

COMMITTEE OF THE WHOLE

12-0062R

RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF
NORTHLAND COUNTRY CLUB V. CITY OF DULUTH IN THE AMOUNT
OF \$7,500.

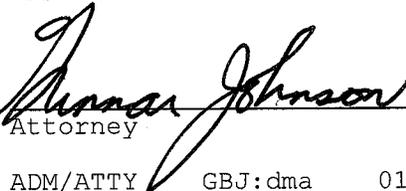
CITY PROPOSAL:

RESOLVED, that the city council approves settlement in the amount of \$7,500 of all claims or causes of actions asserted by Northland Country Club in that matter venued in the District Court of Minnesota, Sixth Judicial District, and identified as Northland Country Club v. City of Duluth, File No. 69DU-CV-11-813, and further authorizes the proper city officials to execute all documents necessary to conclude this matter on a full, final and complete basis, funds to be deposited in Fund 440-038-4500-10 (Street Improvement Fund, Special Assessment Contracts, Assessments).

Approved for presentation to council:


Chief Administrative Officer

Approved as to form:


Attorney

Approved:


Auditor

ADM/ATTY GBJ:dma 01/26/2012

STATEMENT OF PURPOSE: This resolution authorizes a settlement in a civil action commenced by Northland Country Club. On February 18, 2011, Northland Country Club was assessed \$20,470 for 2010 Mill and Overlay of Glenwood Avenue. On March 4, 2011, Northland Country Club filed a notice of appeal of the assessment. The city attorney's office has fully investigated the facts surrounding the assessment, engaged professional services to appraise the value of the improvement and studied the applicable law. Because of the questionable value to the property of the improvements associated with this matter for all parties, a negotiated settlement of \$7,500 was agreed to. City council approval of this settlement is required.