



## Agenda Item Summary

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**File ID:** 19-1050

**CNST-16**

**Meeting Date:** 10/22/2019

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**PLACEMENT:** Consent

**TITLE:**

**SETTLEMENT AGREEMENT AND RELEASE BETWEEN MARTIN COUNTY AND THE CRANE CREEK PROPERTY OWNERS ASSOCIATION, INC. REGARDING DAMAGE TO AN ARCH PIPE UNDER CRANE CREEK AVENUE**

**EXECUTIVE SUMMARY:**

The Board is asked to consider a settlement agreement and release (the Settlement) resolving an issue with a damaged arch pipe, which is a large metal pipe for handling stormwater that runs underneath Crane Creek Avenue, between Martin County and its Utilities and Solid Waste Department (County) and the Crane Creek Property Owners Association, Inc. (CCPOA).

**DEPARTMENT:** Utilities and Solid Waste

**PREPARED BY:** **Name:** Samuel Amerson, P.E.  
**Title:** Utilities & Solid Waste Director

**REQUESTED BY:**

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

As part of the Crane Creek Water Main Assessment an 8-inch water main was installed via the horizontal directional drill method with a licensed contractor under an existing stormwater metal arch pipe under Crane Creek Avenue. After the water main was put into service the Crane Creek Property Owners Association approached the County about the damaged metal arch pipe and contends that the contractor damaged the arch pipe during the water main installation and has demanded the County repair the damaged arch pipe.

Utilities and Solid Waste staff reviewed the inspection report, soils report and made a site inspection. The Utilities and Solid Waste Department is unable to determine the cause of the damaged culvert. A Settlement with the Crane Creek Property Owners Association is deemed the most appropriate action to resolve the matter.

The County is willing to pay for the repairs to the arch pipe as long as the Crane Creek Property Owners Association, Inc. contracts directly with a vendor to make the repairs. The Crane Creek Property Owners Association, Inc. has requested payment in the amount of \$26,000.

This Agreement is the result of a compromise and settlement and shall never be construed as an admission of any liability, wrongdoing, responsibility, or unlawful conduct by the County or the Crane Creek Property Owners Association, Inc. Both Parties acknowledge that the Agreement has been entered into by the Parties to avoid the costs and uncertainty of litigating the damage to the arch pipe.

**ISSUES:**

Whether to approve the settlement.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board authorize the Chairman to sign the Settlement Agreement.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff.

**FISCAL IMPACT:**

**RECOMMENDATION**

- 1.) Move that the Board of County Commissioners authorize a \$26,000 payment to the Crane Creek Property Owners Association.
- 2.) Move that the Board of County Commissioners approve a \$26,000 budget transfer from Utilities reserves.

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input checked="" type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance                       |
| <input type="checkbox"/> Resolution                  |                                       |  |
| <input type="checkbox"/> Other:                      |                                       |  |

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