

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

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

WHEREAS, on July 17, 2023, a truck being towed by Triad Towing & Hauling, LLC, allegedly made contact with a traffic light at the intersection of East Stone Drive and Pinebrook Drive, which caused the traffic light to fall; and

WHEREAS, the cost to the city to repair the traffic light was \$3,013.71; and

WHEREAS, Triad Towing & Hauling's insurer, Donegal Insurance Group, without admitting liability has offered to settle the claim with the city for the damages incurred in the amount of \$3,013.71; and

WHEREAS, Donegal Insurance Group requires a release be executed by city in order to resolve the claim.

Now therefore,

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

SECTION I. That a Property Damage Release with Donegal Insurance Group in the amount of \$3,013.71 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 Property Damage Release with Donegal Insurance Group, 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:

Claim No.: CAS-TN-03-23-1118021

**PROPERTY DAMAGE RELEASE**

KNOW ALL MEN BY THESE PRESENTS:

That the Undersigned, being of lawful age, for sole consideration of **Three Thousand, Thirteen Dollars and Seventy- One Cents (\$3,013.71)** to be paid to **City of Kingsport** do/does hereby and for my/our/its heirs, executors, administrators, successors and assigns release, acquit and forever discharge **David Vaughn, Triad Towing & Hauling LLC, Donegal Insurance Group** and his, her, their, or its agents, servants, successors, heirs, executors, administrators and all other persons, firms, corporations, associations or partnerships of and from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expenses and compensation whatsoever, which the undersigned now has/have or which may hereafter accrue on account of or in any way growing out of any and all known and unknown,foreseen and unforeseen property damage and the consequences thereof resulting or to result from the occurrence on or about the **17th** day of **July, 2023** at or near **E Stone Drive & Pinebrook Dr, Kingsport, TN.**

It is understood and agreed that this settlement is the compromise of a doubtful and disputed claim, and that the payment made is not to be construed as an admission of liability on the part of the party or parties hereby released, and that said releases deny liability therefor and intend merely to avoid litigation and buy their peace.

The undersigned further declare(s) and represent(s) that no promise, inducement, or agreement not herein expressed has been made to the undersigned, and that this Release contains the entire agreement between the parties hereto, and that the terms of this Release are contractual and not a mere recital.

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 15th day of August, 2023.

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PATRICK W. SHULL, 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