

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Baker, Josh <JoshBaker@gov.sc.gov>
Patel, Swati <SwatiPatel@gov.sc.gov>
Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 3/8/2016 5:21:20 PM
Subject: RE: Landmark Parking Lot

Yes, that is fair.

The recommendation is that the state, county, and city each pay one-third of the cost to repair the parking lot damage. Because there was no written agreement and because of the contractual relationship involved between EMD and the trucking company, it is unclear which entity (state, county, or city) is liable. Therefore, although our position that EMD is not liable is defensible, the recommendation from Sternson and Avant is that it is better to pay the one-third than continue arguing this matter.

From: Baker, Josh
Sent: Tuesday, March 08, 2016 4:15 PM
To: Patel, Swati; Schimsa, Rebecca; Pisarik, Holly
Subject: RE: Landmark Parking Lot

My understanding is that they're just trying to settle and move past the issue. It's EMD's contractors that actually caused the damage but the local government that initiated the alternative site selection without an agreement with the landowner. Becca – is that a fair synopsis?

From: Patel, Swati
Sent: Tuesday, March 08, 2016 4:10 PM
To: Schimsa, Rebecca; Pisarik, Holly; Baker, Josh
Subject: RE: Landmark Parking Lot

What is the rationale for paying one-third? I don't see it below.

From: Schimsa, Rebecca
Sent: Tuesday, March 08, 2016 3:56 PM
To: Patel, Swati; Pisarik, Holly; Baker, Josh
Subject: FW: Landmark Parking Lot

All,

See below. Both Kim and David recommend the state funding one-third of the repair cost, which is approximately \$17,000. I also asked David to make sure that we draw up a release of liability agreement when payment is made.

With your permission, we will look at identifying the proper account and finalize details for the agreement. Please let me know.

Thank you,

Rebecca

From: Avant, David
Sent: Tuesday, March 08, 2016 2:17 PM
To: Schimsa, Rebecca
Cc: Pisarik, Holly
Subject: RE: Landmark Parking Lot

Rebecca,

While I feel that there may be legal defenses to a finding of liability on EMD's part, I do believe that a resolution like that set out below is probably a wise course of action.

-David

From: Schimsa, Rebecca
Sent: Tuesday, March 08, 2016 12:49 PM
To: Avant, David
Cc: Pisarik, Holly
Subject: FW: Landmark Parking Lot

David – Please see Kim's recommendation below and let us know your opinion as well. Thank you.

From: Stenson, Kim [<mailto:Kstenson@emd.sc.gov>]
Sent: Tuesday, March 08, 2016 12:42 PM
To: Schimsa, Rebecca
Subject: FW: Landmark Parking Lot

Rebecca,

Please latest update below regarding the Landmark parking lot. I know we briefly discussed this earlier in light of Richland's CDBG grant. However, I think it is in our best interest to pay a third of the cost. I will be glad to discuss with you in more detail.

Thanks!

Regards,

Kim

From: Maynard, Danielle
Sent: Tuesday, March 08, 2016 9:15 AM
To: Stenson, Kim <Kstenson@emd.sc.gov>
Subject: Fwd: Landmark Parking Lot

FYI - looks like they will settle on \$51,200.00

Sent from my iPad

Begin forwarded message:

From: Mark Williams <MWilliams@forestacres.net>
Date: March 8, 2016 at 8:45:32 AM EST
To: "Maynard, Danielle" <dmaynard@emd.sc.gov>
Subject: Re: Landmark Parking Lot

Danielle

Sorry it's taking so long. I've got what I hope is a final meeting with the property owner this Thursday morning. The figure that our insurance adjuster arrived at a couple of weeks ago is 12,800 SF of asphalt to be repaired at \$4.00 SF totaling \$51,200.00. The owner has been apprised of this number and it is my hope that he will consent to it this week so we can move forward to settle the matter. I'll let you know as soon as I do....

Thanks

Mark Williams

City Administrator
City of Forest Acres

5209 N Trenholm Rd.
Columbia, SC 29206
803-782-9475
803-782-3183 (Fax)
<E93C43A5-F517-4187-8DDD-0DDE4C7D904A[65].png>

From: "Maynard, Danielle" <dmaynard@emd.sc.gov>
Date: Tuesday, March 8, 2016 at 8:37 AM
To: Mark Williams <mwilliams@forestacres.net>
Subject: Landmark Parking Lot

Mark:

I just wanted to check and see if you had received the estimate for the damage? Thanks!

Danielle

Danielle W. Maynard, Esquire
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