

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$12,518.87 ABOVE THE \$100,000.00 THAT WAS PREVIOUSLY AUTHORIZED BY THE CITY COMMISSION VIA R-2014-370 TO SETTLE A LIABILITY CLAIM MADE BY TULIO FERNANDO BULA AND MONICA USECHE, OWNERS OF A HOME LOCATED AT 700 NORTH 68<sup>th</sup> AVENUE, HOLLYWOOD, FLORIDA, FOR DAMAGES CAUSED TO THE HOME AS A RESULT OF A SEWAGE BACKUP.

WHEREAS, on November 20, 2014, the City was informed that sewage had overflowed out of the drains and onto the floors of a home located at 700 North 68<sup>th</sup> Avenue (the "Home"), which is owned by Tulio Fernando Bula and Monica Useche (the "Claimants"); and

WHEREAS, the overflow does not appear to be the result of the Claimants' actions; and

WHEREAS, the overflow caused damage to the Home and the Home's contents; and

WHEREAS, the City originally estimated that the cost to restore/repair the Home, the replacement cost of the Home's damaged contents and the cost of the Claimants' living expenses during the time that their Home was being repaired would not exceed \$100,000.00; and

WHEREAS, the City Commission, via Resolution Number R-2014-370, approved and authorized the expenditure of an amount not to exceed \$100,000.00 from the City's self-insurance fund to pay the costs associated with a liability claim made by the Claimants; and

WHEREAS, the Claimants are requesting an additional \$12,518.87 above the original \$100,00.00 previously approved to cover the replacement cost of the Home's damaged contents and settle the liability claim; and

WHEREAS, in accordance with Section 41.05 (B)(3) of the City's Code, any settlement of a liability claim in excess of \$50,000.00 requires the prior approval and authorization from the City Commission; and

WHEREAS, funding has been identified and will be available in the Fiscal Year 2016 budget in the City's Self Insurance Fund (Fund 58);

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby approves and authorizes the additional expenditure of \$12,518.87, above the \$100,000.00 that was previously authorized by the City Commission via R-2014-370, to settle the liability claim made by the Claimants.

Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGALITY  
For the use and reliance of the  
City of Hollywood, Florida, only.

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JEFFREY P. SHEFFEL, CITY ATTORNEY