



Introduced: 07/20/2020  
Revised:  
Adopted:  
Effective:

## CITY OF PATASKALA

### RESOLUTION 2020-048

#### **A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A SETTLEMENT AGREEMENT WITH FANNIN LIMITED PARTNERSHIP AND JAMES L. DEAGLE**

**WHEREAS**, Fannin Limited Partnership and James L. Deagle are the fee simple owners of contiguous parcels of certain real property consisting of 52.057 acres owned by Fannin (Licking County Parcel Nos. 255-069072-00.000 and 255-069066-00.005 ) and 75.73 acres owned by Deagle (Licking County Parcel No. 255-067746-00.000) (“the Property”), and,

**WHEREAS**, the City, Fannin, and Deagle entered into a Pre-Annexation Agreement on June 4, 2015, pursuant to the authorization of City Council Resolution 2015-035; and

**WHEREAS**, all three parcels were annexed to the City of Pataskala on October 5, 2015; and

**WHEREAS**, on May 29, 2018, Fannin and Deagle filed a complaint in Licking County Common Pleas Court, assigned case number 18 CV 551, against the City for breach of contract, equitable relief, and monetary damages arising from the City’s alleged failure to provide water and sewer service to the Property post-annexation; and

**WHEREAS**, the City denied all claims, causes of action, wrongdoing, and liability asserted in the lawsuit, and

**WHEREAS**, Fannin and Deagle claimed a right under the Pre-Annexation Agreement to connect the Property to City public water and sanitary sewer services and the City claimed that it was legally prohibited from providing the services because of pre-existing Water and Sewer contracts with the Southwest Licking Community Water and Sewer District as well as the February 26, 2016 Arbitration Award (that resolved various water and sewer disputes between the City and the District); and

**WHEREAS**, following the Court’s grant of Fannin and Deagle’s motion for summary judgment on their breach of contract claim, the City and the District negotiated new water and sewer contracts that gave the City control over water and sewer service to the Property, and the Parties subsequently agreed to mediate the remaining issues; and

**WHEREAS**, as a result of a May 19, 2020 mediation, the City, Fannin, and Deagle reached an agreement that permits the City to provide public water and sanitary sewer services to the

Property, provides Fannin and Deagle certain promises subject to the approval of Council, and effectuates dismissal of the Lawsuit and a mutual release of all claims; and

*WHEREAS*, Council for the City of Pataskala now wants to authorize a settlement agreement and end the Fannin and Deagle litigation with certainty.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF MEMBERS PRESENT CONCURRING THAT:**

Section 1: Council for the City of Pataskala hereby authorizes and directs the City Administrator to execute a settlement agreement, in substantially the same form and content as the settlement agreement attached hereto as Exhibit A and incorporated herein by reference, with Fannin Limited Partnership and James L. Deagle.

Section 2: 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 City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 3: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:

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Kathy M. Hoskinson, Clerk of Council

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Michael W. Compton, Mayor

APPROVED AS TO FORM:

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Brian M. Zets, Law Director