

RESOLUTION NO. 2022- 02

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE MAYOR’S AND CITY MANAGER’S APPROVAL OF A GENERAL RELEASE BETWEEN THE CITY OF POMPANO BEACH AND HIGH TECH ENGINEERING INCORPORATED, RELATING TO REIMBURSEMENT COSTS FOR THE EMERGENCY REPAIR OF THE CITY’S 24’ RECLAIMED WATER MAIN GENERALLY LOCATED AT NE 14TH CAUSEWAY AND NE 23RD AVENUE; PROVIDING AN EFFECTIVE DATE.

SECTION 1. That the action of the Mayor and the City Manager in approving a General Release between the City of Pompano Beach and High Tech Engineering Incorporated, relating to reimbursement costs for the emergency repair of the city’s 24’ reclaimed water main generally located at NE 14th Causeway and NE 23rd Avenue, a copy of which General Release is attached hereto and incorporated by reference as if set forth in full, is hereby approved and ratified.

SECTION 2. This Resolution shall become effective upon passage.

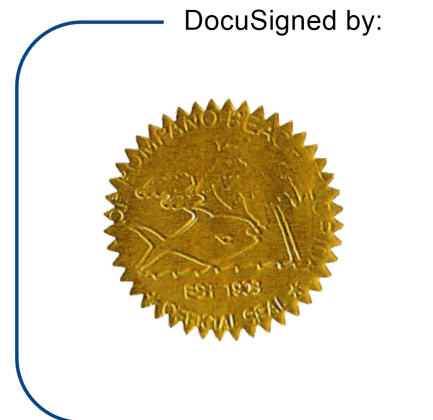
PASSED AND ADOPTED this 12th day of October, 2021.

DocuSigned by:
Rex Hardin
502CB780EB3E480
REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
62AB0835850E4A1
ASCELETA HAMMOND, CITY CLERK

/jrm
9/29/21
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GENERAL RELEASE

This Agreement (the "Release") is made as of August 27, 2021, among High Tech Engineering Incorporated ("High Tech or Releasee") and the City of Pompano Beach ("City or Releasor").

WHEREAS, on or about June 8, 2021, Sunshine 811 issued work order #159108022 ("Ticket") to High Tech to provide Subsurface Facility/Utility Locating Services. Specifically, to identify and mark the location of subsurface fiber optic communications cables ("Locate Services") and City owned utility infrastructure generally located at NE 14th Causeway & NE 23rd Ave (the "Property") in Pompano Beach, Florida.

WHEREAS, on or about June 22, 2021, contractor, Maya Construction, Inc. ("Maya"), was excavating the area, specifically directional boring, and struck the 24" reclaim water main. City then alleged High Tech failed to identify and mark the location of the 24" reclaim water main and caused Maya to strike and damage the main during excavation, which need to be repaired to allow the communications and City reclaimed systems served by the cables and main to function as intended (the "Incident").

WHEREAS, City and High Tech dispute the liability and/or damages arising out of the Incident, and the Parties desire to avoid the expense, inconvenience, and uncertainties of litigation, and to settle their claims and differences as set forth below.

NOW, THEREFORE, in consideration of the above Recitals, High Tech and City hereby agree as follows:

City/Releasor, for and in consideration of the sum of \$167,968.31 ("Payment"), hereby completely and fully release and discharge High Tech/Releasee of and from any further obligation, liability, or responsibility arising out of the Incident.

It is understood and agreed that this Release is in full compromise of the Incident, and that neither this Release nor the Payment pursuant to this Release shall be construed as an admission of liability.

Each party hereto shall bear all attorneys' fees and costs arising from the action of its own counsel in connection with this matter, the terms of this Release, the matters and documents referenced herein, and all related matters.

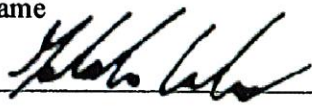
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"HIGH TECH/RELEASEE":

Witnesses:




Octavio Vidal
Print Name



Gabriela Calvo
Print Name

HIGH TECH ENGINEERING INCORPORATED
a Florida corporation

By: 

Manuel Calvo, President

(SEAL)

STATE OF FLORIDA
COUNTY OF Miami - Dade

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 27th day of August, 2021, by Manuel Calvo as President of High Tech Engineering Incorporated, a Florida corporation, on behalf of the corporation. He is personally known to me or who has produced _____ (type of identification) as identification.

NOTARY'S SEAL:





NOTARY PUBLIC, STATE OF FLORIDA

Ana Maria Sanabria
(Name of Acknowledger Typed, Printed or Stamped)

GG 269271
Commission Number

"CITY/RELEASOR":

CITY OF POMPANO BEACH

By: 
REX HARDIN, MAYOR

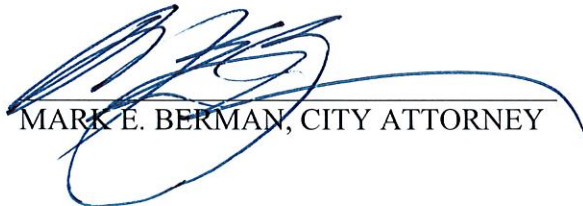
By:  For Greg Harrison
GREGORY P. HARRISON, CITY MANAGER

Attest:


ASCELETA HAMMOND, CITY CLERK

(SEAL)

APPROVED AS TO FORM:


MARK E. BERMAN, CITY ATTORNEY

:jmm
8/26/21
L:agr/engr/2021-1043