



City of Powell, Ohio
ORDINANCE 2008-14
Adopted May 6, 2008

AN ORDINANCE AUTHORIZING THE PAYMENT OF A MORAL CLAIM TO THE OWNER OF THE PROPERTY LOCATED AT 422 SUNRIDGE DRIVE, POWELL, OHIO FOR PROPERTY DAMAGE; AND DECLARING AN EMERGENCY.

WHEREAS, Ruth Angell is the owner of the property located at 422 Sunridge Drive, Powell, Ohio; and

WHEREAS, a healthy tree located on an adjacent City-owned property was felled during a storm, through an Act of God, and damaged the house located on Ms. Angell's property; and

WHEREAS, the damage to the house imposes a financial burden upon Ms. Angell; and

WHEREAS, although the City may have no legal obligation to pay claims relating to healthy trees, the City of Powell recognizes its moral obligation to make a payment of a moral claim to Ms. Angell, which may include all or part of Ms. Angell's insurance deductible and any other payment that Council deems necessary;

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

Section 1: That the Council of the City of Powell hereby authorizes the City Manager to provide for payment of a moral claim to Ms. Angell, which may include all or part of Ms. Angell's insurance deductible and any other payment that the City deems necessary, not to exceed an aggregate payment of \$500.00 (five hundred dollars), in order to provide relief of Ms. Angell's financial burden due to the property damage caused by a tree located on City-owned property.

Section 2: That Council hereby authorizes the Law Director to prepare any Settlement, Release, Waiver, or similar document that may be necessary to properly document that the City intends the payment to be a common law moral claim payment and not an admission of liability.

Section 3: That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4: This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety and welfare of the inhabitants of the City of Powell, such emergency being for the reason that, in order to ensure that the City provides immediate payment to Ruth Angell to assist with her financial burden, it is necessary that this ordinance become effective immediately; WHEREFORE, this ordinance shall take effect and be in force immediately upon its passage.

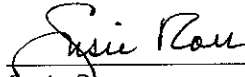
VOTE ON RULES SUSPENSION: Y 5 N 0

VOTE ON ORDINANCE 2008-14: Y 5 N 0



Tom Counts
Mayor

5/20/08
Date

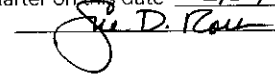


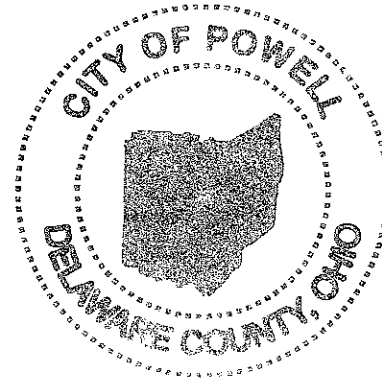
Susie Ross
City Clerk

5/20/08
Date

EFFECTIVE DATE: May 6, 2008

This legislation has been posted in accordance with
the City Charter on this date 5/21/08.

 City Clerk



City Council
Don Grubbs, Mayor
Elmer Meider

Richard Cline

Tom Counts

Art Schultz

Dan Wiencek