A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO
EXPEND FUNDS TO SETTLE A CLAIM BY LISA CRaddock-Thitoff
AND STEVE THITOFF

WHEREAS, on July 25, 2012, Lisa Craddock-Thitoff and Steve Thitoff
experienced three trees falling onto their property damaging certain items and
incurred a deductible expenses of $250.00 for resolution of the problem; and

WHEREAS, while the Village disputes all Lisa Craddock-Thitoff and Steve
Thitoff’s allegations;

The Ohio Supreme Court recognizes the authority of a municipality to enact
legislation for the payment of a claim which is unenforceable by law against it
but which principles of justice and equity constitute a moral obligation of the
municipality;

WHEREAS, the Village of Minerva Park recognizes its moral obligation to
reimburse Lisa Craddock-Thitoff and Steve Thitoff for the out-of-pocket
deductible expense because the trees fell from an area designated as right of way
on the original plat for the Village;

NOW, THEREFORE, be it ordained by the Council of the Village of Minerva
Park, Franklin County, State of Ohio, that:

Section 1. The Fiscal Officer is hereby authorized and directed to pay Lisa
Craddock-Thitoff and Steve Thitoff the sum of Two Hundred and Fifty Dollars and
No Cents ($250.00). Lisa Craddock-Thitoff and Steve Thitoff are solely responsible
for the remaining portion of any expenses, payment of any and all taxes, including
penalties and interest, which might be determined to be owed on these amounts.

Section 2. The Mayor is hereby authorized and directed to enter into and execute a
Release of Claims in substantially the same format and content as the document
attached hereto as Exhibit A and incorporated herein by reference.

Section 3. It is hereby found and determined that all formal actions of this Council
concerning and relating to the passage of this Resolution were adopted in an open
meeting of Council and that all deliberations of the Council and any of the decision
making bodies of the Village of Minerva Park which resulted in formal actions were
in meetings open to the public in compliance with all legal requirements of the State
of Ohio.

Section 4. All prior Resolutions, or any parts thereof, which are hereby repealed as to
the inconsistent parts thereof.

Section 5. That Council declares this to be measure necessary for the preservation
of the public peace, health, and safety of this municipality and the further reason that
the Village must resolve this claim as soon as possible to avoid additional and
unnecessary costs, expenses, and fees. Wherefore, provided this Resolution received
the required affirmative votes of Council, it shall take effect and be in full force
immediately upon passage by Council.

Signed, Mayor, Village of Minerva Park

Attest, Fiscal Officer, Village of Minerva Park

Reviewed by Counsel

First Reading: September 10, 2012
Second Reading: October 8, 2012
Third Reading: November 12, 2012
Passed: November 12, 2012
RELEASE OF CLAIMS

We, Lisa Craddock-Thitoff and Steve Thitoff, in consideration of Two Hundred and Fifty Dollars and No Cents ($250.00), received, release the Village of Minerva Park and its officers and employees from all claims whatsoever as permitted under law, which the undersigned now has or which may accrue as a result of the claimed property damage sustained on July 25, 2012 due to a tree falling on their property during a wind storm in the Village of Minerva Park.

We agree that this settlement is a compromise of a disputed claim, and that the payment is not to be construed as an admission of liability on the part of the Village of Minerva Park.

No promise, inducement or agreement not stated herein has been made to us, and this Release contains the entire agreement between the parties.

We have read the foregoing release and fully understand it.

__________________________________________  __________________________
Steve Thitoff  Date

__________________________________________  __________________________
Lisa Craddock-Thitoff  Date

VILLAGE OF MINERVA PARK

__________________________________________  __________________________
By: Lynn Eisenreut, Mayor  12/14/12  Date