

**City of Tualatin**  
**65<sup>th</sup> and Nyberg Trunk Upgrade Project**

**OBLIGATION AGREEMENT**

File No.: 2S124DA01000  
Owner: TMV, LLC  
Address: c/o Daniel Peterson, Partner  
Cosgrave Vergeer Kester LLP  
900 SW Fifth Ave, 24<sup>th</sup> Floor  
Portland, OR 97204

Date: February 7, 2022

City and Owner have negotiated and accepted true and actual consideration of \$95,000 minus a credit to the City of Tualatin in the amount of \$10,189 for a total settlement of \$84,811.. The City will be responsible for restoring all areas disturbed to equal or better condition.

Notwithstanding the language in the City's Waterline, Storm Drainage Line, Stormwater, Sanitary Sewer Line, and Access Easement and the Temporary Construction Easement, the City agrees to:

- Impose a "late completion" penalty on the contractor for the portion of this project that will affect TMV's parking lot beyond what is needed for bypass pumping. The City agrees to reimburse TMV, LLC \$500 per day for time that would exceed the agreed timeframe of 6 weeks from the first day on site. The first day on the site is defined as the day that the contractor begins construction related activities within the parking lot outside of the existing permanent easement.
- Require the contractor to confirm possession and/or immediate availability of all necessary materials prior to breaking ground on the TMV, LLC site.
- Allow contractor to work 7 days per week during the portion of the project that affects TMV, LLC's parking lot.
- No contractor or construction worker parking or equipment storage will take place on site at the TMV, LLC lot outside of the phased construction area and laydown areas shown on the Nyberg Trunk Line Sewer Rehabilitation construction drawings, sheet C011, Site Access and Staging Plan – Tax Lot 1000.
- Make its best effort to minimize impact to the four TMV, LLC parking spaces in the southwest corner of tax lot 1000, due to the need for bypass pumping in the initial phase of construction. TMV, LLC requests the use be reduced from four spots to two or less when possible.

