

RESOLUTION NO. 23-1766

**A RESOLUTION OF THE CITY OF HAINES CITY, FLORIDA
AUTHORIZING THE EXECUTION OF THE SETTLEMENT
AGREEMENT WITH BCR ENVIRONMENTAL CORPORATION;
PROVIDING FOR ADMINISTRATIVE ACTION; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CONFLICTING
RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Haines City, Florida, (the “City”), and BCR Environmental Corporation, (“BCR”); entered into pre-suit mediation to address outstanding claims between the parties;

WHEREAS, the City and BCR negotiated a settlement at the pre-suit mediation which has been structured as the proposed Settlement Agreement, a copy of which is attached hereto; and

WHEREAS, the proposed Settlement Agreement has been approved by BCR and must be approved by the City Commission of the City in order to finalize the settlement; and

WHEREAS, the City finds it in the best interests of the City that the Mayor have authority to execute the Settlement Agreement and any ancillary documents necessary to facilitate and expedite the settlement.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Haines City as follows:

Section 1. Authorization. That the City of Haines City hereby authorizes the Mayor to accept and execute the Settlement Agreement with BCR Environmental Corporation, and any ancillary documents related thereto.

Section 2. Administrative Action. The City of Haines City staff is hereby directed to take all administrative actions necessary to complete the Settlement Agreement with BCR Environmental Corporation and any ancillary documents thereto.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 4. Conflicting Resolutions. That all resolutions made in conflict with this resolution are hereby repealed.

Section 5. Effective Date. That this resolution shall become effective immediately upon its adoption.

PASSED and APPROVED in regular session of the City Commission of the City of Haines City, Florida, this 4th day of October, 2023.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

H. L. "Roy" Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney