

Resolution

No. 25-191

AUTHORIZING SETTLEMENT OF CLAIM 4089446-1 OF ELAINE BOGARD AND ROBERT BOGARD

WHEREAS, Elaine Bogard and Robert Bogard, filed Claim 4089446-1 on April 25, 2024, against the County of Maui for damages to their property located at 276 Kaiola Place, #102, Kihei, Maui, Hawai'i, 96753, resulting from flooding from a water main break occurring on or about February 8, 2024; and

WHEREAS, the County of Maui, 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, the Department of Corporation Counsel has requested authority to settle this Claim in the amount of \$57,664.74; and

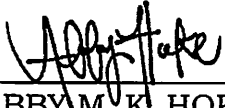
WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this Claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

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

1. That under Maui County Code section 3.16.020, it approves settlement of Claim 4089446-1 of Elaine Bogard and Robert Bogard in the amount of \$57,664.74;
2. That payment is authorized to satisfy settlement of this Claim following the execution of the "Release of Property Damage Claim" by Elaine Bogard and Robert Bogard; and
3. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Water Supply, and Corporation Counsel.

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APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Abby Hoke', is written over a horizontal line.

ABBY M. K. HOKE

Deputy Corporation Counsel

County of Maui

RISK 2024-0098

INTRODUCED BY:

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

Upon the request of the Mayor.