

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Windstream road damage settlement for Oak Creek Lane

DATE: June, 06, 2024

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION:

STATUS REPORT

ANNUAL-

OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: June, 17, 2024

PURPOSE: To request Commission approval and acceptance for the settlement of \$2,499.27 from Sedgwick CMS, on behalf of Windstream Communications, Inc., for property damage to Oak Creek Lane.

BACKGROUND / HISTORY: In October of 2023 Windstream Communications damaged Oak Creek Lane while installing data fiber line under the road. Sedgwick CMS has agreed to a settlement of \$2,499.27 to be paid to Habersham County for the damages.

FACTS AND ISSUES:

- a. The damage was minor and does not require immediate road closure and repair.
- b. Habersham County Public Works agrees to the settlement price of \$2,499.27.
- c. Board of Commission approval/acceptance and Chairman signature is needed for release of the settlement payment.
- d. The Habersham County Road Department will create a work order and repair the damage once the payment is received.
- e. Property Damage Release form and photos are included with this Executive Summary.

OPTIONS:

- 1) Approve the settlement of \$2,499.27 from Windstream Communications, Inc. for damages to Oak Creek Lane.
 - 2) Deny the settlement of \$2,499.27 from Windstream Communications, Inc. for damages to Oak Creek Lane.
 - 3) Commission defined alternative.
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RECOMMENDED SAMPLE MOTION: Move to accept the settlement of \$2,499.27 from Windstream Communications, Inc. for damages to Oak Creek Lane.

DEPARTMENT:

Prepared by: Jerry Baggett
Capital Projects Manager & Director of Public Works, Habersham County

**ADMINISTRATIVE
COMMENTS:**

_____ **DATE:** _____

County Manager



PROPERTY DAMAGE RELEASE

KNOW ALL MEN BY THESE PRESENTS, That for the sole consideration of \$ 2,499.27 dollars, paid by Sedgwick CMS on behalf of Windstream Communications, Inc. do/does hereby release and discharge the said client from all claims now has and hereafter may have on account of damage to property resulting, or to result from an accident which occurred on or about 10/24/23.

IT IS UNDERSTOOD AND AGREED THAT THIS IS A FULL AND FINAL RELEASE AND COMPROMISE of all property damage claims of every nature and kind whatsoever, and releases such claims of property damage that are known and unknown, suspected and unsuspected.

IT IS FURTHER UNDERSTOOD AND AGREED THAT claimant admit/admits to no liability to the undersigned, shall not be estopped or otherwise barred from asserting, and expressly reserves the right to assert, any claims or causes of action she/he may have against the undersigned or any others.

Dated this 5th day of June, 2024

Witness _____ Signed _____

Sedgwick manages claims for National Union Fire Insurance Company of Pittsburgh, Pa. on behalf of Windstream Services, LLC.

We value your privacy. For more on what personal information we may collect, how we may use this information and other important areas relating to your privacy and data protection, please read our privacy notice www.sedgwick.com.







