



## **FINANCE COMMITTEE AGENDA**

DATE: July 30, 2020

TIME: 4:00 p.m.

LOCATION: City Council Chambers

- 1) NON-PUBLIC MEETING
- 2) PUBLIC MEETING CALL TO ORDER
- 3) ATTENDANCE
- 4) CONSIDERATION OF SETTLEMENT: Robinson v. City
- 5) ADJOURNMENT

OLSON & OLSON, PLC  
LAWYERS

MARK R. OLSON  
JANE SHARPE OLSON

WRITER'S EMAIL  
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Suite 200  
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DR. KENNETH E. OLSON  
(1929-1996)

July 2, 2020

VIA EMAIL AND REGULAR MAIL

Lance Baker, Esq.  
City of Clarksville  
1 Public Square  
Clarksville, Tennessee 37040

Re: Jeffrey Robinson, et. al. v. City of Clarksville

Dear Mr. Baker:

Mr. and Mrs. Robinson, individually, and as officers of Franklin Street Corporation, and my firm Olson & Olson, PLC, and Taylor R. Dahl, Attorney (jointly "Releasers") submit the following offer of settlement. This would include the matters which Mr. Robinson and Mr. Mark Riggins have discussed since January, 2020. Plaintiffs want to settle every claim and lawsuit and claim for attorney's fees and dismiss all of the lawsuits. Really we want peace.

The City will pay the sum of \$1,200,000.00 to the Releasers. The agreements discussed by Mr. Riggins and Mr. Robinson would be consummated. This includes the City doing utility work on the Plaintiff's real property. I think Cal McKay Engineer is working on that matter. The City wanted additional land for utilities or servicing utilities. The Plaintiffs agree to give the City additional land by permanent easement. The Plaintiffs agree to give the City a permanent easement for an additional three (3) feet next to the sewer pipe, creating a permanent "alley" fifteen (15) feet wide. The City wants to install a better drainage system on the property and a manhole. The Plaintiffs will give the City a temporary use agreement on the real property to construct the drainage so as not to block traffic. The City can dig up the alley in the future to install more utilities, or to allow other providers to install underground utilities if they put the alley back in good condition within a reasonable amount of time.

The City will donate the "alley" property to Jeff and Sherri. Plaintiffs will grant the City a permanent easement for utilities over the entire fifteen (15) foot alley, which cures the current problems including inadequate room for utilities. The Plaintiffs will not

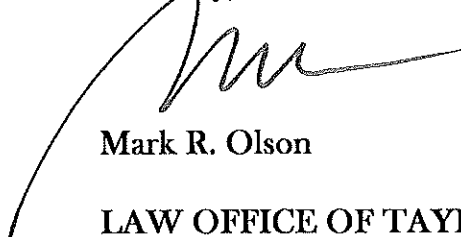
Lance Baker, Esq.  
July 2, 2020  
Page 2

build on the additional three feet next to the sewer pipe. Consistent with the Mark Riggins discussions, the Plaintiffs will, by Quitclaim, donate to the City their property near the Upland Trail discussed with Mr. Riggins, which is Parcel ID 066JF00500000, found at Book 1415, Page 2667, Registers Office for Montgomery County, Tennessee. This is about .23 acres, +/-.

The State action, the Federal Action, and the Court of Appeals action will all be dismissed with prejudice (meaning legally these claims and related claims cannot be brought again.) An Order of Dismissal for each attached.

This is a serious offer. To show we are serious Ms. Dahl and I have signed each Order of Dismissal. The Plaintiffs will pay any unpaid court costs. The money paid by the City to the Releasors is all the money which will be paid by the City. We will pay the ordinary Court costs but not any discretionary costs or attorney's fees. Mr. Baker, if you sign the Orders, the entire case is resolved on the terms discussed. I expect all cases could be dismissed and completely resolved by next Friday. It would end for all.

