

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

A RESOLUTION APPROVING A PROPERTY DAMAGE RELEASE WITH NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY 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 8, 2022, Kingsport City Schools Unit 2113 was stopped on Teasel Drive at the intersection of West Stone Drive; and

WHEREAS, a truck driven by Marshall Nash experienced brake failure and hit the Unit 2113, causing \$25,906.98 in damages; and

WHEREAS, Marshall Nash is insured by Nationwide Property and Casualty Insurance Company with a maximum coverage limit of \$25,000 for property damage;

WHEREAS, Nationwide Property and Casualty and is offering the policy limit of \$25,000 to resolve the claim in exchange for an executed release.

Now therefore,

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

SECTION I. That a Property Damage Release with Nationwide Property and Casualty Insurance Company, 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 Nationwide Property and Casualty 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:

Claim Number: 802688-GN

Date Prepared: February 23, 2023

Claims Associate: Terrence Clarkson

Associate Address: PO BOX 182068, COLUMBUS, OH 43218-2068

Policy Number: 5345J 063745

Notice of Loss Date: September 29, 2022

Associate Phone: 844-401-7666 x12777

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being of lawful age, for sole consideration of Twenty-Five Thousand and Zero Hundredth Dollars (\$25,000.00) to be paid to The City of Kingsport do/does hereby and for my/our/its heirs, executors, administrators, successors and assigns release, acquit and forever discharge Nationwide Property & Casualty Insurance Company, Tina Nash, Shane Parker, and Marshall Nash 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 property damage claims, actions, causes of actions, 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 accident, casualty or event which occurred on or about September 8, 2022 at or near WEST STONE DR, KINGSPORT, TN 37660.

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 releasees deny liability therefore and intend merely to avoid litigation and buy their peace.

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 7th day of March, 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