



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

<b>File #:</b>	RS2023-2186	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	5/5/2023	<b>In control:</b>	Metropolitan Council
<b>On agenda:</b>	5/16/2023	<b>Final action:</b>	5/16/2023
<b>Title:</b>	A resolution authorizing the Metropolitan Department of Law to compromise and settle the Metropolitan Government of Nashville and Davidson County's property damage claim against T Com, LLC in the amount of \$84,535.00, and that said amount be paid to the General Fund.		
<b>Sponsors:</b>	Kevin Rhoten		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Exhibit - Ltr to Metro Clerk		

Date	Ver.	Action By	Action	Result
5/17/2023	1	Mayor	approved	
5/16/2023	1	Metropolitan Council	adopted	
5/15/2023	1	Budget and Finance Committee	approved	
5/9/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the Metropolitan Government of Nashville and Davidson County's property damage claim against T Com, LLC in the amount of \$84,535.00, and that said amount be paid to the General Fund.

WHEREAS, on March 17, 2016, T Com, LLC was excavating (directional boring) within the public right of way at 4 Music Square East and Division Street to prepare for Google Fiber installation. The T Com employee operating the boring machine hit and damaged an underground 8-inch water main owned by the Metropolitan Government of Nashville and Davidson County, damaging it and the surrounding road.

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 by the Metropolitan Government of Nashville and Davidson County related to the events detailed above, be compromised and settled for \$84,535.00, and that this amount be paid to the General 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 Metropolitan Government of Nashville and Davidson County for the sum of \$84,535.00, with said amount to be paid to the General 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.

Analysis

On March 17, 2016, T Com, LLC, was excavating within the public right-of-way at 4 Music Square East and Division Street to prepare for Google Fiber installation. A T Com employee was operating a boring machine when it hit and damaged an underground 8-inch water main owned by the Metropolitan Government and the surrounding road.

The Metropolitan Government spent \$67,487 to repair and road surface. T Com has agreed to reimburse the Metropolitan Government for the cost of repairs, plus 6.75% interest over a period of 1,365 days. The resulting interest totals \$17,035.

The Department of Law recommends settlement of the Metropolitan Government's property damage claim for \$84,535.

*Fiscal Note: Metro would receive \$84,535 settlement from T Com, LLC, to be paid to the General Fund.*