



Legislation Details (With Text)

File #: O-196-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 5/10/2018 **In control:** Law Department
On agenda: 5/22/2018 **Final action:** 5/22/2018
Title: Authorizing the settlement of all claims now pending in Ohio Bell Telephone Co. v. City of Toledo, in the Lucas County Court of Common Pleas, before the Honorable Judge Linda Jennings for the sum of \$42,000; authorizing the expenditure of \$42,000 from the Risk Management Fund; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/22/2018	1	City Council	Dispense with the rules of Council requiring...	Pass
5/22/2018	1	City Council	declare emergency	Pass
5/22/2018	1	City Council	passage	Pass

Ohio Bell
Department of Law
J. Charles (x1038)

Authorizing the settlement of all claims now pending in *Ohio Bell Telephone Co. v. City of Toledo*, in the Lucas County Court of Common Pleas, before the Honorable Judge Linda Jennings for the sum of \$42,000; authorizing the expenditure of \$42,000 from the Risk Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

On December 7, 2015 a city water distribution crew was excavating at and near the 4200 block of Douglas Road. While doing so, they struck and severed an Ohio Bell telephone cable which occasioned the replacement and then splicing of 600 ft. of line.

A proposed agreement has been reached in the amount of \$42,000 to settle all claims 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 \$42,000 in settlement of the claims now pending in *Ohio Bell Telephone Co. v. City of Toledo* against the city of Toledo is approved for expenditure from the Risk Management Fund Account Code 7095-12000-1157001STDSTD.

SECTION 2. That the Director of Finance is authorized to draw his warrant or warrants to Ohio Bell Telephone Co. and their attorney William Hunt in the sum of \$42,000 against the above Account Code upon presentation of the proper vouchers.

SECTION 3. 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 administrator.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council