

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO EXPEND FUNDS TO SETTLE
A CLAIM BY MARK AND SHELLEY BEEBA, AND DECLARING AN EMERGENCY

WHEREAS, on January 28, 2012, Mark and Shelley Beeba experienced a sanitary sewer back-up in their home and incurred expenses of \$475.00 for resolution of the problem; and

WHEREAS, testing and further investigation by Miller-Ranney Cantrell Plumbing determined the cause of the back-up was the blockage of the main sewer line from tree roots of which the Village had no prior notice;

WHEREAS, while the Village respectfully disputes all Mark and Shelley Beeba's allegations, the Ohio Supreme Court recognizes the authority of a municipality to enact legislation for the payment of a claim that is unenforceable by law against it but that principles of justice and equity constitute a moral obligation of the municipality;

WHEREAS, the Village of Minerva Park recognizes its moral obligation to reimburse Mark and Shelley Beeba for half of their out-of-pocket expenses because of the further investigation conducted and the discovery of the blockage in the main sewer line;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

- Section 1. The Fiscal Officer is hereby authorized and directed to pay Mark and Shelley Beeba the sum of Two Hundred Thirty-Seven Dollars and Fifty Cents (\$237.50). Mark and Shelley Beeba are solely responsible for the remaining portion of the bill, payment of any and all taxes, including penalties and interest, which might be determined to be owed on these amounts.
- Section 2. The Mayor is hereby authorized and directed to enter into and execute a Release of Claims in substantially the same format and content as the document attached hereto as Exhibit A and incorporated herein by reference.
- Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Minerva Park that resulted in formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.
- Section 4. All prior resolutions, or any parts thereof, which is/are inconsistent with this resolution is/are hereby repealed as to the inconsistent parts thereof.
- Section 5. Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the need to resolve this claim as soon as possible to avoid additional and unnecessary costs, expenses, and fees. Wherefore, this resolution shall take effect and shall be in force upon its passage.

Lynn Eisentrout, Mayor, Village of Minerva Park

First Reading: Waived April 9, 2012
 Second Reading: Waived April 9, 2012
 Third Reading: Waived April 9, 2012
 Passed: April 9, 2012

Attest Nancy White, Fiscal Officer,
Village of Minerva Park

Reviewed by Counsel

RELEASE OF CLAIMS

We, Mark and Shelley Beeba, in consideration of Two Hundred Thirty-Seven Dollars and Fifty Cents (\$237.50) received, release the Village of Minerva Park and its officers and employees from all claims whatsoever as permitted under law, which the undersigned now has or may accrue as a result of the claimed property damage sustained on January 28, 2012 because of the back-up of the main sewer line in the Village of Minerva Park.

We agree that this settlement is a compromise of a disputed claim and that the payment is not to be construed as an admission of liability on the part of the Village of Minerva Park.

No promise, inducement, or agreement not stated herein has been made to us, and this Release contains the entire agreement between the parties.

We have read the foregoing release and fully understand it.

Village of Minerva Park

Mark Beeba Date

Lynn Eisentrout, Mayor Date

Shelley Beeba Date