CITY OF CORDOVA, ALASKA
RESOLUTION 12-11-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF CORDOVA AND TERRY LONBORG REGARDING CITY OF CORDOVA V. TERRY LONBORG, CASE NO. 3AN-10-08191 CI

WHEREAS, The City of Cordova, Alaska ("City") brought suit against Terry Lonborg for the removal of his derelict vessel from the City Harbor and reimbursement for the fees associated with the removal and storage of that vessel; and

WHEREAS, Mr. Lonborg filed for Chapter 13 bankruptcy on September 16, 2011, shortly before the scheduled trial; and

WHEREAS, the City's case against Mr. Lonborg has been necessarily stayed as a result of that bankruptcy and the City's ability to pursue a judgment against Mr. Lonborg has been severely impaired,

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The City Manager is authorized and directed to execute and enter into the settlement agreement signed by Mr. Lonborg on November 30, 2011 and attached to this Resolution as Exhibit A in accordance with the terms of that settlement agreement. The form and content of the settlement agreement now before this meeting hereby is in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver the Agreement and its attachments, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as he shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of said agreement and related documents now before this meeting, and from and after the execution and delivery of said agreement and any related documents, the City Manager hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the Agreement and any related documents as executed.

Section 2: This resolution shall become effective upon passage and approval.

PASSED AND APPROVED THIS 7th DAY OF DECEMBER, 2011.

ATTEST:

James Kallander, Mayor

Susan Bourgeois, City Clerk

CITY OF CORDOVA
CORPORATE
SEAL
JULY 8, 1909
ALASKA