

# RECORD OF RESOLUTIONS

Resolution No. 2012-37

Passed November 12, 2012

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO  
EXPEND FUNDS TO SETTLE A CLAIM BY LISA CRADDOCK-THITOFF  
AND STEVE THITOFF

WHEREAS, on July 25, 2012, Lisa Craddock-Thitoff and Steve Thitoff experienced three trees falling onto their property damaging certain items and incurred a deductible expenses of \$250.00 for resolution of the problem; and

WHEREAS, while the Village disputes all Lisa Craddock-Thitoff and Steve Thitoff's allegations;

The Ohio Supreme Court recognizes the authority of a municipality to enact legislation for the payment of a claim which is unenforceable by law against it but which principles of justice and equity constitute a moral obligation of the municipality;

WHEREAS, the Village of Minerva Park recognizes its moral obligation to reimburse Lisa Craddock-Thitoff and Steve Thitoff for the out-of-pocket deductible expense because the trees fell from an area designated as right of way on the original plat for the Village;

NOW, THEREFORE, be it ordained 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 Lisa Craddock-Thitoff and Steve Thitoff the sum of Two Hundred and Fifty Dollars and No Cents (\$250.00). Lisa Craddock-Thitoff and Steve Thitoff are solely responsible for the remaining portion of any expenses, 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 which 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 All prior Resolutions, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.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. That Council declares this to be measure necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the Village must resolve this claim as soon as possible to avoid additional and unnecessary costs, expenses, and fees. Wherefore, provided this Resolution received the required affirmative votes of Council, it shall take effect and be in full force immediately upon passage by Council.

  
\_\_\_\_\_  
Lynn Eisentrout, Mayor Village of Minerva Park

First Reading: September 10, 2012  
Second Reading: October 8, 2012  
Third Reading: November 12, 2012  
Passed: November 12, 2012

  
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Attest, Nancy White, Fiscal Officer, Village of Minerva Park

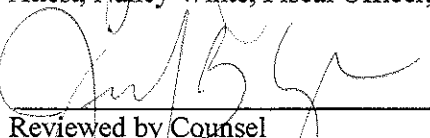
  
\_\_\_\_\_  
Reviewed by Counsel

EXHIBIT A

**RELEASE OF CLAIMS**

We, Lisa Craddock-Thitoff and Steve Thitoff, in consideration of Two Hundred and Fifty Dollars and No Cents (\$250.00), 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 which may accrue as a result of the claimed property damage sustained on July 25, 2012 due to a tree falling on their property during a wind storm 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.

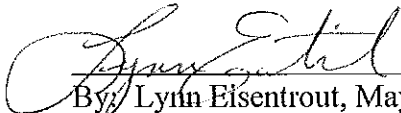
\_\_\_\_\_  
Steve Thitoff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lisa Craddock-Thitoff

\_\_\_\_\_  
Date

VILLAGE OF MINERVA PARK

  
\_\_\_\_\_  
By: Lynn Eisentrout, Mayor

\_\_\_\_\_  
Date 12/14/12