

**RESOLUTION R-2017-76
LUZERNE COUNTY COUNCIL**

***A Resolution by the Luzerne County Council Approving the Settlement of
Pending Litigation in the Matter of the County of Luzerne v. the County of Lackawanna
and The Multi-Purpose Stadium Authority of Lackawanna County***

WHEREAS, Section 4.07.B.3 of the Luzerne County Home Rule Charter provides the County Manager shall have the authority to recommend the settlement of litigation involving the County, subject to the approval of County Council; and

WHEREAS, Section 2.09.B.5 of the Luzerne County Home Rule Charter provides that County Council shall have the power to approve, by resolution adopted by a majority vote of the Council members, a recommendation by the County Manager to settle litigation involving the County; and

WHEREAS, on August 30, 2010, Luzerne County filed a two (2) count Complaint alleging breach of contract against Lackawanna County and the Multi-Purpose Stadium Authority of Lackawanna County and requesting declaratory judgment related to Luzerne County's interests under a certain Memorandum of Agreement between the parties; and

WHEREAS, the basis of the Complaint was the breach of the Memorandum of Agreement entered into by the parties whereby Luzerne County guaranteed fifty percent of the loan obligations towards the purchase of a AAA baseball franchise for the Scranton/Wilkes-Barre area and provided annual contributions to the payment of debt service in exchange for a specified portion of the gross proceeds upon the sale of the franchise; and

WHEREAS, Lackawanna County and the Multi-Purpose Stadium Authority of Lackawanna County desire to settle with Luzerne County in the afore-mentioned matter; and

WHEREAS, the Luzerne County Manager has recommended settlement of the above-captioned litigation; and

WHEREAS, Luzerne County Council also desires to resolve the pending litigation in this matter.

NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the settlement of pending litigation for all claims asserted by Luzerne County in the matter of ***County of Luzerne v. the County of Lackawanna and The Multi-Purpose Stadium Authority of Lackawanna County*** in the amount of four million dollars (\$4,000,000.00). This settlement is a full and complete settlement and release of any and all claims by Luzerne County against Lackawanna County and the Multi-Purpose Stadium Authority of Lackawanna County. The proceeds from this settlement shall be placed in the Reserve Division of the 2017 adopted budget until further approved disposition of the funds by Council.

This resolution shall become effective six days after adoption.

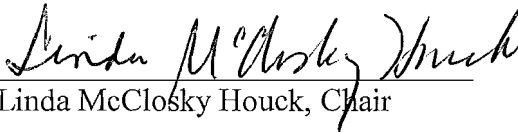
ADOPTED at a meeting of the Luzerne County Council held June 27, 2017.

ROLL CALL VOTE (7-4)

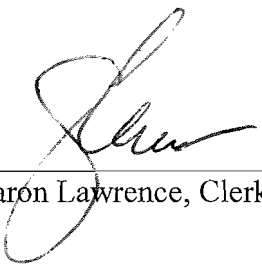
YES: Haas, Kelleher, McGinley, Schnee, Waitkus, Williams, and Houck

NO: Brominski, Dobash, Sorokas, and SA Urban

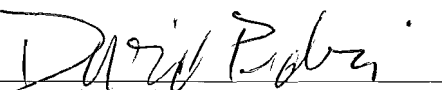
LUZERNE COUNTY COUNCIL

By: 
Linda McClosky Houck, Chair

Attest:


Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: 
C. David Pedri, Esq., County Manager