

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT A SETTLEMENT WITH STEVEN MANCIPE IN THE AMOUNT OF \$150,000.00.

WHEREAS, in 2017, Steven Mancipe filed a civil action against the City of Hollywood seeking damages arising out of a trip and fall incident that allegedly occurred on or about October 26, 2016; and

WHEREAS, in his civil action, Steven Mancipe alleges that he tripped over a defective sidewalk in the area of Johnson Street and 76th Avenue as a result of the City's failure to maintain the sidewalk after having constructive notice of the sidewalk's condition prior to the incident; and

WHEREAS, Steven Mancipe's claim is for personal injuries; and

WHEREAS, an executive session was held on January 30, 2018, and subsequently, the City Attorney and the Plaintiff's attorney have negotiated a settlement in the amount of \$150,000.00; and

WHEREAS, if this settlement is approved by the City Commission, the monies will be paid from the City's self-insurance fund; and

WHEREAS, acceptance of the settlement is a business decision by the City to avoid the cost and uncertainty of trial, and the City in no manner admits any wrongdoing as a result of the incident on October 26, 2016 or by entering into the settlement agreement, if approved by the Commission; and

WHEREAS, the City Attorney recommends that the City Commission approve the negotiated settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That the above-described settlement is approved, payable from the City's self-insurance fund.

RESOLUTION APPROVING SETTLEMENT WITH STEVEN MANCIPE.

Section 3: That the appropriate City officials are authorized to take all necessary steps to implement the settlement.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida only:

DOUGLAS R. GONZALES, CITY ATTORNEY