

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A RELEASE AND SETTLEMENT AGREEMENT WITH THE CITY OF GARLAND TO SETTLE THE PENDING LITIGATION THAT THE CITY OF MESQUITE HAS PENDING AGAINST THE CITY OF GARLAND; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, in 1994 the City of Mesquite filed a complaint against the City of Garland at the Texas Natural Resource Conservation Commission asserting various claims against Garland relating to the rates and charges being billed by Garland;

WHEREAS, the City of Mesquite filed litigation against the City of Garland asserting various claims against Garland relating to the Sewer Contract and the rates and charges billed by Garland for wastewater treatment;

WHEREAS, the City of Garland has asserted but not filed various claims, counterclaims and defenses against Mesquite in connection with said complaint and litigation filed by Mesquite;

WHEREAS, a dispute has arisen between Mesquite and Garland concerning the possibility of flooding on the Mesquite Golf Course by virtue of flood control improvements that Garland proposes to construct along Duck Creek upstream of the Mesquite Golf Course; and,

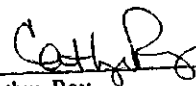
WHEREAS, the City of Mesquite and the City of Garland, without admission of any liability, desire to avoid the uncertainty and expense involved in protracted litigation and desire to amicably compromise, settle and dispose of the dispute between them concerning the Sewer Contract, rates and other charges applicable to wastewater treatment service and the potential for flooding of the Mesquite Golf Course due to the City of Garland's upstream flood control project;

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

SECTION 1. That the Mayor is hereby authorized to execute a Release and Settlement Agreement with the City of Garland to settle pending litigation that the City of Mesquite has against Garland as attached hereto as Exhibit "A" and the execution of the amendment to the Sewer Contract between the City of Garland and the City of Mesquite as set out in Exhibit "C".


SECTION 2. That this resolution shall take effect immediately upon passage as the Charter in such cases provides.

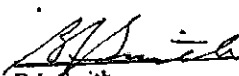
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 7th day of August, 1995.

  
Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
Lynn Prugel  
City Secretary

  
B.J. Smith  
City Attorney