



## Legislation Text

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**File #:** O-398-20, **Version:** 1

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Kokosing Construction Co. Power Outage Settlement  
Department of Law  
Merritt W. Green III (x1037)  
(Revised)

**Authorizing the settlement of the City of Toledo's damage claims pending with Kokosing Construction Co., Inc.; authorizing the acceptance and deposit of \$89,481.83 to the Facility Operations Fund, Utility Administration Fund, Capital Improvement Fund, and the General Fund, respectively; and declaring an emergency.**

### SUMMARY & BACKGROUND:

On June 21, 2019 an underground Toledo Edison electric cable was severed during a drilling operation at the intersection of Adams and Superior Streets resulting in a power outage in the City's offices located in the several locations the Downtown. The costs associated with the temporary replacement of power amounts to \$89,481.83. On June 2, 2020, the City of Toledo filed a claim with Kokosing Construction Co. for reimbursement of its costs; and on June 25, 2020 Kokosing Construction Co. agreed to pay the amount of \$89,481.83 to resolve the City of Toledo's claim.

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

SECTION 1. That the mayor is authorized to accept a payment of \$89,481.83 from Kokosing Construction as and for full, final and complete settlement of the City of Toledo's claims against the company related to the 2019 power outage.

SECTION 2. That upon receipt of such payment by Kokosing Construction Co. and after review by the Law Department, the Mayor is authorized to execute and deliver to Kokosing Construction Co. a full, final and complete release of such claim.

SECTION 3. That the Director of Finance is authorized to deposit the settlement proceeds as follows: the sum of \$22,613.19 into the Facility Operations Fund, Account Code 7093-26100-1147001STDSTD; the sum of \$35,889.54 into the Utility Administration Fund, Account Code 6078-31000-4UC3613STDSTD; the sum of \$18,282.10 into the Capital Improvement Fund, Account Code 5040-17500-8CP1919SFTCMP; and the sum of \$12,697 into the General Fund, Account Code 1001-89800-1129001STDSTD for the purpose listed in Section 1.

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 \_\_\_\_\_, 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