



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2655-2016, **Version:** 1

BACKGROUND: This ordinance authorizes the Department of Public Utilities to compromise and settle a claim related to an explosion that occurred on March 21, 2015 that caused damage to 3430 Sunningdale Way in Upper Arlington, Ohio, which is owned by David and Beatrice Hamilton (“Claimants”). A dispute has arisen between Claimants and the City regarding the liability of the City, as well as damages that Claimants allegedly sustained. Claimants did not file a lawsuit against the City in connection with the explosion, and the City denies any liability. The City and Claimants wish to fully resolve all claims related to the explosion, and therefore the City has agreed to pay, and Claimants have agreed to accept, \$37,500.00 in complete settlement of any and all of Claimant's claims against the City related to the explosion.

This ordinance authorizes the Department of Public Utilities to compromise and settle this claim and to resolve all issues and disputes now existing between the City and Claimants relating to the explosion, in the amount of \$37,500.00 and to execute any necessary documents to effectuate the settlement.

FISCAL IMPACT: The City will make payment to David and Beatrice Hamilton in the amount of \$37,500.00. This ordinance authorizes the transfer within and expenditure of funds from the Water Operating Fund for this expenditure.

EMERGENCY DESIGNATION: This ordinance is being submitted as emergency legislation in order to avoid delays in settling the claim of David and Beatrice Hamilton.

To authorize the Department of Public Utilities to compromise and settle the claim of David and Beatrice Hamilton related to an explosion that occurred on March 21, 2015 that caused damage to 3430 Sunningdale Way in Upper Arlington, Ohio in the total amount of \$37,500.00; to authorize the transfer within and expenditure of \$37,500.00 from the Water Operating Fund; and to declare an emergency.

WHEREAS, on March 21, 2015 an explosion occurred that caused damage to 3430 Sunningdale Way, which is owned by David and Beatrice Hamilton (“Claimants”); and

WHEREAS, a dispute has arisen between the City and Claimants regarding the liability of the City, as well as damages that Claimants allegedly sustained; and

WHEREAS, Claimants did not file a lawsuit against the City in connection with the explosion, and the City denies any liability; and

WHEREAS, the City and Claimants wish to fully resolve all claims related to the explosion, and therefore the City has agreed to pay, and Claimants have agreed to accept, \$37,500.00 in complete settlement of any and all of Claimant’s claims against the City related to the explosion; and

WHEREAS, it is necessary to authorize the transfer within and expenditure of \$37,500.00 from the Water Operating Fund; and

WHEREAS, there is an emergency in the usual daily operations of the Department of Public Utilities in that it is immediately necessary that this settlement be approved and such payment be made so that the claim can be resolved, for the preservation of the public peace, safety and welfare; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities is hereby authorized to compromise and settle the claim of David and Beatrice Hamilton related to an explosion that occurred on March 21, 2015 that caused damage to 3430 Sunningdale Way in Upper Arlington, Ohio for the amount of \$37,500.00 (Thirty Seven Thousand Five Hundred Dollars and no cents).

SECTION 2. That the Director of Public Utilities is hereby authorized to execute any necessary agreements associated with the settlement and final resolution of this claim on behalf of the City.

SECTION 3. That the transfer of \$37,500.00 or so much thereof as may be needed, is hereby authorized between object classes within Fund 6000 Water Operating Fund per the account codes in the attachment to this ordinance.

SECTION 4. That the expenditure of \$37,500.00 or so much thereof as may be needed, is hereby authorized in Fund 6000 Water Operating Fund in object class 05 Other per the accounting codes in the attachment to this ordinance.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 6. That for the reasons set forth in the preamble, which are incorporated by reference herein, this ordinance is hereby deemed to be an emergency measure and shall take effect and be in force from and immediately after its passage and approval by the Mayor, or 10 days after if the Mayor neither approves nor vetoes the same.