



Legislation Text

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**File #:** RES-05:464, **Version:** 1

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING THE RECOMMENDATION OF THE APERMA LEGAL DEFENSE GROUP TO SETTLE IN THE MATTER OF VESTAL WILLETT VS CITY OF JONESBORO, ET. AL.;

WHEREAS, it is the desire of the City of Jonesboro to settle in the matter of Vestal Willett vs City of Jonesboro, et. al. AND

WHEREAS, a settlement of this lawsuit has been recommended by the APERMA Legal Defense Group under the terms as follows:

(a) The City of Jonesboro shall provide Vestal Willett with five hundred forty-five feet (545') of chain link fencing;

(b) The City of Jonesboro shall provide Red Tip Photinas along the area where trees and other bushes were removed;

(c) The City of Jonesboro shall pay all of Vestal Willett's costs and expenses in this matter including legal fees in the amount of Four Thousand and 00/100 Dollars (\$4,000.00) and the cost of James Peachy's report in the amount of Three Hundred and 001/00 Dollars (\$300.00); and

(d) The City of Jonesboro shall correct the drainage problem on Vestal Willett's property using a plan provided or approved by a qualified engineer; AND

WHEREAS, the Street Department for the City of Jonesboro has already corrected the drainage problem on the Willett property; AND

WHEREAS, the APERMA Legal Defense Group has agreed to pay Two Thousand, One Hundred and Fifty dollars and 00/100 (\$2,150.00) representing one half of the requested attorney's fees and report fees; AND

WHEREAS, the low bid for providing and installing five foot chain link fencing is \$2,834.00; AND

WHEREAS, the low bid for providing and installing the Red Tip Photinas is \$894.24.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Jonesboro, Arkansas that:

SECTION 1. The recommendation of the APERMA Legal Defense Group to settle in the matter of Vestal Willett vs City of Jonesboro, et. al. as stated above is hereby accepted and approved.

SECTION 2. . The Finance Director is hereby authorized to pay Two Thousand, One Hundred Fifty Dollars and 00/100 (\$2,150.00) out of the 2005 Operating Budget for the City of Jonesboro to Vestal Willett and Jim Lyons, her attorney representing one half of the requested attorney's fees and report fees.

SECTION 3. The Purchasing Agent is hereby authorized to purchase the chain link fencing and Red Tip Photinas from the low bidders for a total of Two Thousand, Seven Hundred Twenty Eight Dollars and 24/100 (\$2,728.24). Payment shall be made from the 2005 Operating Budget for the City of Jonesboro.

PASSED AND ADOPTED this 21<sup>ST</sup> day of June, 2005.