

Resolution 2009-08

A Resolution Authorizing Settlement of Pending Litigation with Pyramid Relating to Construction of Police Station & Town Court Facility

WHEREAS, Pyramid Architects (Pyramid) exercised its rights under the terms of its contract with the Town of Avon to arbitrate its claims against the Town for unpaid invoices for additional services which Pyramid alleged to have rendered to the Town related to the construction of the new Police Station and Town Court Facility;

AND WHEREAS, the Town exercised its rights under the terms of its contract with Pyramid to arbitrate its counterclaim for damages the Town claims to have incurred as a result of Pyramid's breach of its contractual and professional obligations in the construction of the new Police Station and Town Court Facility;

AND WHEREAS, the parties participated in mediation of their claims on May 5, 2009 and reached a proposed settlement of their dispute. At the mediation, the Town Council was represented by Gregory Zusan and Beverley Austin. The proposed agreement is attached and is conditioned upon approval of the Town Council;

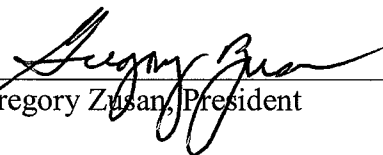
AND WHEREAS, the Town Council believes it is in the best interests of the Town to resolve the litigation under the proposed settlement terms, without proceeding to an arbitration hearing;

IT IS, THEREFORE, RESOLVED AS FOLLOWS:

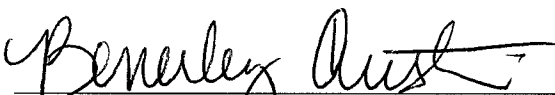
1. The proposed settlement agreement is hereby approved.
2. Gregory Zusan is hereby authorized to execute the proposed settlement agreement on behalf of the Town and to execute all documents and to take any other action necessary to effectuate the settlement and resolution of the litigation.

ADOPTED this 14th day of May, 2009

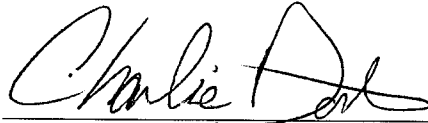
A Majority of the Town Council of the
Town of Avon



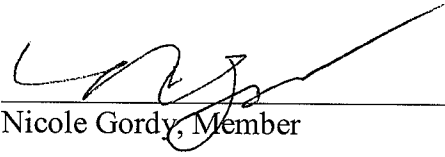
Gregory Zusan, President



Beverley Austin, Vice President



Charlie Dorton, Member



Nicole Gordy, Member



Michael C. Rogers, Member

ATTEST:



Sharon K. Howell, Clerk-Treasurer
Town of Avon