



Legislation Details (With Text)

File #: ORD-0008-2017 **Version:** 1 **Name:** Release of all Claims
Type: Ordinance **Status:** Passed
File created: 1/12/2017 **In control:** City Council
On agenda: 1/23/2017 **Final action:** 2/6/2017
Title: TO AUTHORIZE THE MAYOR TO ENTER INTO A MUTUAL RELEASE OF ALL CLAIMS; TO APPROPRIATE FUNDS THEREFOR.

Sponsors:

Indexes:

Code sections:

Attachments: 1. EXHIBIT A - AMENDED DRAFT- City of Gahanna and Bonita25Real Estate Investors LLC First Draft of Mutual Release of All Claims, 2. Mutual Release of All Claims 1.12.2017, 3. ORD-8-17 SIGNED

Date	Ver.	Action By	Action	Result
2/6/2017	1	City Council	Amended by Substitution and Adopted	Pass
1/23/2017	1	Committee of the Whole	Recommended for Adoption	
1/17/2017	1	City Council	Introduced,	

TO AUTHORIZE THE MAYOR TO ENTER INTO A MUTUAL RELEASE OF ALL CLAIMS; TO APPROPRIATE FUNDS THEREFOR.

WHEREAS, the City acquired public property and park land consisting of 7.60+/- acres located on North Hamilton Road; and

WHEREAS, the purchase of the property allowed the City to provide improved stormwater detention in the Gahanna Heights area and also allow for park land development; and

WHEREAS, the Director of Parks and Recreation and City Engineer sought to pursue the purchase as quickly as possible in order to secure the price of the property; and

WHEREAS, the City through a right-of-entry placed excavated and stockpile material on the adjacent owner's parcel and agreed to the removal of such at a later date with an estimated cost of \$319,150; and

WHEREAS, during the development of the adjacent owner's property, their agent removed trees on public property and as such, they have replaced the removed trees with various species selected by the City Arborist; and

WHEREAS, several disputes have arisen between the City and the property owner concerning the permits, fees, and easements required for the development of their property; and

WHEREAS, the City and the property owner have come to terms to resolve and settle all outstanding disputes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That the Mayor is hereby authorized to enter into a mutual release and settlement of dispute agreement, said release attached as EXHIBIT A, and made a part herein.

Section 2. That a supplemental appropriation from the unappropriated/unencumbered balance of the General Fund to account 101.135.5463 Miscellaneous Settlements & Judgements in the amount of ONE HUNDRED TEN THOUSDAND DOLLARS (\$110,000) to cover costs herein.

Section 3. That this Ordinance shall be in full force and effect upon passage by this Council and 30 days after date of signature approval by the Mayor.