

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF SEGUIN, TEXAS APPROVING A SETTLEMENT AGREEMENT WITH KIVA, INC, GARY GRIFFIN, AND VARIOUS INSURANCE COMPANIES; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Seguin and Kiva, Inc. (Gary Griffin, Principal and owner) have been involved in litigation concerning Kiva's failure to properly install and complete the installation of a sanitary sewer main as part of Phase IV of the Geronimo Creek Sanitary Sewer Project; and

WHEREAS, the City filed suit against Kiva and the surety, First National Insurance Company of America seeking performance under the bond and payment for the costs to cure; and

WHEREAS, Kiva and Gary Griffin filed a counter-suit alleging that the City's design was defective and that he City withheld essential information from Kiva; and

WHEREAS, First National Insurance Company of America paid the City the full amount of the performance bond; and

WHEREAS, the parties have agreed to settle the remaining issues and dismiss all claims and counter-claims; and

WHEREAS, the Settlement Agreement will benefit both Parties' customers.

NOW THEREFORE BE IT RESOLVED by the City Council of Seguin, Texas:

SECTION 1. The Settlement Agreement between the City, Kiva Inc, Gary Griffin, Liberty Mutual Insurance Company, and First National Insurance Company of America is approved.

SECTION 2. The City Manager, Douglas G. Faseler, is authorized to execute the Settlement Agreement.

SECTION 3. This Resolution is in full force and effect on and after its passage.

PASSED AND APPROVED THIS 19th DAY OF May 2015.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary