

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

A RESOLUTION APPROVING A PROPERTY DAMAGE  
RELEASE WITH BIG G EXPRESS, 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 March 13, 2023, an 18-wheeler owned by Big G Express Inc., and operated by Ernest Hill, was making a deliver to the Domtar facility; and

WHEREAS, Hill made a wrong turn, and entered the greenbelt on the west side of the Domtar parking lot at 717 West Center Street; and

WHEREAS, as a result damage was done to the asphalt path and areas along the path required leveling and re-seeding; and

WHEREAS, the quote for repairs is \$3,697.32 which Big G Express, Inc. has agreed to pay in exchange for a release of all property damage executed by the city.

Now therefore,

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

SECTION I. That a Release of All Property Damage Claims with Big G. Express, Inc., and Ernest Hill, in exchange for \$3,697.32 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 Release of All Property Damage Claims with Big G Express, Inc., and Ernest Hill, 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:

**RELEASE OF ALL PROPERTY DAMAGE CLAIMS**

KNOW ALL MEN BY THESE PRESENTS:

That the Undersigned, being of lawful age for sole consideration of \$3,697.32 to City of Kingsport/does hereby and for my/our/its heirs, executors, administrators, successors and assigns release, acquit and forever discharge Big G Express, Inc. and Ernest Hill, he, 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, rentals and or in any way growing out of any and all known and unknown, foreseen and unforeseen damages the consequences thereof resulting or to result from the occurrence on or about the 13th day of March, 2023 at or near 717 West Center Street in Kingsport, TN.

This undersigned hereby declare(s) and represent(s) that no promise, inducement or agreement not herein expressed has been made to the undersigned, and this Release contains the entire agreement between the parties hereto, and that the terms of this Release are contractual and not 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 18th day of April, 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