

Ordinance No. 91-33

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT

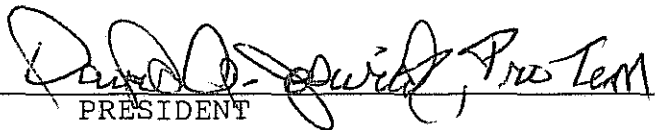
BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That certain Settlement and Release attached hereto as Exhibit A, by and between the Village of Chatham and R.W. Beck & Associates, is hereby approved.

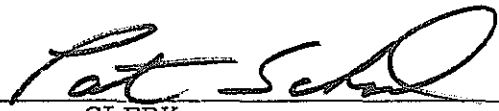
SECTION 2: The President is authorized and directed to sign said Settlement and Release on behalf of the Village, and the proper officers of the Village are authorized and directed to make payment in accordance with the Settlement and Release in the amount of \$8,981.42 to R.W. Beck & Associates.

SECTION 3: This Ordinance is effectively immediately.

PASSED this 9 day of July, 1991.

  
PRESIDENT

ATTEST:

  
CLERK

AYES: 6

NAYS: 0

PASSED: 7-9-91

APPROVED: 7-9-91

ABSENT: 0

ORDINANCE CERTIFICATE

STATE OF ILLINOIS     )  
                                  )   SS.  
COUNTY OF SANGAMON   )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 91-33 adopted by the President and Board of Trustees of said Village on the 9 day of JULY, 1991, said Ordinance being entitled:

**AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 9 day of JULY, 1991.

  
\_\_\_\_\_  
Village Clerk

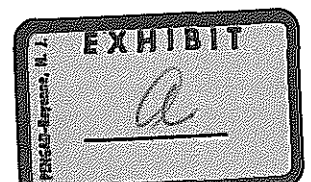
PREPARED BY:

John M. Myers  
PFEIFER & KELTY, P.C.  
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P. O. Box 1858  
Springfield, IL 62705-1858  
Telephone: 217/528-5604

## SETTLEMENT AND RELEASE

**THIS SETTLEMENT AND RELEASE** is entered into on the \_\_\_\_ day of July, 1991 by R. W. Beck and Associates ("Beck") and Village of Chatham ("Chatham"). The parties hereby agree as follows:

1. Beck and Chatham entered into a professional service agreement on January 13, 1986 whereby Beck was to provide Chatham certain engineering services. In consideration, Chatham agreed to pay Beck a fee for these services.
2. Beck has made a claim against Chatham for amounts due under the contract and a further claim for amounts due for engineering services performed which were not included in the original contract.
3. Chatham has stated that it has potential claims against Beck, including but not limited to: questions of billing; questions of design of the transformer system; and length of construction, all allegedly resulting in primary and consequential damage.
4. In compromise of the claim set forth by Beck, the parties agree that Chatham will pay to Beck the sum of Six Thousand Four Hundred Fifteen Dollars 42/100 (\$6,415.42) together with accumulated interest at the rate of 10%. The total amount payable to Beck by Chatham will thus be Eight Thousand Nine Hundred Eight-one Dollars 42/100 (\$8,981.42).
5. In consideration for this settlement, Beck releases Chatham from any claim it may have against Chatham arising out of the engineering services performed for Chatham.
6. In consideration for this settlement, Chatham releases Beck from any claim it may have against Beck arising out of or in any way related claims as to which Chatham has actual knowledge as of the date of this Release, or which would have been discoverable with reasonable diligence.



7. This settlement agreement should not be construed as an admission of liability or obligation by either party. Such liability and obligation having been explicitly denied.
8. Nothing in this Settlement Agreement shall be deemed a release by either party of the right to bring a third party action against the other, for contribution, indemnification or otherwise in the event of a claim made against the party by a person or entity not a party to this agreement.

R. W. BECK AND ASSOCIATES

By: Matthew Maddox  
MATTHEW J. MADDOX

VILLAGE OF CHATHAM

BY: \_\_\_\_\_