



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#13-0873**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** July 2, 2013

**TITLE:** Motion authorizing settlement of general liability file # GL 13-215C (Carl Karmin) for \$30,850

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**Recommendation**

Staff recommends settlement, and as provided in the City Charter, this settlement has been evaluated by the proper City officials and all concur that a settlement of \$30,850 to Mr. Karmin is in the City's best interest.

**Background**

This claim is for property damage to the claimant's patio and pool area. On January 8, 2013, City crews were at the property working on the outfall line which needed repairs. The line is located on the north side of the property in a seven (7) foot utility easement, which has been confirmed by survey. The crews were digging up the dirt in order to get to the outfall, and in the process the ground collapsed and the surrounding dirt and paver brick patio, which was over the easement, shifted and fell in. The paver bricks in the immediate area also shifted creating openings between pavers elsewhere in the patio.

The liability issues against the City for the damage are as follows:

1. The original pool/spa and patio deck permit application and documents approved by the City contain no notation of the easement or restrictions.
2. The City allowed the property owner to construct the pool/spa and patio deck over the easement, which has been in place for fifteen (15) years.
3. The City crews did not request that the property owner remove their paver brick patio section located over the easement prior to commencing work.
4. Photos of the area were not taken prior to commencing work to document the present condition and allow mitigation for any pre-existing problems.

An agreed price for the repairs was reached with the contractor and claimant in the amount of \$30,850.00. This was a reduction from the original estimate of \$34,000.

**Resource Impact**

There is fiscal impact to the City in the amount of \$30,850.

| FY Year   | FUND | SUB FUND | FUND NAME      | INDEX #   | INDEX NAME            | SUB OBJECT # | SUBOBJECT NAME           | AMOUNT      |
|-----------|------|----------|----------------|-----------|-----------------------|--------------|--------------------------|-------------|
| 2012-2013 | 543  | 01       | City Insurance | INS010101 | Self-Insurance Claims | 5133         | General Liability Claims | \$30,850.00 |
|           |      |          |                |           |                       |              | <b>TOTAL</b>             | \$30,850.00 |

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Prepared by: Jerome E. Buchsbaum

Department Director: Averill Dorsett