

**VILLAGE OF CHAUNCEY  
RESOLUTION NO. 2012-17**

**A RESOLUTION APPROVING SETTLEMENT IN  
State ex rel. Thomas Baggs v. Village of Chauncey, Case No. 09 CI 0394  
Court of Common Pleas of Athens County Ohio**

**WHEREAS**, The Village Solicitor and Insurance Fund co-counsel Randall Lambert for the Village have reached a settlement with Thomas F. Baggs in the litigation filed at Case No. 09 CI 0394, captioned State ex rel. Thomas Baggs v. Village of Chauncey, in the Court of Common Pleas of Athens County; and

**WHEREAS**, The Village Solicitor recommends acceptance of the settlement agreement by Village Council.

**THEREFORE, BE IT RESOLVED** by the Council of the Village of Chauncey, State of Ohio, as follows:

Section One: The Settlement Agreement attached hereto as Exhibit A is accepted, agreed to and the Solicitor's signature thereon ratified by Village Council as binding upon the Village.

Section Two: The Solicitor is authorized to carry out or take any further action necessary to effectuate the Settlement Agreement.

Section Three:

This Resolution is deemed an emergency measure necessary to promptly effectuate the settlement, to insulate the Village from any potential liability for damages and preserve the fiscal integrity of the Village and therefore shall take effect immediately upon passage.

**RESOLVED** this 5<sup>th</sup> day of June, 2012.

ATTEST:

Joe Canter  
Joe Canter  
Council President

ATTEST:

Maria Mirza  
Maria Mirza  
Village Fiscal Officer

APPROVED AS TO FORM:

Robert J. Shostak  
Robert J. Shostak, Esq.  
Solicitor

APPROVED:

Robert Matthey  
Robert Matthey  
Mayor

First Reading: 5 June 2012

Second Reading: on suspension of rules

Third Reading: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF  
ATHENS COUNTY, OHIO

STATE EX REL:  
THOMAS BAGGS

Case No. 09-CI-0394

Relator,

Judge Ward

v.

VILLAGE OF CHAUNCEY

Respondent.

SETTLEMENT AGREEMENT

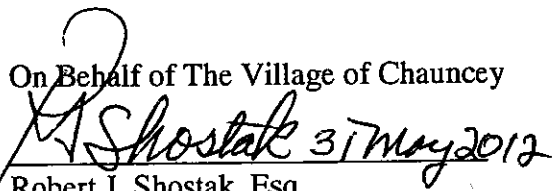
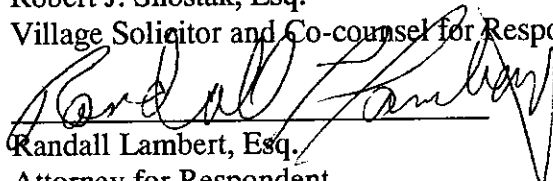
THE PARTIES AGREE TO SETTLE ALL ISSUES IN THE CASE PENDING IN  
ATHENS COUNTY COURT OF COMMON PLEAS Case NO. 09-CI-0394 under the following  
terms:


1. The Village's Insurance Fund will pay to Thomas Baggs and his attorney, Michael L. Barr, \$19,000.00 as reimbursement of attorney fees.
2. The Village will grant to Thomas Baggs, Dorothy Baggs and Donna Baggs a license for life to use the village's property that is located adjacent to the Baggs' property, located on the western side, known as Fourth Street. The property will still be subject to an easement for utilities that exist on the property and any easements or rights of way of record. Neither Thomas Baggs, Dorothy Baggs or Donna Baggs will be permitted to place any additional permanent structures on the subject property or take any action which could interfere with the utility easements. Upon the

death of the last survivor of Thomas Baggs, Dorothy Baggs and Donna Baggs. The Licensure shall end upon the Village formally vacating the property.

- 3. This Settlement is subject to the Village Council approving the Licensure.
- 4. Thomas Baggs agrees to release the Village of Chauncey and its officials and representatives from any claims for damages and/or attorney fees regarding any public records request made by him prior to this date of this agreement.
- 5. The parties hereby stipulate and agree this is a complete settlement of all matters arising from this litigation.

Approved by the undersigned on behalf of their parties on May 31, 2012.

On Behalf of The Village of Chauncey  
  
Robert J. Shostak, Esq.  
Village Solicitor and Co-counsel for Respondent  
  
Randall Lambert, Esq.  
Attorney for Respondent

On Behalf of Plaintiff /Baggs  
  
Mike Barr, Esq.  
Attorney for Relator

**CERTIFICATION OF VILLAGE CLERK**  
**AS TO POSTING OF RESOLUTIONS**

The foregoing is a true copy of the original Resolution No. 2012-17

Publication of this Resolution was made by posting a copy of the same in the following five locations within the Village, beginning on June 11, 2012, and concluding on June 26, 2012 (at least 15 days later):

<b>Location</b>	<b>Date Posted</b>
<u>Town Hall</u>	<u>6-11-12</u>
<u>Post Office</u>	<u>6-11-12</u>
<u>Cee Dee's Mart</u>	<u>6-11-12</u>
<u>Library</u>	<u>6-11-12</u>
<u>T's Quik Stop</u>	<u>6-11-12</u>

Attest:

Date: June 11, 2012

*Maria J. Mump*  
Village Fiscal Officer