

Item #4-1

**City of Carson City
Agenda Report**

Date Submitted: 7/24/07

Agenda Date Requested: 8/2/07

Time Requested: Consent

To: Mayor and Supervisors

From: Carson City District Attorney

Subject Title: Action to approve a settlement agreement between TM & KKH, Inc., dba Michael Hohl Honda Subaru and Carson City, First Judicial District Court case no. 07-00123A.

Staff Summary: On February 14, 2007, Carson City was served with the above-stated case. The allegations in the complaint are that on January 30, 2004 construction activities that occurred on Carson City property caused the release of fugitive dust, dirt, sand and small pebbles which caused damage to the property and business of Michael Hohl Honda Subaru in excess of \$800,000.00. Payment of \$40,000.00 by Carson City will settle the suit.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Settlement)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve a settlement agreement between TM & KKH, Inc., dba Michael Hohl Honda Subaru and Carson City, First Judicial District Court case no. 07-00123A.

Explanation for Recommended Board Action: On February 14, 2007, Carson City was served with the above-stated case. The allegations in the complaint are that on January 30, 2004 construction activities that occurred on Carson City property caused the release of fugitive dust, dirt, sand and small pebbles which caused damage to the property and business of Michael Hohl Honda Subaru in excess of \$800,000.00. In a separate action, Michael Hohl sued Carson-Tahoe Hospital, McQueary Excavating, Inc., and Ames Construction, Inc. These parties are not a part of this settlement agreement, however, it is alleged that they participated in the damage while constructing the berms at the new medical facility. Approval of this agreement will dismiss the case against Carson City.

Applicable Statute, Code, Policy, Rule or Regulation: N/A

Supporting Material: N/A

Prepared By: Melanie Bruketta, Chief Deputy District Attorney

Reviewed By:

(City Manager)

(Finance Director)

Date:

7/24/07

Date:

7/24/07

Board Action Taken:

Motion:

1)

2)

Aye/Nay

(Vote Recorded By)