



City of Oregon City

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Staff Report

File Number: 18-300

Agenda Date: 6/20/2018

Status: Consent Agenda

To: City Commission

Agenda #: 8c.

From: Community Services Director Phil Lewis

File Type: Report

SUBJECT:

Release and Settlement Agreement to Resolve the City of Oregon City Lawsuit Case No. 17CV09685

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute the Release and Settlement Agreement settling the City of Oregon City lawsuit (Case No. 17CV09685) against Edward Harold Lindquist, Terry Weldon Zearing, Bradley G. Hanson, Gwyn L. Hanson, Richard D. Ingram and Maureen A. Ingram for the Alleged Cutting of Trees in Waterboard Park.

BACKGROUND:

Waterboard Park is a City of Oregon City owned charter park located in the McLoughlin and Rivercrest Neighborhoods of Oregon City. The park consists of 19 acres of natural area and was designated as a Heritage Tree Grove by the Oregon City Commission in October 2013. On June 12, 2015 Terry Zearing entered Waterboard Park and allegedly cut 37 trees without the authority to do so. The Oregon City Police Department investigated the incident which lead to criminal charges being brought against Edward Lindquist and Terry Zearing. Both pled guilty to Criminal Mischief in the Second Degree for damage to City trees within the park.

In December 2016, the City of Oregon City filed a lawsuit against the defendants Edward Lindquist and Terry Zearing seeking damages caused by alleged tree cutting. Edward Lindquist filed a third-party complaint against Bradley Hanson, Gwyn Hanson, Richard Ingram and Maureen Ingram seeking contribution for their proportional share of fault of damages arising out of the alleged cutting of trees in Waterboard Park. The City amended the original complaint to include the third-party defendants in the lawsuit seeking damages for the alleged cutting of trees in Waterboard Park.

This agreement establishes a settlement between the parties and is not an admission of liability by the defendants. The defendants agree to settle with the City in the amount of \$260,000 with the settlement payment being made within thirty (30) days of the executed agreement. The agreement represents a full and final compromise of all damages and attorney fees. This agreement also establishes that the City and defendants agree to dismiss related legal filings with prejudice.