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RESOLUTION NO. R-152-18

A RESOLUTION AUTHORIZING COUNSEL FOR THE CITY OF FORT SMITH TO  
APPEAL ALL OR PART OF THE JUDGEMENTS OF THE CIRCUIT COURT OF  
SEBASTIAN COUNTY, ARKANSAS IN FAVOR OF THE PLAINTIFFS AND THIRD-  
PARTY DEFENDANT IN THE CASE OF B & A ELECTRIC, INC, et al VS. CITY OF FORT  
SMITH DEFENDANT/ THIRD-PARTY PLAINTIFF VS. RIVER VALLEY SPORTS  
COMPLEX, INC., CASE NO. CV-17-0285

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WHEREAS, the City of Fort Smith was sued in the Circuit Court of Sebastian County in case no. CV-17-0285 by B & A Electric, Inc., Megehee Fence Contracting, LLC, Grimes Dozer Service, Inc., and James Griffith contractors employed or engaged by River Valley Sports Complex Inc., to build part of a tournament quality eight-field sports complex on city owned property in the Chaffee Crossing area of Fort Smith, and

WHEREAS, pursuant to an agreement between the City and River Valley Sports Complex, Inc., effective March 4, 2014 and authorized by Resolution No. R-20-14 River Valley Sports Complex Inc., was solely responsible for paying contractors it employed or engaged to build the Sports Complex and

WHEREAS, the City brought a Third-Party action against River Valley Sports Complex Inc., for indemnity and breach of contract as a result of River Valley Sports Complex Inc., failure to pay the contractors employed or engaged by River Valley Sports Complex, Inc. and

WHEREAS, after a trial was held concerning the matter on September 11, 2017 and the plaintiff, B & A Electric, Inc., obtained a Judgement against the City in the amount of \$151,880.00 and

WHEREAS, the plaintiff Megehee Fence Contracting, LLC obtained a Judgement against the City in the amount of \$14,926.08 and

WHEREAS, the plaintiff Grimes Dozer Service, Inc., obtained a Judgement against the City in the amount of \$12,977.50 and

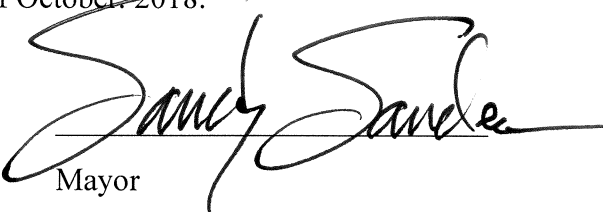
WHEREAS, the plaintiff James Griffith obtained Judgement against the City in the amount of \$20,337.50 and

WHEREAS, the third-party defendant received a verdict in its favor in the third-party action brought by the City and

WHEREAS, the City desires to appeal all or part of the Judgements obtained by the Plaintiffs against the City and the adverse verdict and rulings of the Circuit Court in its third-party action against the third-party defendant River Valley Sports Complex, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that The City Administrator and Counsel for the City are hereby authorized to take any and all necessary action to effectuate said appeal, and the preliminary filing of a Notice of Appeal and Designation of Record to appeal all or part of the Judgements entered against the City and the verdict and rulings in favor of third-party defendant River Valley Sports Complex, Inc.

This Resolution adopted this 16<sup>th</sup> day of October, 2018.

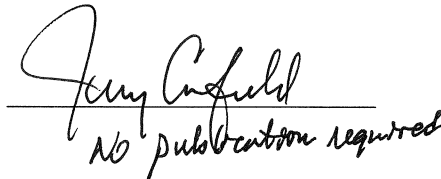
  
Mayor

ATTEST:

  
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City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_ *No publication required*