

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 5 L

Council Meeting Date: November 21, 2023

ITEM TITLE: RESOLUTION  
 INTRODUCED BY: Mayor Andrew "FoFo" Gilich  
 CONTACT PERSON: E. Michael Leonard, CAO *eml*  
 Peter Abide, City Attorney

**SUMMARY EXPLANATION:**

Resolution approving and authoring execution of Release of Steve Ulrich regarding payment of the City's property damage claim.

Resolution  Ordinance \_\_\_\_\_ Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes \_\_\_\_\_ Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify): Exhibit "A"

Submittal Authorization: Council President \_\_\_\_\_ Mayor

**STAFF RECOMMENDATION:** Staff recommends approval

**COUNCIL ACTION:** Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	___	___	___	___	Tisdale	___	___	___	___
	Gines	___	___	___	___	Glavan	___	___	___	___
	Newman	___	___	___	___	Barrett	___	___	___	___
	Deming	___	___	___	___					

**ACTION TAKEN:**

PCA/slt 112123aleg

Resolution No. \_\_\_\_\_

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF RELEASE OF STEVE ULRICH REGARDING PAYMENT OF THE CITY'S PROPERTY DAMAGE CLAIM**

WHEREAS, on or about June 18, 2023, Steve Ulrich, who was insured by State Farm Insurance Company, caused damage to a City light pole; and

WHEREAS, the City has made a claim of \$4,955.00, which State Farm Insurance Company has agreed to pay; and

WHEREAS, it is in the best interest of the City of Biloxi to accept the terms and conditions contained in the Release, attached hereto as Exhibit "A" in exchange for the property damage check;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI AS FOLLOWS:

SECTION ONE: The findings, conclusions and statements of fact contained in the preamble are hereby adopted, ratified and incorporated herein.

SECTION TWO: The Mayor is authorized, on behalf of the City of Biloxi, to execute the Release, attached hereto as Exhibit "A," in exchange for the sum of Four Thousand Nine Hundred Fifty-five and 00/100 (\$4,955.00).

SECTION THREE: The Mayor and Legal Department are further authorized, on behalf of the City of Biloxi, to do all things necessary to finalize the settlement offer described above and to file and/or execute all necessary documents to effectuate said settlement.

SECTION FOUR: This resolution shall take effect and be in force from and after adoption.

# Release Property Damage Only

24-51L6-83D

## For the Sole Consideration of:

Four thousand nine hundred fifty-five and 00/100 dollars, the receipt and sufficiency of which is hereby acknowledged, the undersigned hereby and forever discharges Steve Ulrich, his heirs, executors, administrators, agents and assigns and all other persons, firms or corporations liable, or who may be claimed to be liable, none of whom admit liability to the undersigned, but all expressly deny any liability, from any and all claims, demands or suits of any kind on account of and resulting from damage to property caused by an accident which occurred on or about the 18th day of June, 2023, at or near Biloxi MS.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the damages above mentioned, and for the express purpose of precluding forever any further or additional claims relating to property damage arising out of the aforesaid accident.

Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, agents and assigns.

## In Witness Whereof,

I/We have hereunto set my/our hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

In the presence of

\_\_\_\_\_  
Witness

Signed: \_\_\_\_\_  
Releasor Signature

\_\_\_\_\_  
Witness

Signed: \_\_\_\_\_  
Releasor Signature

**EXHIBIT**     "A"