★ **Roll Call Number**

Agenda Item Number
23

Date January 24, 2011

WHEREAS, the City of Des Moines is a Defendant in a lawsuit brought by Matthew and Brandy Flemming and Economy Premiere Insurance Company arising out of damage to the Flemming's home allegedly caused by a sewer backup; and

WHEREAS, it is the opinion of the Legal Department that payment of the negotiated amount would be in the best interest in the City of Des Moines; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That payment in the amount of $23,750.00 be made and is hereby approved to Sullivan & Ward, P.C., 6601 Westown Pkwy., Ste. 200, West Des Moines, IA 50266, as attorneys for Matthew and Brandy Flemming and Economy Premier Insurance Company, and the Finance Director is authorized and directed to draw a warrant accordingly under Fund Codes 529410 EN101 PWK071000, and the Legal Department is hereby authorized and directed to enter into all necessary pleadings and settlement agreements to effectuate this settlement.

FORM APPROVED: MOVED BY _____ TO ADOPT

Gary D. Goudelock, Jr.
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

_____ Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk