



Legislation Details (With Text)

File #: 2560-2020 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/5/2020 **In control:** Criminal Justice & Judiciary Committee
On agenda: 11/16/2020 **Final action:** 11/19/2020
Title: To authorize and direct the City Attorney to settle a damages claim submitted by Village of Wagoner Park; to authorize the expenditure of \$31,852.36 for settlement payment; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Village of Wagoner Park_Ord 2560-2020

Date	Ver.	Action By	Action	Result
11/19/2020	1	CITY CLERK	Attest	
11/18/2020	1	MAYOR	Signed	
11/16/2020	1	COUNCIL PRESIDENT	Signed	
11/16/2020	1	Columbus City Council	Approved	Pass

BACKGROUND:

This Ordinance is submitted to settle a damages claim in the amount of \$31,852.36. On April 15, 2020, a Columbus Public Service refuse truck collecting trash at the Village of Wagoner Park apartment complex struck a dumpster enclosure wall causing the concrete containment structure to crumble. The apartment complex filed a damages claim for the cost of cleanup (\$962.66) and for rebuilding of enclosure (\$30,889.87). The total claim is \$31,852.36. The Department of Public Service authorizes the settlement of this claim.

FISCAL IMPACT:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available in the Department of Public Service's general fund budget for this purpose.

EMERGENCY DESIGNATION:

Emergency legislation is necessary to ensure settlement is paid in a timely manner.

To authorize and direct the City Attorney to settle a damages claim submitted by Village of Wagoner Park; to authorize the expenditure of \$31,852.36 for settlement payment; and to declare an emergency.

WHEREAS, On April 15, 2020, a Columbus Public Service refuse truck collecting trash at the Village of Wagoner Park apartment complex struck an enclosure wall causing the concrete containment structure to crumble. The apartment

complex filed a damages claim for the cost of cleanup (\$962.66) and for rebuilding of enclosure (\$30,889.87). The total claim is \$31,852.36, and the Department of Public Service authorizes settlement of the claim; and

WHEREAS, following review of the incident and estimates provided for cleanup and repair, a settlement in the amount of \$31,852.36, to be paid by the City, was authorized by the Department of Public Service; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize and direct the City Attorney to pay this claim in a timely manner, which is in the best interest of the City, and to pay the agreed sum without delay; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the City Attorney be and hereby is authorized and directed to settle the Village of Waggoner Park damages claim in the sum of \$31,852.36, as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That for purposes of paying this settlement there be, and hereby is authorized to be, payment by the City of Columbus, from the Department of Public Service's general fund budget, the sum of \$31,852.36, or so much thereof as may be needed, per the accounting codes in the attachment to this ordinance.

SECTION 3. That the City Auditor be, and is hereby authorized, to draw a warrant upon the City Treasurer for the sum of \$31,852.36, made payable to Waggoner Two, LLC dba Columbus Two, LLC and mailed to Waggoner Two, LLC dba Columbus Two, LLC; Attn: Jennifer Gubiotti-Mantey; 10920 Via Frontera; Ste 500; San Diego, CA 92127.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after passage if the Mayor neither approves nor vetoes.