



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

**SUBJECT: SETTLEMENT OF CLAIM BY
DANIELS FAMILY**

DATE: November 16, 2023

RECOMMENDATION

Approve the settlement of a claim filed by the Daniels family for a maximum amount of \$126,615.

OUTCOME

Settlement of a claim by the Daniels family for a maximum amount of \$126,615 due to a sewage back-up at their home.

BACKGROUND

On September 10, 2023 at approximately 8:30 p.m., a grease blockage in a City of San Jose sanitary sewer main on Spring Hill Way caused a sewage backup into a home owned by the Daniels family at 7185 Lindsay Creek Lane. The backup caused wastewater to flood the first floor of the property. A remediation company subsequently removed all flooring, cabinetry, and lower walls of the property, and numerous furniture items also were damaged. The property owner subsequently filed a claim against the City to cover the remediation and reconstruction costs and personal expenses.

ANALYSIS

This is a negotiated settlement between the parties to avoid the risks inherent in litigation. The City will pay the claimant \$124,565 to settle the claim for any losses sustained by the owners and occupants of the property from this incident. In addition, the City has agreed to pay up to \$2,050 toward installation of a backwater valve to protect the home against future backups.

PUBLIC OUTREACH/INTEREST

This memorandum and Release of claims are posted on the City's website for the November 28, 2023 agenda.

COORDINATION

This settlement has been coordinated with the Department of Transportation.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
541	3210	ESD: Sanitary Sewer Claims	\$174,700	\$126,615	547	6/20/2023 30933

CEQA

Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

NORA FRIMANN
City Attorney

By _____/s/_____

cc: Jennifer Maguire, City Manager

For questions, please contact NORA FRIMANN, City Attorney, at (408) 535-1900