



City of Grand Island

Tuesday, August 25, 2009

Council Session

Item -1

**#2009-206 - Discussion Concerning Settlement of Demolition Costs
for Merrick County Case No. CI 08-40**

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Wesley D. Nespor, Legal Department

Meeting: August 25, 2009

Subject: Authorize Settlement of Demolition Costs

Item #'s: SP-1

Presenter(s): Dale Shotkoski, City Attorney or Wesley D. Nespor, Attorney

Background

The City demolished a structure in the two-mile extra territory jurisdiction pursuant to a court order in case No. CI 08-40 in Merrick County District Court. A lien was granted in the real estate for the demolition costs. The matter is still in controversy.

Discussion

The City Council has authority to resolve disputes and settle claims of this nature. After discussing the matter in executive session, a resolution would be needed if Council wishes to settle the matter and authorize the legal department to file a satisfaction of lien upon receipt of the funds.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to executive session to discuss litigation and to accept or reject settlement after returning to open session.
2. Take no action.
3. Postpone the issue to future date

Recommendation

City Administration recommends that the Council discuss the matter in executive session and take such action as the Council deems appropriate in open session.

Sample Motion

1. Move to meet in executive session for the purpose of discussing pending litigation and potential settlement in Case No. CI 08-40 in Merrick County District Court.
2. After returning to regular session: move to accept settlement in Case No. CI 08-40 in Merrick County District Court and authorizing the legal department to file a satisfaction of lien upon receipt of funds.

or

3. After returning to regular session: move to reject settlement in Case No. CI 08-40 in Merrick County District Court.

RESOLUTION 2009-206 (A)

WHEREAS, the City Council has authority to settle disputes and claims;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, to accept the offer to settle the judgment lien against Lot 5, Block 3, Schwarz Subdivision in Section 7, Township 11 North, Range 8 West of the 6th P.M. in Merrick County, Nebraska and to authorize the City Attorney to file a satisfaction of judgment upon receipt of the funds.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 25, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

RESOLUTION 2009-206 (B)

WHEREAS, the City Council has authority to settle disputes and claims;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, to reject the offer to settle the judgment lien against Lot 5, Block 3, Schwarz Subdivision in Section 7, Township 11 North, Range 8 West of the 6th P.M. in Merrick County, Nebraska.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 25, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk