

RESOLUTION NO. _____

A RESOLUTION APPROVING A PROPERTY DAMAGE
RELEASE WITH ROOT INSURANCE COMPANY AND
AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE AND
ALL OTHER DOCUMENTS NECESSARY AND PROPER TO
EFFECTUATE THE PURPOSE OF THE RELEASE

WHEREAS, on September 5, 2022, Mr. Zachary Cornely had a motor vehicle accident on Orebank Road in Kingsport and as a result of which he damaged a city fire hydrant; and

WHEREAS, Root Insurance Company, the insurer for Mr. Cornely, has offered to settle claim without admitting liability in the amount of \$7,676.26.

Now therefore,

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

SECTION I. That the Property Damage Release for Zachary Cornely, in the amount of \$7,676.26, with Root Insurance Company for damage to a city fire hydrant which occurred on September 5, 2022, on Orebank Road, 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, a Property Damage Release for Zachary Cornely, in the amount of \$7,676.26, with Root 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 reading as follows:

Claim Number: GP6J3VTN

Property Damage Release

For the sole consideration of Seven Thousand Six Hundred Seventy-Six 26/100 Dollars (\$7676.26), the receipt and sufficiency of which are hereby acknowledged, the undersigned Mayor Patrick W. Shull, on behalf of the City of Kingsport ("Releasor") does hereby release and forever discharge Zachary Cornely ("Releasee"), Root Insurance, its officers, employees, principals, shareholders, subsidiaries, affiliates, parent companies, executors, administrators, agents, attorneys, successors, insurers and assigns, from any and all actions, claims, demands, causes of action or suits, including but not limited to claims and suits any and all known and unknown property damage and the consequences thereof resulting or in any way connected with the accident occurring on or about September 5, 2022 (date of accident) at or near Kingsport, Tennessee (location of accident).

This Release shall be binding upon the Releasor and Releasee, as well as their respective heirs, administrators, personal representatives, executors, successors, and assigns.

This Release constitutes the entire agreement between the parties. The terms of this Release are contractual and supersede any and all prior oral or written agreements or understandings between the parties concerning the subject matter of this Release.

Absent a written document agreed upon and signed by both parties, this Release may not be altered, amended, or modified.

This Release shall not in any way be construed as an admission of liability or responsibility on the part of the Releasee with respect to the Releasor or any other person, at any time, for any purpose. This Release will be construed in accordance with and governed by the laws of Tennessee. It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for

the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits.

Signature:

[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 17th day of January, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY