

★ **Roll Call Number**

08-1001

Agenda Item Number

40

Date June 9, 2008

WHEREAS, Harris Coggeshall DeLong and Lea Rosson DeLong, Co-Conservators of Timothy Rosson DeLong, Ward, filed a lawsuit against the City of Des Moines arising out of a pedestrian accident on July 4, 2006 ; and

WHEREAS, the parties have reached a tentative settlement pending Council approval; and

WHEREAS, it is the opinion of the Legal Department that settlement of the lawsuit would be in the best interest of 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 amounts of \$825,000 to Harris Coggeshall DeLong and Lea Rosson DeLong, Co-conservators of Timothy Rosson DeLong, Ward, and Michael H. Figenshaw, their attorney, and \$775,000 to a company providing structured annuities as directed by the City Attorney, be and is hereby approved for settlement of the lawsuit, the City Attorney is authorized to sign the appropriate documents to accomplish the settlement, and the Finance Director is authorized to draw warrants accordingly.

MOVED BY Hensley TO ADOPT

FORM APPROVED:

Steven C. Lussier
 Steven C. Lussier
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk