
INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. -2020 RESOLUTION NO. -2020

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR' S OFFICE ON:

s/Neil A. Grover
City Solicitor

October 9, 2020
Date

Requested by Department/Bureau: Law Bureau/Mayor/Public Works

Department/Bureau Contact Person: Neil A. Grover/Mayor

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on

Received by: _____

Date: _____

RESOLUTION NO. _____ - 2020

Moved by: _____

A Resolution authorizing a final agreement to resolve certain disputes arising from a 2014 Lease Agreement of certain properties serving as the City's primary Public Works facilities.

WHEREAS, in accordance with Resolution - 2014, the City of Harrisburg entered into a three (3) year lease agreement for the use of real property and the improvements thereon along Paxton Street with MEB PARTNERS, L.P., in order to house the Department of Public Works; and

WHEREAS, in the course of the lease, several disputes arose between the City and the property owners, which disputes ultimately resulted in litigation being commenced in the Court of Common Pleas for Dauphin County, at Civil Action No. 2018-cv-6929 related to rents, property tax, repairs and related matters, which now remains pending on appeal of an initial decision before the Commonwealth Court of Pennsylvania at Docket No. 1039-CD-2019; and

WHEREAS, the City of Harrisburg acquired ownership of the leased property and several nearby parcels, primarily through related actions for Eminent Domain which have been lodged in the Court of Common Pleas for Dauphin County, at Civil Action Nos. 2019-CV-06203, 2019-CV-06204, and 2019-CV-06205; and

WHEREAS, the City and the property owners, in an effort to resolve these disputes and the related litigation (other than Eminent Domain issues), participated in a court mediation program that resulted in an agreement of the parties in principal to resolve the dispute, with the City's to make a payment of the sum of \$725,000.00 to fully and finally settle all disputes with MEB PARTNERS, L.P., and BRENNER MOTORS, INC., successor in interest to BRENSON, INC. and Michael Brenner, in exchange for full general release of all claims and dismissal of litigation. A true and correct copy of the Release of Claims form to be executed is attached here as "Exhibit A"; and

WHEREAS, the release specifically acknowledges that the parties agree that the release is not intended to include the pending Eminent Domain proceedings, wherein certain statutory claims for just compensation remain to be determined or otherwise resolved; and

WHEREAS, the Council for the City of Harrisburg finds that the agreed resolution of these disputes is in the best interest a City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISBURG, that the proposed resolution to settle and resolve these long-pending disputed matters by the City payment of the sum of \$725,000.00 in exchange for the release of all claims

against the City, in a manner consistent with the foregoing is hereby authorized and approved.

BE IT FURTHER RESOLVED that appropriate City officials are authorized to take all steps necessary to effectuate the purpose of this Resolution.

Seconded by: _____

Exhibit A