



Legislation Details (With Text)

File #: R-2018-272 **Version:** 1 **Name:** ATLANTIC RESOURCES CLARKSON EMERALD GREEN, LLC
Type: Resolution **Status:** Passed
File created: 8/8/2018 **In control:** Office of the City Attorney
On agenda: 9/5/2018 **Final action:** 9/5/2018
Title: A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Atlantic Resources Clarkson Emerald Green, LLC.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Reso-Emerald Greeen settlement water acct.pdf, 2. BIS 18-257.pdf

Date	Ver.	Action By	Action	Result
9/5/2018	1	Regular City Commission Meeting	adopt	Pass

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Atlantic Resources Clarkson Emerald Green, LLC.

Staff Recommends: Approval of the attached Resolution.

Explanation:

In 2010, the City experienced significant delays in billing a number of large multifamily residential customers. Among the reasons for these delays were: (i) the new tiered water and sewer rate structure and (ii) missing meter exchange data in connection with the installation of automated meter readers. The City has been dealing with customers who used water for years while receiving bills that included base charges but no usage charges.

Atlantic Resources Clarkson Emerald Green, LLC. ("Emerald Green Apartments") located at 4300 Sheridan Street, was one of the customers that did not receive its water bill for the timeframe of December 21, 2009 to August 10, 2010. During this timeframe, the property incurred a broken potable water pipe which caused underground leakage. Upon discovering that Emerald Green Apartments did not receive a bill, the City sent a water bill and upon receipt of the bill with the high usage amount charges, Emerald Greens Apartments discovered the broken potable water pipe that resulted in underground leakage and fixed the leak, however, they are claiming the City should be responsible for the charges in excess of

the average bill during this timeframe

As Emerald Green Apartments does have knowledge that it receives a water bill each month, it is incumbent upon the owner to be responsible to contact the City when such bill has not been received, especially for eight months.

In an effort to recognize the sharing of fault for the timeliness of the billing situation and the leakage issue, the City has offered to settle for 25.65% of the outstanding balance amount that would otherwise be due and owing, with the remaining balance to be paid by Emerald Green Apartments, and said settlement amount does not include the most recent water bill.

The total outstanding amount for Emerald Green Apartments for the period during which no bill was sent and the leakage occurred was \$159,858.03 including the utility tax, which results in a proposed settlement for \$41,000.00.

Emerald Green Apartments has agreed to the City's settlement offer. Under Section 41.05(B) (4) regarding claims for money owed to the City, City Commission approval is required where the total amount being forgiven is in excess of \$25,000.00.

Recommended for inclusion on the agenda by:
Douglas R. Gonzales, City Attorney