

AN ORDINANCE AUTHORIZING AN EXPENDITURE TO JAMES L. NEWHALL AND JUDY NEWHALL AS AND FOR SETTLEMENT OF THEIR MORAL CLAIM AGAINST THE CITY FOR DAMAGE INCURRED TO THEIR PROPERTY AS THE RESULT OF AN ALLEGED SEWER BACKUP IN THEIR BASEMENT AT 2039 MAPLE ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on October 14, 2016, James L. Newhall and Judy Newhall sustained damage to their property as the result of an alleged sewer backup in their basement at 2039 Maple Road; and

WHEREAS, on November 2, 2016, Mr. and Mrs. Newhall submitted a moral claim in an amount of approximately \$4,059.00 for their damages; and

WHEREAS, the Codified Ordinances of Stow provide moral claims in excess of \$1,000 shall be reviewed by the Board and submitted to Council for action within sixty (60) days of recommendation of such Board; and

WHEREAS, the Board of Control has recommended this moral claim be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That the Finance Director be, and he hereby is, authorized to appropriate, encumber, and pay funds in an amount not to exceed Four Thousand Fifty-Nine and 00/100 Dollars (\$4,059.00) to James L. Newhall and Judy Newhall as and for settlement of their moral claim against the City for damage to their property. This authorization is contingent upon James L. Newhall and Judy Newhall signing a release of any and all potential claims and causes of action relating to the submitted moral claim against the City of Stow and said release shall be drafted in a form approved by the Law Director.

SECTION 2. That the Finance Director will be authorized to appropriate said funds in accordance with the terms of this ordinance.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that the City must resolve this moral claim in a timely manner, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL _____

ATTEST
Bonnie J. Emahiser
CLERK OF COUNCIL

Mike Rasor
PRESIDENT OF COUNCIL

FILED WITH MAYOR _____

APPROVED _____
Sara Kline
MAYOR

FILED WITH CLERK _____

APPROVED AS TO FORM

EFFECTIVE DATE _____

Amber K. Zibritosky
LAW DIRECTOR