

NORTH FRANKLIN TOWNSHIP

Resolution No. 14 of 2023

RESOLUTION OF THE NORTH FRANKLIN TOWNSHIP BOARD OF SUPERVISORS ACCEPTING THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE INVOLVING THE LAWSUIT FILED OF RECORD IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA AT CIVIL DOCKET NO. 2020-2075.

WHEREAS, on or about April 3, 2020, Guttman Realty Company filed a Complaint against Orion Development RA LXVI, Inc. and Rite Aid Corporation, now Eckerd, in the Court of Common Pleas of Washington County, Pennsylvania, at Docket Number 2020-2075; and

WHEREAS, said lawsuit involved the liability associated with damages resulting from flooding and malfunctioning stormwater infrastructure located in North Franklin Township; and

WHEREAS, Orion filed counterclaims and named additional defendants, including North Franklin Township; and

WHEREAS, the Township's insurance company has provided coverage pursuant to the terms of its policy; and

WHEREAS, the parties involved in the lawsuit have reached a resolution to the matter and drafted a Settlement Agreement and Mutual Release setting forth the terms of said resolution to the matter; and

WHEREAS, the Board of Supervisors on advice of its solicitor's office and the legal representatives provided by its insurance company hereby vote to approve the Settlement Agreement and Mutual Release.

BE IT RESOLVED, that:

The Board of Supervisors hereby agrees to the terms set forth in the Settlement Agreement and Mutual Release, incorporated herein by referenced and a draft is attached hereto as Exhibit A. It is understood that any monetary compensation agreed to shall be borne by the Township's insurance provider. It is further understood the Township agrees to execute any additional documentation required to settle the matter filed of record in the Court of Common Pleas of Washington County, Pennsylvania at Civil Docket No. 2020-2075.

This Resolution was passed at a meeting of the North Franklin Township Board of Supervisors on December 12, 2023.

ATTEST:

NORTH FRANKLIN TOWNSHIP
WASHINGTON COUNTY, PA


Jacqueline M. Kotchman
Secretary


Robert A. Sabot, Chairman
Board of Supervisors