Sincerely,



Mark R. Olson

LAW OFFICE OF TAYLOR R. DAHL



Taylor R. Dahl

MRO/ckm  
Enclosures

1. Order Dismissing State action
2. Order Dismissing Court of Appeals action
3. Order Dismissing Federal action

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY  
19<sup>TH</sup> JUDICIAL DISTRICT, CLARKSVILLE, TENNESSEE

JEFFREY ROBINSON, SHERRI )  
ROBINSON and FRANKLIN )  
STREET CORPORATION )  
Plaintiffs, )  
v. )  
CITY OF CLARKSVILLE, ) Docket No.: CC-16-CV-1410  
Defendant. ) JURY DEMAND  
 ) Hon. Joseph P. Binkley

ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the Court from the signatures of Counsel that all matters of controversy have been resolved on terms acceptable to the litigants, it is therefore:

ORDERED, ADJUDGED, AND DECREED as follows:

1. The City will donate the disputed "alley property" to the Plaintiffs. The Plaintiff will grant to the City an additional three (3) foot easement for utilities, making the alley fifteen (15) feet wide. The City can use the alley, and the additional land granted, now and in the future for utilities, to service utilities and to service the drain at the rear of the real property which is located on a third party's land. The Plaintiffs will construct an alley which can be used by the Plaintiffs and the City. Adjoining property owners will have an ingress and egress right.

2. The easement description and the description for the alley property being transferred shall be prepared by McKay-Burchett & Company Engineers. The existing land held by the City, which has been referred to as the alley in this civil action, shall be donated to the Plaintiffs by Deed. The Defendant shall maintain a permanent easement in perpetuity for any utilities, in the alley and the right to use the alley. The Plaintiffs shall construct an alley on that 15 foot alley property at Plaintiff's expense. Any party who disturbs the alley for construction of utilities on the alley shall return the property back to a useable alley.

3. The City shall pay the Plaintiffs and their Counsel the sum of \$1,200,000.00.

4. Each party shall pay their own attorney's fees and discretionary costs, making no claim against the other for those attorney's fees or discretionary costs.

5. This civil action, including any and all claims asserted by the Plaintiffs, or which could have been asserted by the Plaintiffs against the Defendant, including claims known and unknown to the Plaintiffs related to the land dispute, promissory estoppel, contract basis, any action based on 42 U.S.C. § 1983 or any other claim asserted in the civil action, are dismissed with prejudice barring any lawsuit regarding those claims in the future.

6. Any and all claims asserted by the Defendant, or which could have been asserted by the Defendant against the Plaintiffs, including claims known and unknown to the Defendant, are dismissed with prejudice barring any lawsuit regarding those claims in the future.


7. The unpaid ordinary court costs of this civil action shall be paid by the Plaintiffs.

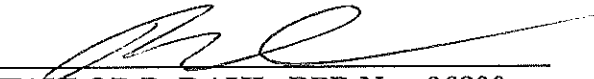
8. This is the Final Order in this matter. No appeal shall be taken. The existing Court of Appeals matter shall be dismissed with prejudice by the Plaintiffs.

Entered this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
HON. JOSEPH P. BINKLEY, JR.  
Circuit Court Judge

APPROVED FOR ENTRY:

  
\_\_\_\_\_  
MARK R. OLSON, BPR No.: 11630  
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\_\_\_\_\_  
TAYLOR R. DAHL, BPR No.: 36200  
THE LAW OFFICE OF KIMBERLY TURNER & ASSOCIATES  
130 Franklin Street  
Clarksville, Tennessee 37040  
Attorney for the Plaintiffs

\_\_\_\_\_  
LANCE A. BAKER, BPR No.: 15152  
JEFF T. GOODSON, BPR No.: 23648  
OFFICE OF THE CITY ATTORNEY  
1 Public Square  
Clarksville, Tennessee 37040  
Attorneys for the Defendants

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of this document was mailed First Class United States Postage prepaid to Lance Baker, Esq., Jeff Goodson, Esq., 1 Public Square, Clarksville, Tennessee 37040 and to James Murphy, Esq., Joel Eckert, Esq., and Mike Stephens, Esq., 1600 Division Street, Suite 700, Nashville, Tennessee 37203 on the date set forth below:

