



Interoffice Memorandum

November 20, 2018

TO: Mayor Jerry L. Demings
and Board of County Commissioners

FROM: Raymond E. Hanson, P. E., Director
Utilities Department

A handwritten signature in black ink, appearing to read "R. Hanson", is written over the "FROM:" line.

**SUBJECT: BCC AGENDA ITEM – Consent Agenda
December 4, 2018 BCC Meeting
Release of All Property Damage Claims with Nationwide,
April 26, 2017 – Duke Energy and HNC Properties, LLC
Contact Person: Tim Armstrong, Assistant Director
Utilities Department
407-254-9745**

Orange County Utilities (OCU) periodically incurs third party underground line damage through no fault of its own. In an attempt to improve collections of these third party damage claims, OCU will soon partner with the Risk Management Division (RM) to handle the processing, release, and collection of future third party damage claims. Under this partnership, RM will use its expertise and experience related to third party claims and will sign releases for payment of claims under its existing authority as delegated by the Board.

Presently, three pending releases totaling \$53,430.38 require Board approval. Nationwide, one of three pending releases, has provided a release in the amount of \$10,953.99 for damages incurred to OCU's infrastructure by Duke Energy and its subcontractor, HNC Property LLC, on April 26, 2017.

The County Attorney's Office and RM staff reviewed this release of all property damage claims from Nationwide and finds it legally sufficient. OCU staff recommends approval.

Action Requested: Approval and execution of Release of All Property Damage Claims in the amount of \$10,953.99 with Nationwide for damages incurred to Orange County Utilities' infrastructure on April 26, 2017 by Duke Energy and their subcontractor, HNC Properties, LLC DBA: Hacman Utilities, Infratech Corp. and Nationwide E & S Specialty underwritten by Scottsdale Insurance Company.

All Districts.

DEC 04 2018



Underwritten by Scottsdale Insurance Company

RELEASE OF ALL PROPERTY DAMAGE CLAIMS

Claim Number: 01818730

FOR AND IN CONSIDERATION of the payment to me/us at this time of the sum of Ten Thousand Nine Hundred Fifty-Three and 99/100 dollars (\$10,953.99) the receipt of which is hereby acknowledged, I/we, being of lawful age, do hereby release, acquit and forever discharge HNC Properties, LLC DBA: Hacman Utilities, Infratech Corp. and Nationwide E&S Specialty ("Company") underwritten by Scottsdale Insurance Company of and from any and all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation, on account of, or in any way growing out of, any and all known and unknown property damage resulting or to result from an incident that occurred on or about the 26th day of April, 2017, at or near Orlando, Florida.

It is understood and agreed that this settlement is a compromise of a doubtful and disputed claim and that the payment is not to be construed as an admission of liability by the party or parties released.

It is further understood and agreed that this release and payment pursuant thereto is not to be construed as a waiver by or estoppel of any party released to prosecute a claim or action for any damages sustained.

This release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this release are contractual and not a mere recital.

I/we further state that I/we have carefully read the foregoing release and know the contents thereof, and I/we sign the same as my/our own free act.

WITNESS _____ hand and seal this _____ day of _____, 20____.

CAUTION! READ BEFORE SIGNING

Orange County Florida

By: Board of County Commissioners

By: Ajit Lalchandani

Jerry L. Demings
County Mayor



CRAIG A. STOPYRA
MY COMMISSION # FF 199641
EXPIRES: February 15, 2019
Bonded Thru Budget Notary Services

SIGNED IN THE PRESENCE OF:

(SEAL)

STATE OF Florida

COUNTY OF Orange

On this 4 day of December, 20 18, before me personally appeared

Ajit Lalchandani, to me known to be the person(s) described herein, and who executed the foregoing instrument and who acknowledged that _____ voluntarily executed the same.

Craig A. Stopyra
Notary Public

My term expires February 15, 20 19.

(If this release is acknowledged before a Notary Public, no witness signatures are necessary.)

Applicable in Florida

Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.