



Legislation Text

File #: 18-0102R, **Version:** 1

RESOLUTION APPROVING SETTLEMENT OF CLAIM OF TENDER LOVING CARE NORTH, LLC, IN THE AMOUNT OF \$18,516.21.

CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized to pay Tender Loving Care North, LLC, the sum of \$18,516.21 in full and final settlement of the claim which arose as a result of city noncompliance to the established five-year maintenance policy set forth by decree that caused a sewer backup into the property at 1322 East 6th Street on October 3, 2017; payment to be made from Fund 610-036-1653-5841 (Self Insurance - Liabilities, Insurance Accounts, Insurance - Sewer).

STATEMENT OF PURPOSE: On October 3, 2017, a sewer backup event happened at a Tender Loving Care North, LLC, facility located at 1322 East 6th Street causing damage to the basement area as a result of the sewer backup. Tender Loving Care North, LLC, paid to have the sewer backup damage repaired and made a claim to the city for its costs.

The city's liability is based upon the legal principle that it did not maintain the city sanitary sewer lines as required by city maintenance policy. This is the second event that has happened to this location as a result of city sanitary main damage that was not repaired before this event happened. The city of Duluth has investigated this claim and verified the damage and expenses. Settlement negotiations were conducted and the administration and city attorney recommend this settlement.