



## Legislation Text

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**File #:** 021373, **Version:** 0

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021373  
ORIGINAL

### THE CHAIR

Resolution authorizing settlement of the lawsuit entitled *Super Excavators, Inc. v. City of Milwaukee*, Case No. 01-CV-001325.

This resolution authorizes settlement of the above-referenced lawsuit in the amount of \$376,046.00. Whereas, This case arose out of a contract between the City and Super Excavators, Inc., for the construction and installation of a network of combined-sewer relief tunnels beneath a number of streets on the north side of the City; and

Whereas, During excavation of one of the tunnels, an unexpectedly large volume of water engulfed the tunnel-boring machine utilized by the contractor, causing the equipment to settle below grade; and

Whereas, The contractor incurred approximately \$800,000.00 of unanticipated expenses to recover its equipment from the tunnel; and

Whereas, Super Excavators, Inc., sued the City for costs and damages it incurred as a consequence of the tunnel-boring machine's settlement; and

Whereas, The City Attorney has concluded that settlement of this lawsuit is in the best interests of the City of Milwaukee; and

Whereas, Plaintiff has agreed to settle this lawsuit in the amount of \$376,046.00; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$376,046.00 payable to Super Excavators, Inc., in full and final settlement of said lawsuit, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Sewer Relief and Relay Fund, Account No. 636506, Fund No. 0327, Organization No. 5234, Program No. 2632, Sub Class No. R999/0000, Project Grant No. SW17180125; and be it

Further Resolved, That the City Attorney shall, upon payment, obtain a release of claim as well as a Stipulation and Order for Dismissal of this matter, and deliver the original release to the City Clerk.

City Attorney  
Rudolph M. Konrad  
RMK:lmb  
12/19/2002

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