

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6339

AN ORDINANCE approving a mediated settlement and authorizing amendment of the 2017-2023 Utility Capital Investment Program (CIP) Plans by decreasing the Sewer Pump Station Improvement Project (CIP Plan No. S-16) in 2017 by \$210,000 and increasing the East Central Business District Sewer Trunk Line Improvement Project (CIP Plan No. S-52) in 2017 by \$210,000.

WHEREAS, The East Central Business District Sewer Trunk Line Improvements project (CIP Plan No. S-52) incurred additional costs to address unanticipated issues during construction including; and

WHEREAS, at the end of the project, the contractor, Shoreline Construction, submitted a claim for differing site conditions, which after City review was denied; and

WHEREAS, in October 2016, Shoreline Construction filed a lawsuit against the City seeking payment for damages, interest, and expert fees; in response City staff and Shoreline agreed to early mediation to determine if a settlement could be reached; and

WHEREAS, in light of the disputed nature of Shoreline's claim, the parties reached a mediated settlement subject to City Council approval in the amount of \$290,000, plus Washington State Sales Tax for all of Shoreline's pending claim amounts; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council approves the mediated settlement in the amount of \$290,000 and the City Manager or his designee is authorized to execute all documents necessary to implement the mediated settlement by Shoreline Construction Company against the City.

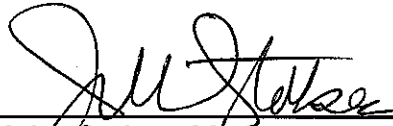
Section 2. Following receipt of the Court's Order dismissing with prejudice the matter *Shoreline Construction v. City of Bellevue*, (KCSC Cause No: 16-2-25798-4SEA) and fully executed Release of Claims, the City's 2017-2023 Utilities Capital Investment Program (CIP) Plan, adopted by Ordinance No. 6333 on December 5, 2016, is amended to decrease the Sewer Pump Station Improvements project (CIP Plan No. S-16) by \$210,000 in 2017 and to increase the East Central Business District Sewer Trunk Line Improvements project (CIP Plan No. S-52) by \$210,000 in 2017.

Section 3. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this 17<sup>th</sup> day of January, 2017  
and signed in authentication of its passage this 17<sup>th</sup> day of January,  
2017.

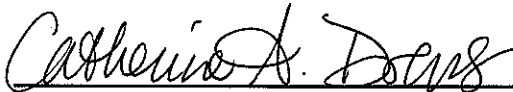
(SEAL)




  
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John Stokes, Mayor

Approved as to form.

Lori M. Riordan, City Attorney

  
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Catherine A. Drews, Assistant City Attorney

Attest:

  
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Kyle Stannert, City Clerk

Published January 20, 2017