



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

**#22-0930**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** October 3, 2022

**TITLE:** Motion Authorizing Settlement of General Liability Claim of Eric Wiborg -  
\$173,635.74 - **(Commission Districts 1, 2, 3 and 4)**

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**Recommendation**

Staff recommends the City Commission approve the settlement of the general liability claim in the matter of Eric Wiborg, the property owner of 408 NE 23 Avenue (Seven Isles Drive), in the amount of \$173,635.74.

**Background**

Eric Wiborg filed a general liability claim against the City resulting from an incident on August 17, 2021. Mr. Wiborg's residence, located at 408 NE 23<sup>rd</sup> Avenue (Seven Isles Drive), suffered damage due to a broken sewer lateral which caused a sewage backup that damaged the interior and contents of the residence.

Investigation revealed that the property at 408 NE 23<sup>rd</sup> Avenue (Seven Isles Drive) has two sewer laterals that provide service, one on the north and south of the residence. City staff only marked the south sewer lateral, as part of drilling work by Mastec for underground power lines, which resulted in the north sewer lateral being damaged. The broken sewer lateral caused a sewage backup that damaged the interior and contents of the residence. Mr. Wiborg filed a claim on January 13, 2022, seeking damages of \$195,121.40 and staff retained Mitchell Claims Service, Inc. to verify the claimed repair and replacement expenses.

Staff's evaluation of the potential financial exposure to the City determined that a settlement would provide the most cost-effective outcome. Through negotiations, a settlement was reached in the amount of \$173,635.74, subject to the approval of the City Commission.

**Resource Impact**

There will be a fiscal impact to the City in the amount of \$173,635.74.

<i>Funds available as of October 3, 2022</i>			
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMOUNT
10-543-9050-519-50- 5113	Self-Insurance Claims	Non-Operating Expenses /General Liability Claims	\$173,635.74
<b>TOTAL AMOUNT ►</b>			\$173,635.74

### **Strategic Connections**

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Internal Support Focus Area
- Goal 8: Build a leading government organization that manages all resources wisely and sustainably.
- Objective: Maintain financial integrity through sound budgeting practices, prudent fiscal management, cost effective operations, and long-term planning.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are United.

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- The Internal Support Focus Area
- Implementation Element
- Goal 1: The Fort Lauderdale Comprehensive Plan shall accomplish the City's *Fast Forward Fort Lauderdale 2035* Vision Plan regarding the City's future growth and the six Cylinders of Excellence and shall be the City's primary policy document to guide all of its activities and development.

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Prepared by: Matthew Cobb, Assistant Risk Manager, Human Resources Department

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