



Legislation Text

File #: 1255-2015, **Version:** 1

BACKGROUND: This ordinance is submitted to settle a claim involving the Department of Public Utilities, The Immel Company, Inc. ("Immel"), and Gary H. Baas ("Baas") in the amount of Seventy-five Thousand Dollars and no cents (\$75,000.00). On November 27, 2012, a motor vehicle accident occurred involving a vehicle driven by an employee of the Department of Public Utilities and a vehicle owned by Immel and driven by Baas. The Department of Public Utilities, Immel, and Baas have determined that it is in the best interests of all parties to settle this dispute. The City has agreed to pay, and Immel and Baas have agreed to accept, Seventy-five Thousand Dollars and no cents (\$75,000.00) in complete settlement of any and all of Immel's and Baas's claims related to this accident. In consideration of the settlement amount, Immel and Baas will release the city and its employees from any liability for any claims related to the accident.

FISCAL IMPACT: Funds have not been specifically budgeted for this settlement but are available in the appropriate account.

To authorize the City Attorney, on behalf of the Department of Public Utilities, to settle claims brought by The Immel Company, Inc. and Gary H. Baas; to authorize the appropriation and expenditure of \$75,000.00 in settlement of this claim; and to declare an emergency.

WHEREAS, on November 27, 2012, a motor vehicle accident (the "Accident") occurred involving a vehicle driven by an employee of the City's Department of Public Utilities and a vehicle owned by The Immel Company, Inc. ("Immel") and driven by Gary H. Baas ("Baas"); and

WHEREAS, based on the totality of circumstances, the city has deemed it to be in the best interests of all parties to settle the lawsuit; and

WHEREAS, Immel and Baas have agreed to accept a total amount of Seventy-five Thousand Dollars and no cents (\$75,000.00) in complete settlement of any and all of Immel's and Baas's claims related to the Accident and to release the City of Columbus and its employees from any further liability; 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 pending claims 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 City Attorney is hereby authorized to settle all claims brought by The Immel Company, Inc. and Gary H. Baas related to a November 27, 2012 motor vehicle accident for the amount of Seventy-five Thousand Dollars and no cents (\$75,000.00).

SECTION 2. That the City Attorney and Director of Public Utilities are hereby authorized to execute any necessary agreements associated with the settlement on behalf of the City.

SECTION 3. That for the purpose of paying this settlement, the sum of Seventy-Five Thousand Dollars and no cents (\$75,000.00) is authorized to be expended from Water Operating Fund 600, object level (3) 5571, OCA 601849.

SECTION 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer upon receipt of a voucher and a release approved by the City Attorney, in the amount of Seventy-Five Thousand Dollars and no cents (\$75,000.00) payable to The Immel Company, Inc. and Gary H. Baas.

SECTION 5. 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.