



## Analysis

On February 8, 2019, Metro Water Services (MWS) received an email from representatives of the Hyatt House Hotel (Hyatt House) advising them of flooding in their underground parking garage. Hyatt House representatives suspected that the flood was due to a blockage in the stormwater line in the alley adjacent to their property.

MWS investigated and discovered that soil nails had punctured the stormwater line. The soil nails caused concrete, grout, and gravel to get into the line and harden, causing blockages. These nails were put in place during the construction of the Olmsted Nashville apartment complex, currently known as “The Burnham Nashville”. Cambridge Swinerton Builders was the general contractor for the Olmsted project. Hayward Baker and Keller North American were responsible for design and construction of temporary and permanent shoring walls that placed soil nails, which penetrated the stormwater line. The property was purchased by BOP Nest Nashville, LLC after the project’s completion, but before the discovery of the damage to the stormwater line.

In July 2019, MWS engaged in a temporary remedial project to prevent flooding in the Hyatt House garage. The cost of this remedial work was \$16,090. In October 2020, MWS completed a project to repair the damage to the line. The cost of this repair work was \$112,480.12. The total cost for the remedial work and repair was \$128,570.12.

Metro asserted general negligence claims against Cambridge Swinerton, Inc., Hayward Baker, Inc. and Keller North America Inc. Metro also asserted a nuisance claim against BOP Nest Nashville, LLC. After negotiation, Cambridge Swinerton, Inc., Hayward Baker, Inc. and Keller North America Inc. have agreed to pay all of Metro’s costs to repair the damages. The Department of Law recommends settlement of this claim for \$128,570.12, Metro’s full cost of repair.

*Fiscal Note: This \$128,570.12 settlement, would be paid to the Water and Sewer GSD Stormwater Capital Projects Fund.*