

Ordinance No. 14-09

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A SETTLEMENT AGREEMENT IN THE MATTER OF TIMOTHY PHIPPS V. THORN TOWNSHIP ET AL., CASE NO. 13 CV 234 AND DECLARING AN EMERGENCY

WHEREAS, Timothy Phipps filed a complaint captioned *Timothy Phipps vs. Thorn Township, et al.*, being in the Perry County Court of Common Pleas, Case No. 13-CV-00234, alleging various claims related to his attempted purchase of property which is specifically described being a part of Lot 69 of Kemper's Addition to the Village of Thornville, Ohio (Parcel No. 390090110000) as filed in DB 151, Page 621 in the Official Records of the Perry County, Ohio Recorder's Office; and

WHEREAS, all defendants, including the Village of Thornville, denied all allegations contained in the complaint and asserted numerous procedural and substantive affirmative defenses in reply to Timothy Phipps's allegations; and

WHEREAS, the Village of Thornville's insurance company, who is defending this litigation as a covered claim, desires to settle and forever resolve Timothy Phipps's claims. The Village's insurance provider, not the Village, is responsible for paying all settlement money; and

WHEREAS, the Village of Thornville's co-defendants' insurance companies and Timothy Phipps also desire to settle and forever resolve this litigation; and

WHEREAS, while Council for the Village of Thornville does not believe its insurance provider should pay Timothy Phipps any money to settle this litigation, it understands the certainty and finality that will be achieved by the settlement.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:


SECTION 1: The Village Administrator is hereby authorized and directed to execute a settlement agreement in the matter of *Timothy Phipps v. Thorn Township, et al.*, Case No 13 CV 234 in order to fully and finally settle this litigation..

SECTION 2: All prior legislation, or any part thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

SECTION 3: It Is hereby and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberation of this Council and any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 4: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the settlement agreement and its terms, including Timothy Phipps vacating the property, must be accomplished and finalized by June 30<sup>th</sup>. Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council.

Passed in Council this 23<sup>rd</sup> day of June, 2014.

  
Gavin Renner, Mayor

ATTEST

Sharon Brussee  
Sharon Brussee, Clerk of Council

APPROVED:

Approved as to form this 20<sup>th</sup> day of June 2014

Brian M. Zets

Brian M. Zets, Esq.  
Village Solicitor