

ORDINANCE NO. 26-35

By Mr. Schneider.

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

Whereas, there are now pending the Common Pleas Court of Franklin County, Ohio, ten actions at law against the City of Bexley, wherein the respective plaintiffs are seeking to recover damages against the City for injuries growing out of the alleged pollution of Alum Creek by reason of the City diverting sewerage therein, covering a period of four years prior to the filing of such respective petitions, 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, 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:

Case Number	Name	Amount Claimed	Proposed Settlement
143,540	Ralph T. Winters	\$ 7,500.00	\$ 400.00
143,543	William Erlenbach	5,000.00	400.00
143,558	Martha Moore	10,000.00	650.00
143,582	Shelley Yates	5,000.00	100.00
143,663	Edward W. Reeb and Edith M. Reeb	5,000.00	100.00
143,713	William J. and Nora M. Beckel	5,000.00	175.00
144,593	William Ross Helsel and Olive Helsel	2,000.00	150.00
144,529	Daniel Schleppe	3,000.00	300.00
144,492	Arthur H. Moore	5,000.00	350.00
144,590	William E. Helsel	2,000.00	175.00
		<u>\$49,500.00</u>	<u>\$ 2800.00</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 said respective claimants, said proposals being for the purpose of settling and compromising said claims as hereinabove listed, be and the same are hereby accepted, conditioned upon each of said respective claimants executing releases to the City, releasing in full all claims or demands whatsoever they may have growing out of the claimed pollution of said Alum Creek, 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 and discharged of record.

Section 2. There is hereby appropriated from the General Fund the sum of \$2800.00 for the payment of said claims.

Section 3. This ordinance is an emergency ordinance necessary for the preservation of the public peace, health and safety, and the same shall go into immediate force and effect.

Passed September 24, 1935.

Robert J. Wheaton
Robert J. Wheaton
President of Council.

Attest: *S. W. Roderick*
S. W. Roderick, Clerk
Approved September 24, 1935.

S. W. Ludwig
S. W. 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 September, 1935.

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