



Legislation Details (With Text)

File #: O-531-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 10/31/2019 **In control:** Law Department
On agenda: 11/12/2019 **Final action:** 11/12/2019
Title: Authorizing the settlement of the claims of Alexandra R. Presberry in an incident occurring on January 7, 2018, while driving westbound on Glendale Avenue, Toledo, Ohio, when she hit an open manhole in the right lane, authorizing the expenditure of \$23,000 from the Risk Management Fund; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Memo of settlement, 2. Audio: Agenda Review 11/6/2019, 3. Audio: City Council November 12, 2019

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|---|--------|
| 11/12/2019 | 1 | City Council | Dispense with the rules of Council requiring... | Pass |
| 11/12/2019 | 1 | City Council | declare emergency | Pass |
| 11/12/2019 | 1 | City Council | passage | Pass |

Alexandrea R. Presberry
Department of Law
Rhonny Brady (x1615)

Authorizing the settlement of the claims of Alexandra R. Presberry in an incident occurring on January 7, 2018, while driving westbound on Glendale Avenue, Toledo, Ohio, when she hit an open manhole in the right lane, authorizing the expenditure of \$23,000 from the Risk Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

Alexandrea R. Presberry submitted a claim to the City of Toledo Law Department on December 14, 2018, after she hit an open manhole causing her to have an automobile accident. Ms. Presberry received medical treatment as a result of the accident. The vehicle she was operating was totaled.

A proposed agreement has been reached in the amount of \$23,000 to settle all claims resulting from the incident described herein without constituting an admission of liability for any violation of state or federal law.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That payment of \$23,000 in settlement of the claims of Alexandra R. Presberry against the City of Toledo is authorized from the Risk Management Fund, Account Code 7095-12000-1157001STDSTD.

SECTION 2. That payment of these claims is contingent upon the execution of the proper release by

the claimant.

SECTION 3. That the Director of Finance is authorized to draw his warrant or warrants to Alexandria R. Presberry and her attorney, Michael A. Bruno, in the sum of \$23,000 against the account code listed in Section 1 upon presentation of the proper voucher or vouchers.

SECTION 4. That this Ordinance being an emergency measure shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective in order to implement the settlement in accordance with the conditional agreement of the administration.

Vote on emergency clause: yeas 12, nays 0.

Passed: November 12, 2019, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

November 12, 2019
Wade Kapszukiewicz
Mayor