

★ Roll Call Number

11-0101

Agenda Item Number

23

January 24, 2011

Date

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

Hensley

TO ADOPT

Gary D. Goudelock, Jr.
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh

City Clerk