

RESOLUTION NO. 26-68

WHEREAS, it has been brought to the attention of the City Council of the City of Mesquite that Anti-Trust litigation is pending against United Concrete Pipe Corporation and Gifford-Hill-American, Inc.; and

WHEREAS, by virtue of contracts for the installation of reinforced concrete pipe entered into by the City of Mesquite in the years 1960 and 1961, large amounts of municipal funds were expended, a portion of which reflected cost of such pipe manufactured, sold, or supplied by the firms above named; and

WHEREAS, it is the duty and intent of the City Council to recover all municipal funds unlawfully had and received.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

Section 1. That the City Manager is hereby directed to enter into the following described fee contract on behalf of the City of Mesquite, with the Austin firm of McGinnis, Lochridge, Kilgore, Byfield, Hunter & Wilson, said fee contract to provide essentially as follows:

- A. The attorney's fee shall be contingent upon recovery, either by judgment or settlement, and shall not exceed 25% of such net recovery.
- B. "Net Recovery" shall mean 25% of gross recovery, less expenses incurred by attorney as necessary cost of litigation.
- C. That the litigation expenses referred to in "B" above shall be paid by the City of Mesquite as incurred by the attorney on behalf of the City of Mesquite, either as said City of Mesquite's proportionate share of expenses incurred on behalf of other participating plaintiffs or expenses incurred specifically on behalf of the City of Mesquite.


Section 2. That this resolution shall take effect immediately from and after its date of passage.

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RESOLVED by the City Council of the City of Mesquite,
Texas, this 2nd day of January, 1968.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary