



Legislation Text

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081446
ORIGINAL

THE CHAIR

Resolution authorizing settlement of a lawsuit against Zurich American Insurance Company in connection with damage to certain Milwaukee water distribution facilities during the demolition of the Park East freeway.

This resolution authorizes the settlement of a lawsuit against Zurich American Insurance Company in connection with damage to certain Milwaukee water distribution facilities during the demolition of the Park East freeway.

Resolution

Whereas, The City of Milwaukee has commenced a lawsuit against Zurich American Insurance Company which insured James Cape & Sons Company; and

Whereas, The claim relates to allegations that James Cape & Sons Company during the demolition of the Park East freeway negligently placed a substantial amount of concrete from the demolished freeway on a street and above a Milwaukee water main, resulting in a rupture of the main on September 23, 2002; and

Whereas, Because of the damage to the water main, the City of Milwaukee incurred \$165,482.17 in expenses to repair the main; and

Whereas, The insurer for James Cape & Sons Company has offered to pay \$87,500 in settlement of the lawsuit against Zurich American Insurance Company; and

Whereas, The amount offered is a fair and reasonable settlement of the City's claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Office of the City Attorney for the City of Milwaukee be and hereby is authorized and directed, on behalf of the City, to release and satisfy the City's claims in the above-referenced lawsuit for an amount of \$87,500, and to execute any necessary stipulations and releases to effectuate such settlement.

City Attorney

JAS

February 5, 2009

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