7/2/2020  
DATE

10985.ORDER OF DISMISSAL WITH PREJUDICE STATE.7.2.2020

  
\_\_\_\_\_  
MARK R. OLSON

IN THE COURT OF APPEALS FOR THE STATE OF TENNESSEE  
MIDDLE DIVISION, AT NASHVILLE

JREFFREY ROBINSON, et. al. )  
Plaintiffs/Appellants, )  
v. )  
CITY OF CLARKSVILLE, ) Montgomery County Docket No.: CC-16-CV-1410  
Defendant/Appellees. ) COA No.: M2019-02053-COA-R3-CV

**NOTICE OF DISMISSAL WITH PREJUDICE**  
**AND ORDER DISMISSING APPEAL WITH PREJUDICE**

The parties have agreed to resolve all issues in the civil action giving rise to this appeal. The Plaintiffs give Notice of Consent to the Dismissal of this appeal case with Prejudice.

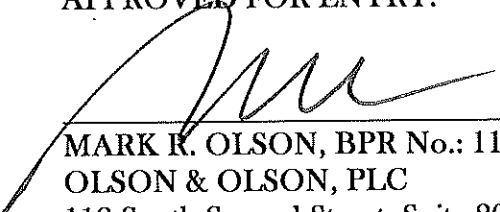
By agreement of the parties, as evidenced by the signatures of Counsel, this appeal case is dismissed with prejudice. Costs are taxed to the Plaintiffs for which execution may issue if necessary. A cost bill shall be mailed to Counsel Mark Olson.

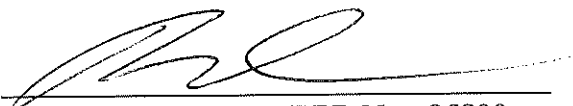
IT IS SO ORDERED.

Entered this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
JUDGE

APPROVED FOR ENTRY:

  
\_\_\_\_\_  
MARK R. OLSON, BPR No.: 11630  
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TAYLOR R. DAHL, BPR No.: 36200  
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Attorney for the Plaintiffs

LANCE A. BAKER, BPR No.: 15152  
JEFF T. GOODSON, BPR No.: 23648  
OFFICE OF THE CITY ATTORNEY  
1 Public Square  
Clarksville, Tennessee 37040  
Attorneys for the Defendants

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7/2/2020  
DATE

  
MARK R. OLSON

10985.ORDER OF DISMISSAL WITH PREJUDICE COA.7.2.2020

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

FRANKLIN STREET CORPORATION, )  
Plaintiff, )  
v. )  
CITY OF CLARKSVILLE, )  
Defendant. ) Civil Action No.: 3:20-CV-00523

ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the Court from the signatures of Counsel that all matters of controversy have been resolved on terms acceptable to the litigants, it is therefore:

ORDERED, ADJUDGED, AND DECREED as follows:


1. A civil action involving similar claims was litigated in State Court. That action was resolved by agreement. As a part of that resolution, this civil action is to be dismissed with prejudice.
2. Each party shall pay their own attorney's fees and discretionary costs, making no claim against the other for those attorney's fees or discretionary costs.
3. This Federal civil action, including any and all claims asserted by the Plaintiff, or which could have been asserted by the Plaintiff against the Defendant, including claims known and unknown to the Plaintiff, is dismissed with prejudice barring any lawsuit regarding those claims in the future.
4. Any and all claims asserted by the Defendant, or which could have been asserted by the Defendant against the Plaintiff, including claims known and unknown to the Defendant, are dismissed with prejudice barring any lawsuit regarding those claims in the future.
5. The unpaid ordinary court costs of this civil action shall be paid by the Plaintiffs.
6. This is the Final Order in this matter. No appeal shall be taken.

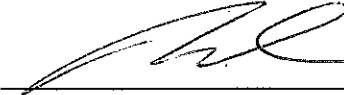
Entered this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
HON. ALETA A. TRAUGER  
United States District Judge



APPROVED FOR ENTRY:

  
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Clarksville, Tennessee 37040  
Attorney for the Plaintiffs

\_\_\_\_\_  
LANCE A. BAKER, BPR No.: 15152  
JEFF T. GOODSON, BPR No.: 23648  
OFFICE OF THE CITY ATTORNEY  
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Clarksville, Tennessee 37040  
Attorneys for the Defendants

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7/2/2020  
DATE

  
\_\_\_\_\_  
MARK R. OLSON

10985.ORDER OF DISMISSAL WITH PREJUDICE FEDERAL.7.2.2020



City  
of  
Clarksville

Lance Baker <lance.baker@cityofclarksville.com>

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## Robinson Settlement Proposal

1 message

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Mark Olson <molson@olsonplc.com>

Tue, Jul 28, 2020 at 5:03 PM

To: Lance Baker <lance.baker@cityofclarksville.com>

Cc: Claire Martin <claire@olsonplc.com>, Adrienne Dority <adrienne@olsonplc.com>

Mr. Baker:

I understand that Councilman Allen is proposing a settlement to the Robinson dispute. I am hopeful it is successful so a new building will be built downtown. As you know, Jeff Robinson has constructed about 100 structures in the downtown area. He is committed to downtown. My Clients want this civil action over so they can use the land for it intended purpose.

Jeff Robinson met with Mr. Mark Riggins today. They went over the plan which was prepared by Cal McKay. The Robinsons, as a part of the all-encompassing settlement agreement that I sent to you on July 2, 2020, will agree to the terms discussed with Mark Riggins. The City gets more of the Robinson's land without having to litigate that matter.

All cases, State, Federal, Court of Appeals would be dismissed with prejudice, meaning they cannot be filed again. Aside from the stated consideration paid by the City no additional money would be paid. Plaintiff's attorney's fees would be paid from the settlement funds, in other words, the parties pay their own fees. The City would seek nothing further from the Robinsons. We would pay any unpaid ordinary court costs.

I forwarded documents to you on July 2, 2020 which would resolve every pending case. That letter and the pleadings outline the terms and conditions which would resolve every pending dispute between the City and FSC and the Robinsons.

Mark R. Olson

OLSON & OLSON, PLC

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Telephone 931-648-1517

Facsimile 931-648-9186

Cell Phone 931-302-2637

Home Phone 931-648-2007

Email molson@olsonplc.com

CONTACT INFORMATION: I am frequently out of the office. Please feel free to text me on my cell phone if I am out of the office as that is the best way to reach me, even when I am in Court. For hearing dates or appointments please feel free to also contact Ms. Claire Martin at claire@olsonplc.com or Ms. Adrienne Dority at adrienne@olsonplc.com or Ms. Diane Mersch at diane@olsonplc.com at the office telephone listed above.

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City  
of  
Clarksville

Lance Baker <lance.baker@cityofclarksville.com>

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## Potential Settlement

1 message

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Mark Olson <molson@olsonplc.com>

Wed, Jul 29, 2020 at 2:56 PM

To: Lance Baker <lance.baker@cityofclarksville.com>

Cc: "tdahl@kturnerlaw.com" <tdahl@kturnerlaw.com>, Claire Martin <claire@olsonplc.com>, Adrienne Dority <adrienne@olsonplc.com>

Mr. Baker:

I understand the City may question what the Robinsons are willing to do with regards to the Riggins – Robinson discussions in the event the Council approves a settlement with the Robinson family.

Mr. Riggins and Mr. Robinson met yesterday. Mr. Robinson agreed to the matters which were outlined by Mr. Riggins. This includes taking an additional portion of the Robinson's lot, 3 feet upon the full length of the lot from the street to the end of the lot, for City use. It is my understanding the City wants to stage off of the lot to resolve the drainage issues. Mr. Robinson agreed to this use. The City wants to put a manhole at the back of the lot. Mr. Robinson agreed to this use. I am informed that Mr. Cal McKay has a drawing outlining the work which is desired by the City which Mr. Robinson will sign upon receipt, accepting the plans suggested. This would resolve many of the matters addressed by the Federal Action.

I want to communicate the willingness of the Robinsons to let the City do what the City needs to have done on the lot, so they can move on with construction of their new building.

Mark R. Olson

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Cell Phone 931-302-2637

Home Phone 931-648-2007

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CONTACT INFORMATION: I am frequently out of the office. Please feel free to text me on my cell phone if I am out of the office as that is the best way to reach me, even when I am in Court. For hearing dates or appointments please feel free to also contact Ms. Claire Martin at claire@olsonplc.com or Ms. Adrienne Dority at adrienne@olsonplc.com or Ms. Diane Mersch at diane@olsonplc.com at the office telephone listed above.

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