City of Powell, Ohio

ORDINANCE 2007-20

Adopted April 3, 2007

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH CORNA/KOKOSING CONSTRUCTION COMPANY REGARDING THE POWELL PARKS DEVELOPMENT PROJECT PHASE 2.

WHEREAS, the City has previously engaged Corna/Kokosing Construction Company (Corna) for services associated with the Powell Parks Development Project Phase 2 (the project); and,

WHEREAS, various disputes have arisen between the contractor and the City regarding performance associated with the project, payment of change orders and other matters; and,

WHEREAS, both parties desire to enter into a full, final and complete settlement agreement regarding claims each may have against the other without admitting any liability on the part of either party;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, AS FOLLOWS:

Section 1: The City Manager is hereby authorized to enter into and perform the settlement agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, on behalf of the City of Powell and to pay the change order designated therein upon execution of the agreement by Corna.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect upon the earliest possible date permitted by law.

VOTE ON RULE SUSPENSION: Y 7 N 0

VOTE ON ORDINANCE 2007-20: Y 7 N 0

4-16-07

Don Grubbs, Mayor — Date

4-17-07

Susie Ross, City Clerk — Date

EFFECTIVE DATE: May 30, 2007

This legislation has been posted in accordance with the City Charter on this date 4-18-07

Clerk of Council

CITY OF POWELL DELAWARE COUNTY, OHIO

City Council

Don Grubbs, Mayor

Richard Cline Tom Counts Elmer Meider Bill Morton Art Schultz Dan Wiencek