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## AGENDA MEMO

Needs Legal Review: Yes  
Meeting Date: March 2, 2022  
Agenda Item: Settlement of Claims and Mutual Release and Latecomer Agreement  
Presented By: Pat Munyan, City Administrator

### Action Required

Authorization for the mayor to sign 1) Settlement of Claims and Mutual Release with Seth and Claire Gilchrist and 2) Latecomer Agreement with Seth and Claire Gilchrist.

### Proposed Motions

1. Move to authorize the mayor to sign Settlement of Claims and Mutual Release with Seth and Claire Gilchrist providing improvements to N. Michigan Avenue which includes the following:
  - Performance of work to be completed by Gilchrist
  - Street engineering design, inspection work and as built drawings to be provided by City of White Salmon
  - Reimbursement of Gilchrist's costs up to \$5,000 by City of White Salmon
  - Financial responsibility for other expenses and changer orders not directly associated with access to the Developer's property by City of White Salmon
2. Moved to authorize the mayor to sign Latecomer Agreement with Seth and Claire Gilchrist providing for latecomer's costs and responsibilities of the City and Gilchrist.

### Explanation of Issue

In 2020, Seth Gilchrist submitted building plans to develop property at the end of the unimproved portion of N. Michigan Avenue. During review of the plans, it was determined that improvements to N. Michigan Avenue would be required. A proportionality legal dispute was brought forward by Gilchrist's legal counsel. An agreement was reached between the city's attorney and Gilchrist's attorney. The agreement was not approved by the City Council and is being submitted for approval at the March 2 council meeting.

The council did authorize using Gray & Osborne for the engineering responsibilities at their April 21, 2021 council meeting.

The work has been completed and a latecomer's agreement has been submitted for approval including reimbursement of Gilchrist for up to \$5,000 by the City of White Salmon.

### Staff/Committee Recommendation

Staff recommends the city approved 1) Settlement of Claims and Mutual Release with Seth and Claire Gilchrist and 2) Latecomer Agreement with Seth and Clair Gilchrist.