



City of North Royalton

Mayor Robert A. Stefanik

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Law Department

Thomas A. Kelly

Law Director
and Chief Prosecutor

Donna M. Vozar

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2nd Assistant Prosecutor

February 25, 2014

Larry Antoskiewicz
Council President, Chairman
and Members of Council Finance Committee
13834 Ridge Road
North Royalton, OH 44133

Re: Gross Builders Moral Claim
Date(s) of Loss: Jan 2013/July 2013

Gentlemen:

Some months ago we received a letter from the lawyer who represents Gross Builders seeking our consideration in the matter of a moral claim for the damages suffered by Gross Builders as a result of the failure(s) of the city's storm water system on two occasions in 2013. (See Ex. A attached).

At my request our city engineer did his own assessment of the system failures and his own estimates of the costs of repair had such repair or repairs been made by our own employees or contracted for under the City's direction and control. (See Ex. B attached).

While we have no legal obligation to reimburse the claimant for these claimed losses, there is a compelling moral argument which we have honored in the past for a number of our individual residents. And while Gross Builders is a corporate citizen, there is no basis for discriminating against it on that score.

Our storm sewer system failed; Gross Builders used its own resources to fix that system; it deserves in my view to be reimbursed to a limited degree for those expenditures as determined by the assessment of the city engineer.

It is therefore my recommendation that the Council approve legislation to reimburse Gross Builders in the sum of \$17,500.00 in satisfaction of its moral claim only.

Very truly yours,

Handwritten signature of Thomas A. Kelly in cursive script.

THOMAS A. KELLY
Law Director

TAK:sl

Enclosures

cc: Mayor Robert A. Stefanik
Eric R. Dean, Finance Director
Mark Schmitzer, City Engineer
John T. Nickell, Ward 1
Gary Petrusky, Ward 2
Dan Langshaw, Ward 3
Paul Marnecheck, Ward 4
Steve Muller, Ward 5
Dan Kasaris, Ward 6
file ✓