

RESOLUTION NO. 164-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING SETTLEMENT WITH THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL, PAYMENT OF ATTORNEY'S FEES AND COSTS, AND PRO RATA DISTRIBUTION OF SETTLEMENT FUNDS TO THE DEVELOPMENT CORPORATION OF ABILENE, INC.

WHEREAS, the City of Abilene carries property damage coverage through the Texas Municipal League Intergovernmental Risk Pool (TMLIRP); and

WHEREAS, the coverage includes real property owned by the City of Abilene and the Development Corporation of Abilene, Inc.; and

WHEREAS, the City of Abilene and Development Corporation of Abilene, Inc. received major property damage as the result of a hail storm occurring on June 12, 2014; and

WHEREAS, due to an ongoing dispute with TMLIRP regarding the amount of real property damage caused by the hail storm, and the amounts due to the City to repair the damage, the City of Abilene was required to file a lawsuit against TMLIRP seeking recovery of amounts due under the terms of the coverage agreement; and

WHEREAS, the City of Abilene and TMLIRP negotiated a settlement agreement to resolve the dispute; and

WHEREAS, the settlement agreement requires the approval of the governing bodies of the City of Abilene and TMLIRP.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

- Part 1: That the City Council approves the settlement agreement of the lawsuit with the Texas Municipal League Intergovernmental Risk Pool, Cause No. 11018-D, styled City of Abilene, and Development Corporation of Abilene v. Texas Municipal League Intergovernmental Risk Pool, filed in the 350th Judicial District Court, Taylor County, Texas.
- Part 2: That the City Council approves payment of earned attorney's fees and costs of litigation to its attorneys, Merlin Law Group, P.A.
- Part 3: That the City Council hereby approves distribution of pro rata funds to the Development Corporation of Abilene, Inc. for its real property which were included in the lawsuit.

Part 4: That the City Manager is authorized to execute any documents necessary to effectuate the settlement agreement, payment of attorney's fees and litigation costs, and pro rata distribution of funds.

Part 5: That this Resolution takes effect immediately upon passage.

ADOPTED this 27th day of September, 2018.

ATTEST:

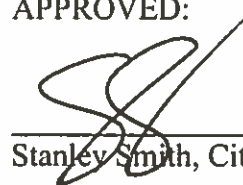


Rosa Rios, City Secretary



Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney