

08/01/2018

58-R-18

A RESOLUTION

**Authorizing the Settlement and Release of all Claims in
*Chicagoland Paving Contractors, Inc. v. City of Evanston***

WHEREAS, Case No. 2017-L-000240 in the Circuit Court of Cook County, County Department, Law Division, concerns a contract dispute lawsuit against the City involving allegations of breach of contract regarding the Davis Street Improvement Project and the Parking Lot Rehabilitation at Central Street and Steward Avenue Project; and

WHEREAS, the parties seek to settle and release all claims pursuant to the terms of a Release and Settlement Agreement ("Settlement Agreement") negotiated by attorneys of record in this litigation;

WHEREAS, the City will pay Plaintiffs a settlement amount of approximately two hundred and sixty-five thousand dollars (\$265,000.00) ("Settlement Payment") pursuant to the terms of the Settlement Agreement; and

WHEREAS, pursuant to the terms of the Settlement Agreement, on August 17, 2018, Plaintiff will obtain an order from the court dismissing with prejudice all claims brought against Defendant in Case No. 2017-L-000240; and

WHEREAS, in compliance with Section 2(e) of the Open Meetings Act, 5 ILCS 120/2(e), the City must approve final action on settlement of this litigation in open session; and

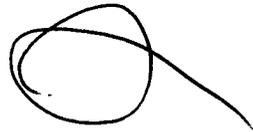
WHEREAS, issuance of the City's Settlement Payment is not an admission of liability.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: The City is hereby authorized to approve settlement with Plaintiffs and issue the City's Settlement Payment pursuant to the terms of the Settlement Agreement. The City's Settlement Payment is not an admission of liability.

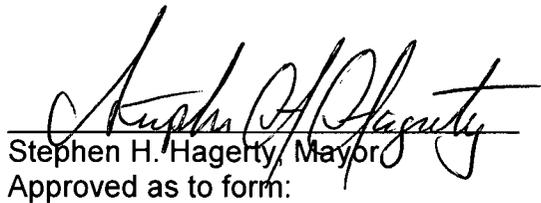
SECTION 2: Resolution 58-R-18 shall be in full force and effect from and after its passage and approval, in the manner provided by law.

Attest:



Devon Reid, City Clerk

Adopted: August 13, 2018



Stephen H. Hagerty, Mayor

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel