

## ORDINANCE NO. 24-34

By Mr. Altmaier.

Authorizing the settlement of certain suits pending against the City of Bexley.

Whereas, there are pending ten actions at law against the City of Bexley, Ohio, wherein the respective plaintiffs are seeking to recover damages against the City for injuries growing out of the alleged pollution of Alum Creek by the City covering the period of four years prior to the filing of said respective petitions and to and including the date of any final adjudication or settlement thereof, which actions are hereinafter more specifically set forth, together with the amounts of damages therein sought to be recovered, and

Whereas, The City Solicitor has informed Council that he has received proposals from all of said claimants for the settlement of said respective cases, which proposals he represents are the most advantageous which he has been able to receive from said respective plaintiffs, and which he has recommended to Council for its acceptance in settlement of said respective cases, and

Whereas, Council is of the opinion that said proposals should be accepted in full settlement of all claims against the City by said respective plaintiffs for said alleged pollution of the waters of Alum Creek adjacent to the premises of said respective claimants to the date of such settlement, a list of which cases and the amounts claimed thereunder and the amount for which each thereof is proposed to be settled is as follows; to-wit:

<u>Case Number</u>	<u>Name</u>	<u>Amount Claimed</u>	<u>Proposed Settlement</u>
138,322	Joseph Fritz, Sr.	\$ 5,000.00	\$ 350.00 ✓
138,404	Logan Livingston	10,000.00	650.00 ✓
138,405	Daniel C. Jewett and Stella M. Jewett	10,000.00	665.00 ✓
138,406	William R. Dellenbaugh and Carrie E. Dellenbaugh	12,500.00	675.00 ✓
138,407	Charles F. Jewett	8,000.00	350.00 ✓
138,408	Harry O. Edwards	5,000.00	150.00 ✓
138,409	Mike Skunza and Rosie Skunza	12,500.00	400.00 ✓
138,410	Rosa B. Edwards	12,500.00	550.00 ✓
138,453	Louis J. Ruetsch	15,000.00	750.00 ✓
140,445	Noah Petty	7,500.00	350.00 ✓
		<u>\$98,000.00</u>	<u>\$4,890.00</u>

NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. That the proposals of the various plaintiffs in the above listed cases now pending in the Common Pleas Court of this County against the City of Bexley claiming damages for the alleged pollution of Alum Creek adjacent to the premises of the respective claimants, said proposals being for the purpose of settling and compromising said claims as hereinabove listed, be and the same are hereby accepted, and the Solicitor is authorized and empowered on behalf of the City of Bexley to consummate such compromise and settlement of such claims, by the agreement to the rendition of judgments against the City of Bexley therein for the amounts hereinabove set forth, or in such other manner as may be practicable for such compromise and settlement in the above agreed amounts, and the fiscal officer is hereby authorized to issue the proper vouchers of said City in payment of said respective judgments and claims in the amounts hereinabove specified and to cause said actions to be satisfied of record.

There is hereby appropriated from the Contingent Fund the sum of \$ 4,200.00 , and from the Service Fund 4-0-9 Appropriation Fund Fund, the sum of \$ 700.00 , for the payment of said claims.

Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 24, 1934.

Attest: S. W. Roderick  
Clerk

Robert J. Wheaton  
President of Council

Approved July 24, 1934

S. E. Ludwig  
Mayor

I, S. W. Roderick, Auditor of the City of Bexley, State of Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the council as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Clifton Avenue, each for a period of fifteen days commencing on the 26th day of July 1934.

S. W. Roderick  
Auditor of the City of Bexley,  
Ohio.