



## Recommendation for Action

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**File #:** 20-2794, **Agenda Item #:** 22.

8/27/2020

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### **Posting Language**

Approve acceptance of payment in the amount of \$6,875,000 as part of a settlement with Kellogg Brown & Root Services, Inc., and Espey Consultants, Inc., and KBR/Espey Joint Venture. (Related to the S.J. Louis Construction of Texas, LTD v. City of Austin v. Liberty Mutual Fire Insurance Company v. Kellogg Brown & Root Services, Inc., et al. lawsuit).

### **Lead Department**

Law.

### **Fiscal Note**

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### **For More Information:**

Kathryn Allen, Assistant City Attorney III, (512) 974-2409.

### **Additional Backup Information:**

This request for council action accepts payment in the amount of \$6,875,000 in exchange for the City's agreement to dismiss legal claims against Kellogg Brown & Root Services, Inc., and Espey Consultants, Inc., and KBR/Espey Joint Venture's (collectively referred to as the "JV") in S.J. Louis Construction of Texas, LTD v. City of Austin v. Liberty Mutual Fire Insurance Company v. Kellogg Brown & Root Services, Inc., Espey Consultants, Inc., and KBR/Espey Joint Venture, Cause No. D-1-18-001121 in the 459th District Court of Travis County, Texas.

The \$6,875,000 will be deposited in the Capital Improvement Project ("CIP") fund for the Waller Creek Tunnel project. The settlement proceeds are committed to the CIP fund due to unissued bonds on the project.

### **Strategic Outcome(s):**

Government That Works For All.