

Passed: September 12, 2011

By: Katz

RESOLUTION 2011-15

RESOLUTION AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A SETTLEMENT AGREEMENT PERTAINING TO THE VILLAGE'S LAWSUIT FOR FUNDS TO REPAIR THE COLUMNS AT VILLAGE HALL

WHEREAS, in November 1998 the Village entered into a contract with Warm Bros. Construction Company ("Warm Bros.") to construct a new municipal administration building at 7149 Ridge Road in Amberley Village ("Project");

WHEREAS, in August 1997 the Village entered into a contract with Cole + Russell Architects, Inc. ("Cole +Russell") as the architect on the Project;

WHEREAS, in February 2010 the Village filed a lawsuit against Warm Bros. and Cole + Russell in the Hamilton County Court of Common Pleas, Case No. A1001943 ("Lawsuit"), alleging defects with the design and/or construction of pillars and columns located at the front and the rear of the building;

WHEREAS, the parties engaged in informal mediation and wish to resolve and settle fully all differences, disputes and claims that may exist between them;

WHEREAS, Council determines it is in the best interests of the Village to reach a settlement with the parties that will result in a payment to the Village to enable it to repair Village Hall and avoid future litigation costs;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF AMBERLEY VILLAGE, STATE OF OHIO, six (6) members elected thereto concurring:

SECTION 1: The Interim Village Manager is hereby authorized to enter into and execute a final settlement agreement and mutual release, as prepared and approved by the Village Solicitor, which shall be substantially similar to the form attached hereto as Exhibit A and incorporated herein by reference;

SECTION 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed this 12th day of September, 2011.

Mayor Merrie Stillpass

ATTEST:

Nicole Browder, Clerk of Council

I, Clerk of Council of the Village of Amberley Village, Ohio, certify that on the ___ day of September, 2011, the foregoing Resolution was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Resolution at all the places of public notice as designated by Sec. 31.40 (B), Code of Ordinances.

Nicole Browder, Clerk of Council