

★ Roll Call Number  
09-2188

Agenda Item Number  
26

Date December 7, 2009

### AUTHORIZING COMPROMISE OF JUDGMENT

WHEREAS, City of Des Moines filed a lawsuit and obtained a judgment against Primo Acquisitions, LLC in the amount of \$16,014.83; and

WHEREAS, collection efforts undertaken by the collection agent for the City have shown that it would be many years for substantial payments to be collected; and

WHEREAS, Primo Acquisitions I, LLC, is attempting to settle this judgment by payment of a reduced lump sum, and have asked the City to accept and take as a compromise \$11,000.00 in order to facilitate settlement; and

WHEREAS, after reviewing the facts and circumstances and upon the recommendation of the City's collection agents, Abendroth & Russell, the Legal Department is of the opinion that liability and settlement of the judgment for \$11,000.00 is 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:


1. That the City accepts \$11,000.00 in full payment of its judgment against Primo Acquisitions I, LLC.

2. The Mayor and City Clerk are authorized to sign any necessary releases and settlement documents, which are approved by the Legal Department.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

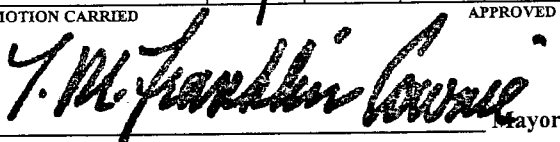
(Council Communication No. 09-840)

  
Vicky Long Hill  
Assistant City Attorney

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

MOTION CARRIED

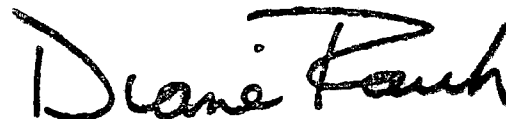
APPROVED

  
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