



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

DEPARTMENT OF LAW

June 8, 2022

The City Council
Niagara Falls, New York

RE: Request for approval to settle property damage claim of Progressive Insurance Company
A/S/O JAMES ALLEN POWELL

Date of Occurrence: July 4, 2021.
Date Claim Filed: July 26, 2021.
Date Action Commenced: Not Applicable.
Location: Intersection of 7th Street and Niagara Street.
Nature of Claim: Property damage to 2013 Hyundai Sonata automobile and related expenses paid by Claimant's insurance, all resulting from a six-inch elevation difference created by the milling of 7th Street in anticipation of repaving.
City Driver: N/A
Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.
Recommendation/Reason: Best interest of City.
Amount to be Paid: \$6,719.52
Check Writing Details: NYMIR will issue the settlement draft to Claimant after it has secured a fully executed General Release in a form approved by Corporation Counsel. After payment, NYMIR will invoice the City for reimbursement in the same amount, which the City Controller will then be authorized to pay, provided that the invoice is accompanied by the signed General Release approved by Corporation Counsel.
Conditions: As set forth above.

It is the recommendation of this Department that the above settlement be paid under the terms set forth above. Will the Council so approve?

Respectfully submitted,

CHRISTOPHER M. MAZUR
Corporation Counsel

Bax _____ Myles _____ Tompkins _____ Zajac _____ Spanbauer (Chair) _____