

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING A RELEASE IN FULL OF ALL CLAIMS WITH AUSTIN BYRNES THROUGH PROGRESSIVE HAWAII INSURANCE CORPORATION AND AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, on September 10, 2024, Austin Bynes, while operating his motor vehicle, lost control of his vehicle and hit the stop and street sign at the intersection of North Eastman Road and Franklin Square before proceeding into a Bank of Tennessee ATM; and

WHEREAS, the cost to the city to repair the signs is \$308.92; and

WHEREAS, Mr. Bynes insurer, Progressive Hawaii Insurance Corporation, has offered to settle the claim with the city for the damages incurred in the amount of \$277.29; and

WHEREAS, based on the amount of the policy limits and other pertinent factors it is deemed advisable to settle the claim for the amount offered; and

WHEREAS, Progressive Hawaii Insurance Corporation requires a release be executed by city in exchange for payment of damages.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That a Release of all Fixed Property Damage Claims with Progressive Hawaii Insurance Corporation Insurance Company in the amount of \$277.29 is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, the Release of all Fixed Property Damage Claims with Progressive Hawaii Insurance Corporation Insurance Company, to deliver the release and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the release and this resolution, said release being as follows:

**FULL RELEASE OF ALL FIXED PROPERTY DAMAGE CLAIMS**

Claim number: 24-327793638

**IT IS UNDERSTOOD AND AGREED**, that I (We), City of Kingsport for and in consideration of the sum of two hundred seventy-seven and 29/100 Dollars (\$277.29) the receipt and sufficiency of which is hereby acknowledged, does (do) hereby for myself (ourselves), and for my (our) heirs, executors, administrators, successors and assigns and any and all other persons, firms, employers, corporations, associations, or partnerships release, acquit and forever discharge Austin Byrns, Courtney Byrns, and Progressive Hawaii Insurance Corp of any and all claims, actions, causes of actions, demands, rights, damages and costs, that pertain to property damage known and unknown, including rental, resulting from an automobile accident which occurred on or about September 10, 2024, at or near N. Eastman Rd in Kingsport, TN.

It is understood and agreed this settlement is in full compromise of a disputed claim as to both questions of liability and as to thenature and extent of the property damage, and that neither this release, nor the payment pursuant thereto, shall be construed as anadmission of liability, such being denied.

It is further understood and agreed that the undersigned relies wholly upon the undersigned's judgment, belief, and knowledge of the nature, extent, effect, and duration of said property damages and liability, and therefore this release is made without reliance upon any statement or representation of the party or parties hereby released or their representatives.

The undersigned expressly agrees to indemnify the above released parties and save them harmless from any and all further liability, loss, damage, claims of subrogation and expense arising because of any property damage, and, if necessary in order to save them so harmless, to satisfy on their behalf any judgment against them arising in any way out of the aforesaid accident.

**THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.**

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the release set out herein that do not substantially alter the material provisions of the release, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 4th day of February, 2025.

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PAUL W. MONTGOMERY, MAYOR

ATTEST:

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ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

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RODNEY B. ROWLETT, III, CITY ATTORNEY