

ORDINANCE NO. 158720

An Ordinance authorizing a compromise settlement of a wrongful death lawsuit in the amount of \$35,000 to be paid to John A. Thies, personal representative for the estate of Mark Anthony Thies. The death of Mark Anthony Thies resulted from a vehicle collision with Daris Dee Taylor on January 24, 1984 at N.E. 7th and Beach, Portland, Oregon. A City Public Works sign maintenance crew had parked a City truck adjacent to the N.E. corner of N.E. 7th & Beech on January 24, 1984 and this City vehicle partially blocked the deceased and Mr. Taylor's view of each other as they approached the intersection. The City truck was parked 20 feet from the north curb line. Pursuant the Code of the City, the truck had to be parked at least 50 feet from the north curb line. This settlement is subject to the approval of the Multnomah County Circuit Court, and declaring an emergency.

The City of Portland ordains:

Section 1. the Council finds:

1. John Thies, as personal representative of the estate of Mark Anthony Thies, has made a claim for the wrongful death of his son in excess of \$35,000 resulting from a vehicle collision with Daris Dee Taylor on January 24, 1984 at N.E. 7th and Beech, Portland, Oregon and also involving a City of Portland truck.
2. The claim and subsequent lawsuit has been investigated by the City's Bureau of Risk Management and also the City Attorney's office and it appears that there is substantial risk that the City might be found liable and that it is prudent to settle the lawsuit in order to avoid full liability therefor and further costs of defense and litigation.
3. The Bureau of Risk Management recommends that the lawsuit be settled for \$35,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.
4. Pursuant to ORS 30.290, the settlement of this lawsuit is subject to the approval of Multnomah County Circuit Court.

NOW, THEREFORE, The Council directs:

- a. Subject to the approval of the Multnomah County Circuit Court pursuant to ORS 30.290, the Mayor and Auditor are authorized to draw and deliver a warrant in the amount of \$35,000 made payable to John A. Thies, personal representative of the estate of Mark Anthony Thies and Charles Paulsen, Attorney-At-Law, as settlement in full of all claims for damages upon receipt of a release approved by the City Attorney.
- b. The Bureau of Risk Management will execute a payment authorization in the amount set forth in subparagraph (a) above.

ORDINANCE No.

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 force and effect from and after its passage by the Council.

Passed by the Council, JUL 10 1986

Jewel Lansing

Auditor of the City of Portland

By

Doris E. Chassey

Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	_____	_____
LINDBERG	✓	
SCHWAB	✓	
STRACHAN	✓	
CLARK	✓	

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Calendar No. 1263

ORDINANCE No. 158720

Title

An Ordinance authorizing a compromise settlement in the amount of \$35,000.00 to be paid to John A. Thies, personal representative of the estate of Mark Anthony Thies, for the wrongful death of his son resulting from a vehicle collision with Daris Dee Taylor on January 24, 1984 at N.E. 7th and Beech, Portland, Oregon and also involving a City of Portland truck, subject to the approval of the Multnomah County Circuit Court, and declaring an emergency.

Filed JUN 27 1986

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Edna Cervantes
Deputy

INTRODUCED BY

Mike Lindberg

NOTED BY THE COMMISSIONER

Affairs MDL SA

Finance and
Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Risk Management

Prepared By: Mark M. Stairiker Date: 6/26/86
Mark M. Stairiker

Budget Impact Review:

☒ Completed ☐ Not required

Bureau Head: Susy Wagner
Susy Wagner

CALENDAR

Consent

Regular

NOTED BY

City Attorney

City Auditor

City Engineer