

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: March 15, 2022

DEPARTMENT: City Attorney

TITLE:

Settlement Agreement and Mutual Release with Florida Department of Transportation

SUMMARY:

The proposed Settlement Agreement and Mutual Release is to resolve the claim by the Florida Department of Transportation for substantial damage to the I-95 bridge overpass at 12th Avenue South

BACKGROUND AND JUSTIFICATION:

On September 1, 2020, a City driven garbage truck with its back raised hit the I-95 bridge overpass while driving along 12th Avenue South within the City. The I-95 bridge overpass sustained substantial damage. The Florida Department of Transportation (FDOT) had the damage promptly repaired, which cost Six Hundred Seventy-Eight Thousand, Four Hundred Eighty-Eight and .86/100 Dollars (\$678,488.86). FDOT submitted a claim to the City for FDOT's repair costs along with supporting documentation for the costs of the repair.

In order to resolve the claim, the City offered to pay Two Hundred Thousand Dollars (\$200,000) as the current cap on the limited waiver of sovereign immunity under section 768.28, Florida Statutes, for negligent acts of the City. The City and FDOT, without admitting any liability or fault, desire to settle FDOT's claim including any and all disputes or causes of action that arise from, relate or refer in any way, whether directly or indirectly, to the claim. The proposed Settlement Agreement and Mutual Release will effectuate this resolution.

MOTION:

Move to approve / not approve the Settlement Agreement and Mutual Release with Florida Department of Transportation.

ATTACHMENT(S):

Fiscal Impact Analysis

Settlement Agreement and Mutual Release

Resolution xx-2022

Exhibit A

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	0	0	0	0	0
Operating Expenditures	200,000	0	0	0	0
External Revenues	200,000	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY21 Budget	Current Balance	Budget Transfer	Agenda Expenditure	Balance
520-1331-513.45-10	Insurance/Property/Liability	N/A	110,000	110,000	200,000	200,000	110,000