

PUBLIC WORKS AND UTILITIES COMMITTEE

09-0206R

RESOLUTION APPROVING SETTLEMENT OF CLAIM OF TRAVIS L. CARLSON IN THE AMOUNT OF \$11,971.35.

CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized to pay to Travis L. Carlson the sum of \$11,971.35 in full and final settlement of the claim which arose out of a break in a city watermain occurring near 2402 West Fourth Street on February 11, 2009; payment to be made from the Self Insurance Fund 610-036-1652-5841.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

PW&U/ATTY MAL:blj 3/26/2009

STATEMENT OF PURPOSE: On February 11, 2009, a city watermain ruptured causing water to penetrate and damage the basement of property located at 2402 West Fourth Street and owned by Travis L. Carlson.

The city's liability is based upon the legal principle that it is under a duty to maintain its watermains in a reasonably safe condition. The city of Duluth has investigated this claim and verified the damages and expenses. The civil division of the city attorney's office analyzed the city's loss exposure. Settlement negotiations were conducted and an agreement has been reached in the amount of \$11,971.35. The city attorney's office recommends this settlement.