



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

<b>File #:</b>	RS2020-624	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	10/23/2020	<b>In control:</b>	Metropolitan Council
<b>On agenda:</b>	11/5/2020	<b>Final action:</b>	11/5/2020
<b>Title:</b>	A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of the Sherwood Green Homeowners Association against the Metropolitan Government of Nashville and Davidson County in the amount of \$20,283.46, with said amount to be paid out of the Self-Insured Liability Fund.		
<b>Sponsors:</b>	Kyonzte Toombs		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. RS2020-624		

Date	Ver.	Action By	Action	Result
11/6/2020	1	Mayor	approved	
11/5/2020	1	Metropolitan Council	adopted	
11/2/2020	1	Budget and Finance Committee	approved	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of the Sherwood Green Homeowners Association against the Metropolitan Government of Nashville and Davidson County in the amount of \$20,283.46, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, in February 2020, a Metropolitan Water Department employee accessed a sewer overflow by driving a Vactor truck over a sidewalk causing extensive property damage to the grass and walkway at Sherwood Green including the infrastructure beneath; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government, and recommends that any and all claims or causes of action brought or that could have been brought related to the events detailed above, be compromised and settled for \$20,283.46, and that this amount be paid from the Self-Insured Liability Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the property damage claim of the Sherwood Green Homeowners Association for the sum of \$20,283.46 with said amount to be paid from the Self-Insured Liability Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

The resolution authorizes the Department of Law to settle the property damage claim of the Sherwood Green

Homeowners Association against the Metropolitan Government for the amount of \$20,283.46 to be paid out of the self-insured liability fund. In February 2020, a Metro Water Services truck caused damage to a driveway, walkway, and lawn area. The truck needed to access a portion of the HOA property to resolve a sewer overflow. Subsequently in April 2020, another Metro Water Services truck unavoidably caused further damage when accessing the property again.

The Department of Law recommends settling the claim for the total amount of the costs to repair the damage caused by Metro.

*Fiscal Note: This \$20,283.46 settlement, along with the settlement per Resolution No. RS2020-621, would be the 15th and 16th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,042,369. The fund balance would be \$2,416,025 after these payments.*