

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release is dated as of the _____ day of _____, 2020, by and between The City of Norman ("NORMAN" hereafter), 201 W. Gray St., Norman, OK 73069 and the Oklahoma Department of Transportation ("ODOT" hereafter), 200 NE 21st Street, Oklahoma City, Oklahoma 73105, referred to collectively herein as the parties, and is made for the purpose of ratification of an unpaid claim for emergency relief by ODOT.

WHEREAS, a claim has arisen between the parties regarding Federal emergency relief funding for NORMAN that was received by ODOT and was not properly transmitted to NORMAN; and,

WHEREAS, the circumstances of said claim are stated by the parties in this Agreement; and,

WHEREAS, the parties desire to fully and finally resolve all claims and disputes between them, avoid litigation and settle this claim pursuant to the Oklahoma Administrative Code, Rule 260:115-5-17 for ratification of an unpaid commitment.

NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows.

1. The facts and circumstances of the claim made by NORMAN for the subject emergency relief funds are as follows:

NORMAN was awarded Federal Emergency Relief funding for a flood disaster event occurring in the year 2015 from the Federal Highway Administration (FHWA). The FHWA transmitted the Emergency Relief funding to ODOT in the amount of \$142,837.87 for distribution to NORMAN. ODOT mistakenly issued two Warrants for this amount to Cleveland County instead of Norman. Warrant No. 7625228 was issued in the amount of \$141,202.58 to Cleveland County but was never deposited and the funds remained with ODOT and the Warrant

has expired. Warrant No. 7612090 was issued in the amount of \$1635.29 to Cleveland County and was deposited and those funds remain with Cleveland County at this date.

2. The parties agree that NORMAN was awarded Federal Emergency Relief funding as listed on the attached Exhibit A, which was transmitted to ODOT from FHWA to provide assistance to NORMAN for the 2015 flood event, and that ODOT has to date been unable to distribute these funds because of its failure to properly issue the warrants to NORMAN.

3. In consideration of this Agreement to pay \$142,837.87 for the Claims as listed on the Exhibit A attached, NORMAN does for itself and its employees, directors, officers, successors, and assigns hereby discharge ODOT and its employees, directors, officers, successors, and assigns from any further obligation of performance and from all claims, damages, demands, actions, duties, causes of actions, judgments, controversies or expenses including any and all legal costs and attorney fees, and any liabilities whatsoever, known or unknown, matured or unmatured, in law or equity, which NORMAN and its employees and officers has against ODOT and its employees and officers relating to the Federal Emergency Relief funding provided and the account stated in the attached Exhibit A.

4. Upon receipt of \$142,837.87, NORMAN shall deem all charges, expenses, or claims of any nature, relating to this account as settled and paid in full. In the event that either Party to this Agreement fails to perform its obligations hereunder, the other Party shall be entitled to recover all reasonable costs incurred in enforcing this Agreement, including, but not limited to, reasonable attorney's fees. This Agreement contains the complete and sole agreement of the Parties and may not be modified or changed except by a writing executed by both Parties. This agreement is made in and shall be construed in accordance with the laws of the State of Oklahoma.

IN WITNESS WHEREOF, NORMAN and ODOT have caused this Agreement to be executed by their authorized representatives as of the date first above written.

CITY OF NORMAN

Breea Clark, Mayor
201 W Gray St.
Norman, OK 73069

Approved as to form and legality:

Kathryn Walker, City Attorney

ATTEST:

Brenda Hall, City Clerk

OKLAHOMA DEPARTMENT OF TRANSPORTATION

Recommended:

Shelly Williams
Division Engineer
ODOT Local Government Division

Approved as to form and Legality:

David Allen Miley
Assistant General Counsel

Approved:

Dawn Sullivan
Deputy Director

City of Norman ER Claims

JP	DDIR #	AMOUNT
32297(04)	0630-14-01	\$59,133.32
32300(04)	0630-14-04	\$46,812.40
32301(04)	0630-14-05	\$13,572.52
32302(04)	0630-14-06	\$21,684.34
		\$141,202.58

These were all paid under warrant #7625228. Warrant was made out to Cleveland County and r

JP	DDIR #	AMOUNT
32298(04)	0630-14-04	\$1,635.29

Paid under warrant #7612090. Made out to and cashed by Cleveland County.

