



Legislation Details (With Text)

File #: 21-0201 **Version:** 1 **Name:** Resolution: Settlement of Civil Settlement - Greater Newark Conservancy, Inc.
Type: Resolution **Status:** Adopted
File created: 2/11/2021 **In control:** Law
On agenda: 3/17/2021 **Final action:** 3/17/2021

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-5793-20
Claimant: Greater Newark Conservancy, Inc.
Claimant's Attorney: Meyner and Landis LLP, c/o David B. Grantz, Esq.
Settlement Amount: \$150,000.00
Funding Source: Insurance Trust Fund
Additional Comments:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/17/2021	1	Municipal Council	Adopt	Pass

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WHEREAS, Plaintiff, Greater Newark Conservancy, Inc., instituted a suit captioned Greater Newark Conservancy, Inc. v. City of Newark, Docket No.: ESX-L-5793-20, in which the Plaintiff sought recovery for damages for the breach of a contract with the City of Newark; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by execution of the attached Settlement Agreement and Release, and payment in the total amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) ("Settlement Sum"); and

WHEREAS, to avoid the costly expense of litigation, the Parties and the City's Corporation Counsel desire to amicably resolve this matter with payment by the City of Newark in the total amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), in exchange for Plaintiff's execution of the Settlement Agreement and Release (attached) as a full and complete release of the matter; and

WHEREAS, the Corporation Counsel based upon all facts and circumstances presented, deems it in the best interest of the City of Newark to resolve said matter by execution of the Settlement Agreement and Release and payment of the proposed Settlement Sum.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Corporation Counsel is authorized on behalf of the City of Newark, to execute and accept the terms of the Settlement Agreement and Release, attached hereto.
2. Upon receipt by the Corporation Counsel of all documents deemed necessary, the Director of the Department of Finance is hereby authorized and directed to issue payment of the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), which payment will be made payable to: "Greater Newark Conservancy, Inc.," and which payment will be mailed to Meyner and Landis LLP, c/o David B. Grantz, Esq.
3. Annexed hereto is the Certification of Funds issued by the City's Director of the Department of Finance, which states that there are available sufficient legally appropriated funds in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) for the purpose set forth herein.
4. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement, this resolution and the Certificate of Funds in the Office of the City Clerk.
5. The Settlement Agreement and General Release and resolution does not admit, nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any contract or duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of the Corporation Counsel and to eliminate all risks and future litigation costs.

STATEMENT

This resolution authorizes the Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and Release to settle civil litigation captioned Greater Newark Conservancy, Inc. v. City of Newark, Docket No.: ESX-L-5793-20, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees and a complete release.