

Sponsor: Hudson

RESOLUTION NO. 2021-49

A RESOLUTION AUTHORIZING THE MAYOR TO SETTLE A DISPUTE BETWEEN THE CITY AND LAZY DOG CAMPGROUND, INC. AND THREATENED LITIGATION, AND DECLARING AN EMERGENCY

WHEREAS, The City of Wellston, Ohio is a party to a billing dispute with Lazy Dog Campground, LLC.; and

WHEREAS, Lazy Dog Campground, LLC. through its attorney has made demands for settlement and threatened litigation; and

WHEREAS, the demand involves the City making a cash payment equal to the expenses incurred by Lazy Dog Campground, LLC. with the remaining disputed amount to be applied as a credit on its utility account with the City, and

WHEREAS, City Council, upon consultation with legal counsel and the Mayor, has determined that it is within its best interest to settle the matter short of litigation to minimize risk and avoid the costs of litigation; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WELLSTON, COUNTY OF JACKSON AND STATE OF OHIO, THAT:

Section One. The Mayor, on behalf of the City of Wellston, is authorized to approve a settlement agreement with Lazy Dog Campground, LLC. that entails a cash payment in an amount not to exceed \$3,300.00 and a credit to be made to the utility account of Lazy Dog Campground, LLC. in an amount not to exceed \$22,381.00. The Mayor or his representative may execute any document necessary to facilitate this settlement agreement.

Section Two: This Resolution is hereby declared to be an emergency, necessary for the immediate preservation of the public peace, health or safety of the City of Wellston, in that it is necessary to approve this additional appropriation in order that expenses can be timely paid as incurred and in accordance with the city's obligations. Therefore, this Resolution shall go into effect upon passage and approval by the Mayor, as provided in the Ohio Revised Code Section 731.30.

Section Three: In the event this Resolution receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, this Resolution shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

Section Four: It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Resolution were adopted in an open meeting of this council and the deliberations of the council and any of its committees that resulted in such formal

action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the legislative authority of the City of Wellston this 2nd day of September, 2021.

David McWilliam
Council President

ATTEST:

MBS Prangle
Clerk of Council

Approved this 2nd day of September, 2021.

Chubb
Mayor

Published in accordance with the law on _____ and _____ and posted 9/14/21 through 10/14/21 at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Wellston Post Office.

MBS Prangle
Clerk of Council