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W.T. Batcheller litigation

ORDINANCE NO.426.

An Ordinance providing for the settlement of the litigation between Willis T. Batcheller,Inc., and the City of Edmonds and for the issuance of Warrants upon the water revenue fund of the City of Edmonds in the principal sum of Six Hundred Fifty ($650.00) Dollars with interest at six percent. per annum, for the purpose of such settlement.

A9909

Employed

WHEREAS, heretofore, by Resolution No.45, passed by the Council of the City of Edmonds on the eleventh day of June, 1928, Willis T. Batcheller, Inc., was employed as consulting Engineer to perform services in connection with the acquisition of a water system for the City of Edmonds and financing in connection therewith; and,

Discharged

WHEREAS, heretofore, after the performance of services under the said Contract, said Willis T. Batcheller, Inc., was discharged; and,

Payments etc

WHEREAS, certain payments were made on account of the said Contract to the said Engineer, but the said Willis T.Batcheller, Inc., still claims there is due to it under said Contract a balance in the sum of $977.08, in addition to its claim, if any, against the Monarch Construction Company and against the reserve percentage under the Contract of said Monarch Constfuction Company, held by the City of Edmonds, on account of engineering service, claimed by the said Willis T. Batcheller, Inc., to have been performed after the time fixed for the completion of the Contract of said Monarch Construction Company, the amount of which claim the said Willis T. Batcheller, Inc., asserts to be in the sum of $1,700.00; and

Suit pending

WHEREAS, suit is pending in the Superior Court of the State of Washington, in and for Snohomish County, against the City of Edmonds, for the collection of said balance of $977.08, and against said Monarch Construction Company and said reserve percentage in the sum of $1700.00; and

Proposed settlement

WHEREAS, the said Willis T. Batcheller Inc., has proposed that a settlement of all controversies and claims between the City of Edmonds and said Willis T. Batcheller Inc., be made upon the basis hereinafter set forth; now, therefore,

Be it ordained as follows:

Settlement

SECTION 1: That the Mayor and Clerk are hereby directed to make, execute and deliver to said Willis T. Batcheller Inc., nine Warrants on the Water Reserve Fund of the City of Edmonds, in the total sum of $650.00, which said sum shall be accepted by Willis T.Batcheller,Inc, in full settlement of all claims of every kind against the City of Edmonds, except the claim of the said Willis T.Batcheller,Inc., for $1700.00 from the reserve percentages held by the City of Edmonds under the Contract with the Monarch Construction Company.

Warrants

Said Warrants shall all be dated the eighth day of January, 1930, and shall bear interest at six percent. per annum payable at maturity. One of said Warrants shall be payable on the first day of March 1930, and one on the first day of each calendar month thereafter. The five of said Warrants first payable shall each be in the principal sum of $50.00 and four Warrants in the principal sum of $100.00, and shall be signed by the Mayor and Clerk of the City of Edmonds and payable to Willis T. Batcheller,Inc., or order.

Extra money to be received

SECTION 2: The said Willis T. Batcheller,Inc., shall be entitled to receive in addition to said sum of $650.00, to be paid by the Warrants above authorized, such portion of the sum of $1700.00 as shall be awarded to it, either by judgment of the Court or by settlement made between it and Monarch Construction Company, it being conceded that the City of Edmonds has no claim on the said sum of $1700.00, but is holding the same as a stakeholder between said Willis T. Batcheller,Inc., and the Monarch Corstruction Company.

Dismissal of suit

SECTION 3: The City Attorney is authorized and directed to cause the suit now pending between said Willis T. Batcheller,Inc., and the City of Edmonds, upon its said claim for $977.08 to be dismissed with prejudice and without costs to either party, so far as said suit relates to the said claim.

Full settlement

SECTION 4: The City of Edmonds hereby acknowledges full compromise and settlement of all claims of any kind it may have against said Willis T. Batcheller, Inc.

Passed by the City Council of Edmonds at its regular meeting this 7th day of January,1930. *Passage*

Attest: Geo.M.Leyda, Clerk. F.A.Fourtner, Mayor.

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No.426 of the City of Edmonds, Wash.

Geo.M.Leyda, City Clerk.

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