

Dad.

2003-0111

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF LEGAL SERVICES)

ORDINANCE NO. 03-4-11

An ordinance to authorize full and final compromise with Phylway Construction, Inc. in the amount of \$45,000.00 in connection with the construction of the Killona Drive Subsurface Drainage Project.

WHEREAS, St. Charles Parish entered into an engineering contract with Gulf South Engineering, Inc. for the Project known as the Killona Drive Subsurface Drainage; and,

WHEREAS, St. Charles Parish entered into a construction contract with Phylway Construction, Inc.; and,

WHEREAS, a dispute has arisen as to the obligations of the parties to each other; and,

WHEREAS, St. Charles Parish and Phylway Construction, Inc. submitted to mediation for possible resolution of the dispute between them and reached a tentative compromise on March 11, 2003; and,

WHEREAS, the tentative agreement provides that St. Charles Parish pay to Phylway Construction, Inc. the sum of \$45,000.00, in full and final settlement of the contract and the civil suit entitled "Phylway Construction, Inc. vs. St. Charles Parish" and numbered 48,075 in the 29th Judicial District Court for the Parish of St. Charles will be dismissed with prejudice by Phylway Construction, Inc.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Parish President is hereby authorized to issue payment to Phylway Construction, Inc. in the amount of \$45,000.00, as a full and final compromise of all claims between and among the parties in connection with the Project known as the Killona Drive Subsurface Drainage Project, including those asserted in the civil litigation suit entitled " Phylway Construction, Inc. vs. St. Charles Parish" and numbered 48,075 in the 29th Judicial District Court for the Parish of St. Charles, in exchange for its dismissal with prejudice of said suit.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: RAMCHANDRAN, HILAIRE, ABADIE, AUTHEMENT, BLACK, MARINO, MINNICH

NAYS: NONE

ABSENT: FAUCHEUX, FABRE

And the ordinance was declared adopted this 21st day of April, 2003, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Lance Marinio*

SECRETARY: *Barbara J. Javel*

DLVD/PARISH PRESIDENT: *April 22, 2003*

APPROVED: *[Signature]* DISAPPROVED: _____

PARISH PRESIDENT: *Albert D. Laque*

RETD/SECRETARY: *April 22, 2003*

AT: *3:30 pm* RECD BY: *[Signature]*