

**Lee County Board of County Commissioners
Agenda Item Summary**

**DATE CRITICAL
Blue Sheet No. 20021000**

1. REQUESTED MOTION:

ACTION REQUESTED: Request approval of settlement offer from W.C. Roese Contracting, Inc. as part of the County's receipt of \$12,394.11 in payment for property damage caused to County utilities at US 41 and Littleton Road on September 28, 1998.

WHY ACTION IS NECESSARY: Board of County Commissioners' approval is required for settlement offers.

WHAT ACTION ACCOMPLISHES: Releases W.C. Roese Contracting from any further liability to the County for a \$12,394 payment to County due to damages caused to County utilities by W.C. Roese Contracting.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A12C

3. MEETING DATE:

09-10-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**
5 Minutes

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER *Settlement Offer*

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT *County Attorney*
- C. DIVISION *General Services*
- BY: _____
Scott S. Coovert, Asst. County Atty

7. BACKGROUND:

On September 28, 1998, W.C. Roese Contracting damaged three water mains located at US 41 and Littleton Road. Two water mains were located beneath Littleton Road in an east/west direction and the third water main was located in the right a way of US 41 in a north/south direction. Lee County Utilities repaired the damaged three water mains at a cost of \$18,498.67. W.C. Roese is disputing the damage to one of the water mains located in the right a way of U.S. 41, contending that the Severn Trent Utilities Locator mis-marked the location of water main. As a result of the mis-marked location of the water main, the Directional Bore Operator damaged the water main along US 41 while boring beneath Littleton Road. W.C. Roese has presented photographs and a witness statement to their insurance provider (Amerisure Insurance Company) supporting their position.

In an effort to bring this matter to a conclusion prior to the four-year statute of limitations expiring on September 27, 2002, Amerisure Insurance has made an offer to settle the claim and tendered a check in the amount of \$12,394.11. This amount represents a two-thirds recovery and payment for two of the three damaged water mains.

Based upon the information provided by Roese Construction concerning the third water main as stated above, recovery for that damage would be unlikely if pursued further.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>N/A</i> <i>per Debbie M.</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>3/2/02</i>	<i>OA</i> <i>8/29/02</i>	<i>OM</i> <i>8/29/02</i>	<i>RISK</i> <i>8/29/02</i>	<i>GC</i> <i>8/29/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

**RECEIVED BY
COUNTY ADMIN.** *CR*

10/10

**COUNTY ADMIN.
FORWARDED TO:** *bl*

11/20