

TEMPORARY RESOLUTION NO. 30-22

PERMANENT RESOLUTION NO. 20-22

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR IN THE LDOT FUND (2008), AND TO AUTHORIZE THE PAYMENT OF A CLAIM FOR DAMAGE AND TO ENTER INTO A PROPERTY DAMAGE RELEASE AGREEMENT AND ISSUE A THEN AND NOW CERTIFICATE

WHEREAS, the owner of River Valley Plaza LP has filed a claim for property damage alleging that the City of Lancaster struck an electric conduit pipe on its property and that the electric lines contained therein were damaged so severely that they rendered the building's electricity nonfunctional; and

WHEREAS, the owner of River Valley Plaza LP and the City are willing to settle this alleged monetary claim to avoid potential litigation; and

WHEREAS, once payment has been processed the Law Director's Office will release the settlement check to River Valley Plaza LP's authorized agent in exchange for a properly executed Property Damage Release Agreement;

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Appropriation with the County Auditor for the LDOT Fund (2008) in the amount of Eleven Thousand Four Hundred Fourteen Dollars and Eighty Cents (\$11,414.80).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in the LDOT Fund (2008) in the amount of Eleven Thousand Four Hundred Fourteen Dollars and Eighty Cents (\$11,414.80) into the expense line item 2008.7500.54003 (Damages).

SECTION 3. That the Lancaster Department of Transportation is authorized to make payment of the claim in the amount of Eleven Thousand Four Hundred Fourteen Dollars and Eighty Cents (\$11,414.80).

SECTION 4. That any Then and Now Certificates be issued as a result of this claim as necessary.

SECTION 5. That payment for this claim shall be forwarded to the Law Director's Office for the execution of a Property Damage Release Agreement to be signed by Gary Bartlett, On-Site Manager and authorized agent for River Valley Plaza LP, prior to release of the settlement check.

SECTION 6. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: 1/24/22 after 1st reading, Vote: Yeas 9 Nays 0

Date Approved: 1/24/22

Clerk: Teresa Lee Sandy

Offered by: Cory Schirrom

Second by: [Signature]

Requested by Public Works Committee

Teresa A. Lee

President of Council

David L. Scheffer

Mayor