

RESOLUTION NO. _____

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT
AND MUTUAL RELEASE WITH C & C RESTORATION, INC AND
AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE AND
ALL OTHER DOCUMENTS NECESSARY AND PROPER TO
EFFECTUATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, on December 25 and 26, 2022, the Tribe Athletic Complex suffered multiple sprinkler line breaks due to the abnormally cold weather conditions experienced throughout the region; and

WHEREAS, C & C Restoration, Inc. was contacted and provided water remediation services at the Tribe Athletic Complex; and

WHEREAS, a dispute arose between city and C & C Restoration, Inc., as to the charges for the services provided at the Tribe Athletic Complex; and

WHEREAS, in order to amicably resolve the dispute without further controversy, expense, and delay it is deemed advisable to resolve the dispute and claims between the parties; and

WHEREAS, as part of the settlement agreement and mutual release city will pay the additional sum of \$850,000.00 for a total payment of \$2,070,063.09; and

WHEREAS, funding is available in project GP1733.

Now therefore,

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

SECTION I. That the settlement agreement and mutual release with C & C Restoration, Inc., to resolve all claims and disputes arising out of water remediation services at the Tribe Athletic Complex is hereby 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 Settlement Agreement and Mutual Release, 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:

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 3rd day of October, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY