



## Legislation Text

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**File #:** 18-0100R, **Version:** 1

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RESOLUTION APPROVING SETTLEMENT OF CLAIM OF JAMES AND CINDY UTICK IN THE AMOUNT OF \$12,482.44.

**CITY PROPOSAL:**

RESOLVED, that the proper city officials are authorized to pay James and Cindy Utick the sum of \$12,482.44 in full and final settlement of the claim which arose as a result of a city crew cleaning a sanitary sewer main and causing excess air to enter into the main which caused a sewer backup into the property at 2202 Harvard Avenue on November 16, 2017; payment to be made from Fund 610-036-1653-5841 (Self Insurance - Liabilities, Insurance Accounts, Insurance - Sewer).

**STATEMENT OF PURPOSE:** On November 16, 2017, a sewer backup event happened at James and Cindy Utick's home located at 2202 Harvard Avenue causing damage to the basement area as a result of the sewer backup. James and Cindy Utick 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 the city crew caused the sewer backup while cleaning the city sanitary sewer main. 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.