



Legislation Details (With Text)

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| File #: | 18-0347R | Name: | |
| Type: | Resolution | Status: | Passed |
| File created: | 4/18/2018 | In control: | Public Works and Utilities |
| On agenda: | 4/23/2018 | Final action: | 4/23/2018 |
| Title: | RESOLUTION APPROVING SETTLEMENT AND RELEASE IN THE MATTERS OF LIBERTY MUTUAL FIRE INSURANCE COMPANY V. SUPERIOR CONSTRUCTION COMPANY, INC., ET AL., AND CITY OF DULUTH V. SUPERIOR CONSTRUCTION COMPANY, INC., AT NO COST TO THE CITY PURSUANT TO THE TERMS OF A MEDIATED SETTLEMENT AGREEMENT AND RELEASE. | | |

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 4/23/2018 | 1 | City Council | adopted | |

RESOLUTION APPROVING SETTLEMENT AND RELEASE IN THE MATTERS OF LIBERTY MUTUAL FIRE INSURANCE COMPANY V. SUPERIOR CONSTRUCTION COMPANY, INC., ET AL., AND CITY OF DULUTH V. SUPERIOR CONSTRUCTION COMPANY, INC., AT NO COST TO THE CITY PURSUANT TO THE TERMS OF A MEDIATED SETTLEMENT AGREEMENT AND RELEASE.

CITY PROPOSAL:

RESOLVED that, pursuant to the terms of the mediated settlement agreement and release attached hereto as Exhibit A ("Agreement"), the city council hereby approves settlement and release of all claims or causes of action by or against it in the related matters of Liberty Mutual Fire Insurance Company, as subrogee of TB Duluth, LLC, d/b/a Radisson Hotel Duluth-Harborview v. Superior Construction Company, Inc., et al. (District Court File No. 69DU-CV-15-1147), and City of Duluth v. Superior Construction Company, Inc. (District Court File No. 69DU-CV-15-1134), both venued in St. Louis county district court, sixth judicial district, state of Minnesota, and further that the appropriate city staff and officials are authorized to execute the attached Agreement and to take all steps necessary to complete final settlement, release, or district court approval effectuating same.

STATEMENT OF PURPOSE: This resolution authorizes appropriate city staff and officials to execute and seek district court approval of the mediated settlement agreement and release attached hereto as Exhibit A, and to take any and all further action necessary to complete final settlement, release and approval effectuating same. City administration and the city attorney recommend approval of this mediated settlement agreement and release.