

Resolution 2014-12

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO EXPEND FUNDS TO SETTLE A CLAIM BY GUS AND COLLEEN SARIOTIS, AND DECLARING AN EMERGENCY

WHEREAS, in October 2013, a tree fell onto property owned by Gus and Colleen Sariosotis at 2792 North Bay Drive, resulting in damage to the roof and electric line; and

WHEREAS, the cost to the Sariosotis' to repair the damage incurred as a result of the falling tree totaled \$1,145; and

WHEREAS, while the Village disputes the Sariosotis' 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; and

WHEREAS, the Village of Minerva Park recognizes its moral obligation to reimburse the Sariosotis' for their costs because the tree fell from an area designated as right of way on the original plat for the Village;

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 Gus and Colleen Sariosotis the sum of \$1,145. Gus and Colleen Sariosotis are solely responsible for the remaining portion of any expenses, and 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 All prior Resolutions, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.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 this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village and for the further reason that the Village must resolve this claim as soon as possible to avoid additional and unnecessary costs, expenses, and fees; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage



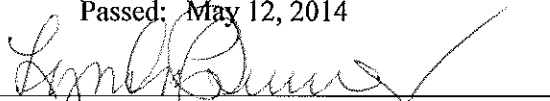
Lynn Eisentrout, Mayor, Village of Minerva Park

First Reading: May 12, 2014

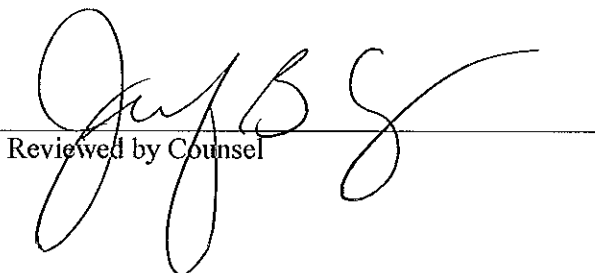
Second Reading: Waived

Third Reading: Waived

Passed: May 12, 2014



Attest Lynda Sudderberg, Fiscal Officer
Village of Minerva Park



Reviewed by Counsel

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EXHIBIT A

RELEASE OF CLAIMS

We, Gus and Colleen Sarios, in consideration of One Thousand One Hundred Forty-five Dollars and No Cents (\$1,145.00), 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 in October 2013 due to a tree falling on our property during a storm in the Village of Minerva Park.

We agree that this settlement is a resolution 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.

Gus Sarios

Date

Colleen Sarios

Date

VILLAGE OF MINERVA PARK

Lynn Eisentrout, Mayor

Date