



Legislation Details (With Text)

File #: 18-1266 **Version:** 1 **Name:** Patricia Williams - Civil Settlement
Type: Resolution **Status:** Adopted
File created: 8/2/2018 **In control:** Law
On agenda: 9/6/2018 **Final action:** 9/6/2018
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-3346-15
Claimant: Patricia Williams
Claimant's Attorney: Francis Kirk, Esq.
Attorney's Address: Law Firm of Tesser & Cohen, 946 Main Street, Hackensack, New Jersey 07601
Settlement Amount: \$200,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel
Sponsors: Council of the Whole
Indexes:
Code sections:

Date	Ver.	Action By	Action	Result
9/6/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, a suit was instituted in the Law Division of the Superior Court of New Jersey, Essex Vicinage, captioned, Patricia Williams v. City of Newark, et al., DOCKET NO. ESX-L-3346-15, in which the plaintiff sought recovery of damages for inverse condemnation, as a result of the subsidence of her property as partially caused by the failure of a storm pipe underlying her property and allegedly under the care and ownership of the City of Newark; and

WHEREAS, a proposal has been made to resolve this litigation in its entirety by payment in the total amount of \$200,000.00 (Two-Hundred Thousand Dollars and Zero Cents) ("Settlement Sum"), the transfer of any ownership interest by the City in any storm water pipe on Plaintiff's real property to Plaintiff, the subsequent transfer of Plaintiff's ownership of the real property to her lender

by deed in lieu of foreclosure, and Plaintiff's acknowledgment that the City never had any ownership interest in the original storm pipe system that contributed to the subsidence of her real property; and

WHEREAS, on or about May 18, 2018, Plaintiff deeded her real property to her lender by way of deed in lieu of foreclosure; and

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

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

1. The Corporation Counsel is hereby 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 Finance is hereby authorized and directed to issue payment in the amount of \$200,000.00 (Two-Hundred Thousand Dollars and Zero Cents), which payments will be made jointly to "Patricia Williams and the Law Firm of Tesser & Cohen" and which payment will be mailed to Francis Kirk, Esq., 946 Main Street, Hackensack, New Jersey 07601.

3. Annexed hereto is the Certification of Funds issued by the Director of Finance, City of Newark, which states that there are available sufficient legally-appropriated funds from Fund 025, Dept 25T, Division/Project 5T25, and Account #96320, in the amount of \$200,000.00 (Two-Hundred Thousand Dollars and Zero Cents), for the purpose set forth herein.

4. A copy of the Comptroller's Certification shall be filed in the Office of the City Clerk along with this Resolution by the Corporation Counsel.

5. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by the Corporation Counsel.

6. This resolution shall be effective upon adoption in accordance with applicable State Law.

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 in the Law Division of the Superior Court of New Jersey, Essex Vicinage, captioned, Patricia Williams v. City of Newark, et al., DOCKET NO. ESX-L-3346-15, in the amount of \$200,000.00, in exchange for the dismissal of any and all claims against the City of Newark and its employees, and a complete release.