

**RESOLUTION OF THE CITY COUNCIL OF PASCAGOULA, MISSISSIPPI  
APPROVING SETTLEMENT WITH HART'S CONSTRUCTION, LLC**

**WHEREAS**, in or about December 2022, Hart's Construction, LLC was involved in the installation of underground fiber optic cables and, in the course of this project, caused damage to the City of Pascagoula's underground utilities near the intersection of Pascagoula Street and Convent Avenue; and

**WHEREAS**, the City of Pascagoula has obtained and approved a quote in the amount of \$47,175.00 from Suncoast Infrastructure, Inc. to repair the damage; and

**WHEREAS**, Hart's Construction, LLC has offered \$47,175.00 to resolve the City's claims against it in relation to the aforementioned damage; and

**WHEREAS**, accepting a compromise settlement with Hart's Construction, LLC would avoid expensive and protracted litigation and negate the risk of the City receiving an adverse judgment; and

**WHEREAS**, the City Council has given due consideration to the proposed settlement of \$47,175.00 and finds that it is reasonable and just under the circumstances and that the acceptance of same would be in the best interest of the citizens of this community inasmuch as litigation over this matter could result in a lower amount of recovery being made by the City and which will be further depleted by the costs of litigation.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** That the City Council of Pascagoula hereby adopts the foregoing recitals as its findings.

**SECTION 2.** That the City Council of Pascagoula hereby agrees to settle the aforementioned claims against Hart's Construction, LLC for the sum of \$47,175.00.

**SECTION 3.** That the City Council of Pascagoula hereby authorizes the City Manager to execute any documents necessary to facilitate and finalize this settlement, including appropriate releases provided by Hart's Construction, LLC and its insurer.

The motion to approve the foregoing resolution was made by \_\_\_\_\_ and  
seconded by \_\_\_\_\_, and the following vote was recorded:

Mayor Willis	_____
Councilman Hyde	_____
Councilman Fornett	_____
Councilman Walker	_____
Councilman Parker	_____

Councilman Blythe \_\_\_\_\_

Councilman Gatchell \_\_\_\_\_

RESOLVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

CITY COUNCIL

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor