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**Resolution paves way for lawsuit**

The first step toward what could be a multi-million-dollar lawsuit by the City of Blackwell against Freepport-McMoRan was taken Monday night.

A resolution was adopted by the council members authorizing the law firm of Ryan, Whaley and Coldiron and Shandy to file a lawsuit against the owners of the former Blackwell Zinc Company.

The resolution, passed for both the City and the Blackwell Municipal Authority, points out, "the presence of contaminated groundwater, surface water and soils potentially threatens public health, safety and welfare and impacts the City's sanitary and storm sewer lines, water lines, roads and wastewater treatment plant."

It declares the pollution, "a nuisance," and opens the door for the city to file a lawsuit to recover damages, "caused by Smelter operations and the failure of Freepport and its predecessors," to clean up the problems.

Attorney Don Shandy pointed out the mining company is in the process of constructing a water treatment facility that is designed to start cleaning up a polluted underground plume of water. "Freepport has already said that facility is going to be here forever," he pointed out.

He did not give any specifics of the lawsuit but said it could be filed in county court within the next few days.

For nearly a year, Freepport has had crews in Blackwell cleaning up soil that was tested and found to be polluted from the Smelter operations.

Earlier this year, Freepport settled with the Blackwell Industrial Authority for \$1.95 million. The BIA also deeded over about 73 acres of the Blackwell Industrial Park to Cyprus Amax Minerals Company, a subsidiary of Freepport-McMoRan.

Last month, the BIA was dismissed from the class action lawsuit filed a year ago against Freepport.

That lawsuit is expected to be heard for the first time in Kay County District Court in December. Attempts to have it moved to federal court in Oklahoma City failed following a decision by the US Tenth Circuit Court in September.

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