



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2022-1755, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Cody Heimann against the Metropolitan Government of Nashville and Davidson County in the amount of \$18,212.15, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on June 24, 2022, a tree trimming crew from the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was removing a tree from 363 Binkley Drive when a tree limb fell, damaging a portion of the sewer service line and causing a sewage backup in the lower level of the home; 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 the property damage claim be compromised and settled for \$18,212.15, 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 Cody Heimann for the sum of \$18,212.15 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.

### Analysis

On June 24, 2022, the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") removed a tree with roots growing through the street and a driveway belonging to Cody Heimann. During the removal process, a tree limb fell, damaging a portion of the sewer line. This caused a sewer backup into Mr. Heimann's home. Initially, the NDOT crew attempted to repair the damaged portion of the service line. Mr. Heimann did not have problems immediately, but six days later had a sewer backup in the lower level of his home. Mr. Heimann called a plumber who was unable to locate the source of the problem. A Metro Water Services crew arrived the next day and located a broken piece of cap in the clean out pipe. The crew removed the cap and resolved the problem.

The sewer backup occurred in Mr. Heimann's downstairs bathroom, living room, playroom, kitchen, foyer, pantry, and laundry. The area required drying and the removal of water. Drywall, baseboards, and flooring in the area required removal and replacement. Walls were painted and sealed. The total cost of the repairs was \$18,212.15.

The Department of Law recommends settlement of this property damage claim for \$18,212.15.

No disciplinary action was taken in connection with this incident.

*Fiscal Note: This \$18,212.15 settlement, along with the settlement per Resolution Nos. RS2022-1735, RS2022-1754 and RS2022-1756 would be the 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$251,875. The fund balance would be \$12,744,483 after these payments.*