanchard (Seal)
Kathryn A. Blanchard

(Seal)

12145 SW 33rd Ave. Portland, OR 97219
Address

WITNESS:

Edwin Schneider
5145 SW 18th Pl
Address

PORTLAND

APPROVED AS TO FORM

Christopher P. Thomas

CITY ATTORNEY
City Attorney

Holloway
AV 19208
6/2/81

151622

ORDINANCE NO. 151622 \$50.00

An Ordinance authorizing payment to John Douglas Holloway etux in the amount of \$50.00 and to Kathryn A. Blanchard in the amount of \$950.00 for damages to private property suffered in the course of construction of the SW Arnold Creek Sanitary Sewer System, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That in connection with acquisition of easements for the recently constructed SW Arnold Creek Sanitary Sewer System, certain trees and shrubbery in the construction area were purchased from various property owners to make it possible for the City's contractor to accomplish its work.
2. That it has been brought to the attention of the City Engineer that in two instances the City's contractor apparently felt it necessary to remove and did remove trees and shrubbery in excess of those purchased at the time of acquisition of sewer easements.
3. That John Douglas Holloway etux and Kathryn A. Blanchard, both of whom granted easements to the City for sewer construction have requested additional compensation in the amounts of \$50.00 and \$950.00 respectively in payment for the loss of trees and shrubbery for which they were not compensated at the time easements were purchased.
4. That payments in the amounts requested should now be made, and such amounts should be included in computing the total final costs of construction of the SW Arnold Creek Sanitary Sewer System.

NOW, THEREFORE, the Council directs:

- a. The Mayor and Auditor are hereby authorized to draw warrants in favor of the hereinafter named property owners in full payment for trees and shrubbery destroyed by the City's sewer contractor during construction of the SW Arnold Creek Sanitary Sewer System, and for which said owners were not earlier compensated, said payments in the amounts and in favor of the following:

John Douglas Holloway & Jodyne L. Holloway
2201 SW Palatine Street, Portland, Oregon 97219
Amount: \$50.00.

Kathryn A. Blanchard
12145 SW 33rd Avenue, Portland, Oregon 97219
Amount: \$950.00.

- b. That delivery of warrants herein authorized shall be made after receipt by the Auditor of a written statement, approved as to form by the City Attorney, releasing the City and its contractor from any further liability for loss or damage to trees and shrubbery

ORDINANCE No.

on said owners property's resulting from the operations of the City or its contractor during the course of construction of the SW Arnold Creek Sanitary Sewer System.

- c. Said warrants are to be charged to the General Fund (4-3300016/490) Appropriations, Contributions and Advances to Improvement Districts, and it is further directed that the Mayor and Auditor draw and deliver a warrant in the total amount of \$1,000.00 to be credited to General Fund Revenue, said warrant to be drawn against and chargeable to the SW Arnold Creek Sanitary Sewer System Fund when created.

Section 2. The Council declares an emergency exists, because early payment for damages to real property will avoid delay in determining the final total assessments for the construction of the SW Arnold Creek Sanitary Sewer System; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAY 27 1981**

Commissioner Mike Lindberg
Carl Short/sg
April 9, 1981

Attest:


Auditor of the City of Portland

Calendar No. 1645 1

ORDINANCE No. 151622

Title

An Ordinance authorizing payment to John Douglas Holloway etux in the amount of \$50.00 and to Kathryn A. Blanchard in the amount of \$950.00 for damages to private property suffered in the course of construction of the SW Arnold Creek Sanitary Sewer System, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan		
Lindberg	/	
Schwab	/	
Strachan	/	
Ivancie	/	

FOUR-FIFTHS CALENDAR	
Strachan	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
 COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER

Affairs
 Finance and Administration
 Safety
 Utilities
 Works *ML/MS*

BUREAU APPROVAL

Bureau: Sanitary Engineering
 Prepared By: *CS* Carl Short Date: 4/9/81
 Budget Impact Review:
 Completed Not required
 Bureau Head: *Joe P. Niehuser*
 Joe P. Niehuser

CALENDAR

Consent Regular

NOTED BY

City Attorney
 City Auditor
 City Engineer APPROVED:
 John M. Lang, P.E.
 BY: *Joe P. Niehuser*

Filed MAY 20 1981

GEORGE YERKOVICH
 Auditor of the CITY OF PORTLAND
 By *Frank Dufay* Deputy