



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 09/23/13)

Board Clerk Use Only

Meeting Date: 6/16/16
Agenda Item #: R.7
Est. Start Time: 10:45 am
Date Submitted: 6/8/16

Agenda Title: **Authorize Settlement of Multnomah County v. FMC Properties, LLC, et al, MCCC Case No. 15CV16237**

Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.

Requested

Meeting Date: June 16, 2016 **Time Needed:** 5 minutes

Department: Community Services **Division:** Transportation/Bridges

Contact(s): Kenneth M. Elliott, Assistant County Attorney

Phone: 503-988-7604 **Ext.** 87604 **I/O Address:** 503/5/500

Presenter

Name(s) &

Title(s): Kenneth M. Elliott, Assistant County Attorney

General Information

1. What action are you requesting from the Board?

Authorize settlement of Multnomah County v. FMC Properties, LLC, et al, MCCC Case No. 15CV16237.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

This is a condemnation action to acquire property necessary for the construction of mitigation improvements required for the new Sellwood Bridge. The settlement will settle all issues in the case, including claims for just compensation, attorney and appraisal fees, and reconstruction of the entry driveway from SW Macadam Blvd. to the Freeman Motor Company customer parking lot, adjoining landscape buffer, sidewalk, curbs and gutters. This settlement does not affect any Program Offer. See #3 below.

3. Explain the fiscal impact (current year and ongoing).

The negotiated, recommended settlement is \$256,800.00. Sufficient funds have been budgeted to complete final design, right-of-way acquisitions, bridge project construction, and construction of required mitigation improvements.

4. Explain any legal and/or policy issues involved.

On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in

amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.

5. Explain any citizen and/or other government participation that has or will take place.

None

Required Signature

Elected

Official or

Department

Director:

/s/ Jenny M. Madkour,
County Attorney

Date:

June 8, 2016

Note: Please submit electronically. Insert names of your approvers followed by /s/ - we no longer use actual signatures. Please insert date approved.