

ORDINANCE NO. 098-030

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ART. II CITY COUNCIL OF CHAPTER 2 ADMINISTRATION OF THE CODE OF ORDINANCES BY ADDING A PROVISION FOR THE PAYMENT OF MERITORIOUS CLAIMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. That the Code of Ordinances of the Town of Addison I hereby amended in Chapter 2 Administration, Art II City Council, by the addition of Sec. 2-36 which shall hereinafter read in its entirety as follows:

"Sec. 2-36. Payment of Meritorious Claims

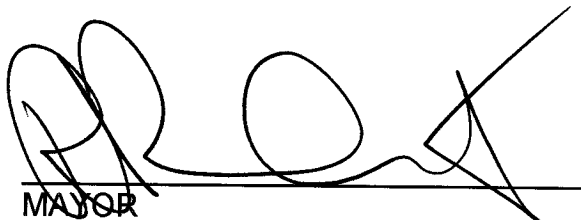
In order to accomplish justice and fairness, the city manager shall have the power and authority to pay claims, not to exceed \$15,000, which the city manager deems to be meritorious for damages to real or personal property suffered by any member of the public through no fault of his own, but which results from an act or omission by officers or employees of the city while engaged in the performance of a governmental function; provided, however, that no claim may be settled, compromised and paid if such claim would be barred by applicable statutes of limitations.

No payment shall be made unless the claimant accepts the amount allowed as in full compromise and settlement of all amounts claimed or to be claimed against the city, its officers, or employees, arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the city in any defense that it may have in any suite or action. Nothing contained herein shall be construed as creating a cause of action nor the giving of any right to institute or maintain any suit or action which would not otherwise exist or be cognizable under the law as a legal claim; provided, however, this section may never be used to pay any claim arising out of floods, war, insurrection, riot, civil disorder or acts of God."

Section 2. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Douncil declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to the end the provisions of this ordinance shall remain in full force and effect.

Section 3. That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF
ADDISON, TEXAS, this the 14th day of July, 1998.**


MAYOR

ATTEST:


CITY SECRETARY

PUBLISHED ON: 9/18/98