

Resolution

No. 22-98

AUTHORIZING SETTLEMENT OF CLAIM NO. 4070286 OF DAVID GARDINER

WHEREAS, David Gardiner, filed Claim No. 4070286 on May 12, 2021, against the County of Maui for damages to his property located at 36 Kuli Puaa Street, Kihei, Maui, Hawaii 96753, resulting from a broken water main; and

WHEREAS, the County of Maui and David Gardiner, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

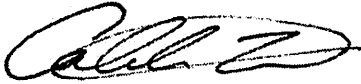
BE IT RESOLVED by the Council of the County of Maui:

1. That approves settlement of Claim No. 4070286 in the amount of SIXTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY-TWO AND 11/100 DOLLARS (\$68,882.11); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by David Gardiner; and

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Department of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK - 2021-0382

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "James K. Lee", written over a horizontal line.

Upon the request of the Mayor.