



Legislation Details (With Text)

File #: 24-183 **Version:** 1 **Name:**

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On agenda: **Final action:** 4/9/2024

Title: Request to approve settlement of Myers & Sons Construction, L.P. v. City of Colorado Springs, District Court, El Paso County, Colorado, Case No. 2020CV31791.

Presenter:
Wynetta Massey, City Attorney

Sponsors:

Indexes:

Code sections:

Attachments: 1. Myers Case Summary (Mesa WTP)

Date	Ver.	Action By	Action	Result
4/9/2024	1	City Council	received	Pass

Request to approve settlement of Myers & Sons Construction, L.P. v. City of Colorado Springs, District Court, El Paso County, Colorado, Case No. 2020CV31791.

Presenter:
Wynetta Massey, City Attorney

Summary:
The City Attorney has negotiated a litigation settlement in excess of \$100,000.00. Myers & Sons Construction, LP alleges that Colorado Springs Utilities breached a construction contract during the COVID pandemic. Colorado Springs Utilities countersued and filed a counterclaim for breach of contract against Myers & Sons. The parties have reached a tentative settlement of the claim and counterclaim, subject to City Council approval pursuant to City Code section 1.5.506 (B).

Background:
The latest City Attorney quarterly report update on this case is attached.

Previous Council Action:
N/A

Financial Implications:
There are sufficient appropriated funds to pay this settlement.

City Council Appointed Board/Commission/Committee Recommendation:
N/A

Stakeholder Process:

N/A

Alternatives:

N/A

Proposed Motion:

Move approval of the \$10,000,000.00 settlement amount in Myers & Sons Construction, L.P. v. City of Colorado Springs, El Paso County, Colorado District Court Case No. 2020CV31791.

N/A