

CLARK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

Petitioner: Denis Cederburg, Director of Public Works

Recommendation:

Approve and authorize the Chair to sign a Settlement and Release Agreement between Clark County (the "County") and Trenchless Evolutions, LLC, formerly known as The Boring Company, LLC (Brian Kelly, President), for a negotiated settlement in the amount of \$825,000.00 to be paid to the County for property damage sustained to the right of way and improvements at the intersection of Maryland Parkway and Desert Inn Road owned and maintained by the County. (For possible action)

FISCAL IMPACT:

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	Trenchless Evolutions, LLC will pay to the County the settlement amount of \$825,000.00, within sixty (60) days of the Board of County Commissioners' approval of the subject settlement and release agreement.		

BACKGROUND:

In September of 2018, Trenchless Evolutions, LLC, formerly known as The Boring Company, LLC, on behalf of Cox Communications, was performing work in the right of way at the intersection of Maryland Parkway and Desert Inn Road. During the course of this work a water main was ruptured and water flowed under said intersection and surrounding right-of-way, traffic signal improvements, curbs, sidewalks, and other related appurtenances and improvements owned and maintained by the County. The County contends that the water damaged the right of way and improvements.

The attached Settlement and Release Agreement would settle the respective differences between the County, Trenchless Evolutions, LLC, and Cox Communications without an admission of the sufficiency of any claims, allegations and defenses regarding the property damage. Trenchless Evolutions, LLC would pay the County \$825,000.00 in exchange for the County's release and discharge of the Trenchless Evolutions, LLC and Cox Communications from any and all claims and causes of action relating to the damage to the right of way improvements. Each party is responsible for its own costs and attorneys fees relating to the claim and settlement.

The District Attorney's Office has reviewed and approved the settlement and release agreement.

Cleared for Agenda

10/19/2021

File ID#

21-1542