

ORDINANCE NO. 38-81

By: John Hoge

an ordinance to appropriate funds to settle, compromise, and conclude litigation brought by Davis-McKee, Inc., and Hatfield Electric Company against the City of Bexley, and to declare an emergency.

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

Section 1. That Davis-McKee, Inc., a subcontractor, and Hatfield Electric Company, the general contractor, have brought suit against the City of Bexley in Case No. 81CV-01-64, Franklin County Court of Common Pleas for damages in the amount of \$192,475 plus interest and costs, for alleged additional work performed pursuant to the street-light project in the City of Bexley.

Section 2. That the City of Bexley has denied these claims, but has offered to settle and compromise the claims on the basis of what was determined to be additional work performed by the subcontractor beyond the scope of the contract whether or not it was properly authorized or approved.

Section 3. That an agreement has been reached to settle, compromise, and conclude these claims and this litigation by payment to the subcontractor, Davis-McKee, Inc. and Hatfield Electric Company the sum of \$10,000 and to obtain from them full, final and complete releases of all claims and causes of action against the City of Bexley arising from this project.

Section 4. That the sum of \$10,000 should be, and it is hereby appropriated and set aside from the ~~unencumbered general fund~~ ^{unencumbered streetlight construction fund} to be used to pay the settlement of these claims and that the Mayor and Auditor be, and they hereby are, authorized to enter into a full and complete settlement agreement, including a dismissal with prejudice of any and all claims.

Section 5. That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety, and this Ordinance shall go into effect upon its passage and approval by the Mayor.

Passed: Oct 27, 1981

Robert Wood-Christy
PRESIDENT OF COUNCIL

Attest: John Hoge
CLERK OF COUNCIL

*Oct 27, 1981 - First Reading
Suspended and
Adopted*

Approved: 02 27, 1981
David H. Madison
DAVID H. MADISON
Mayor