

ORDINANCE NO. 2004-32

AUTHORIZING THE CITY MANAGER TO ENTER INTO SETTLEMENT AGREEMENT AND GENERAL RELEASE WITH JOHN AND KIM MAYS AND THE FINANCE DIRECTOR TO PAY \$25,000.00 TOWARD THE SETTLEMENT AND DECLARING AN EMERGENCY

WHEREAS, John and Kim Mays have filed and pursued an action against the City of Mason in the Warren County Court of Common Pleas under Case No. 01CV58806 for various claims relating to their property at 220 Kings Mills Road, Mason, Ohio; and

WHEREAS, although the City of Mason denies any liability in this matter, in light of the uncertainty of a litigated outcome in this matter, but the likelihood of the expenditure of funds on behalf of the City of Mason toward attorneys' fees and expert witness fees in the defense of it, and possibly subsequent litigation, the Council has determined that it is appropriate to compromise in this matter;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, five members elected thereto concurring:


Section 1. That the City Manager is hereby authorized to execute a Settlement Agreement and General Release, a copy of which is attached to this ordinance;

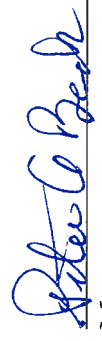
Section 2. That the Finance Director is hereby authorized to pay to John and Kim Mays and their attorney James A. Whitaker, \$25,000.00 toward this settlement;

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare, and shall be effective immediately upon passage. The reason for said declaration of emergency is the need to promptly resolve the litigation in light of the imminence of a trial in the Court of Common Pleas in Warren County, Ohio.

Passed this 8th day of March, 2004.

Attest:


Clerk of Council


Mayor

3/3/04

200917.1