

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI. X
8/29/2023

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Release of all Claims and Settlement Agreement with MA+ Architecture, LLC, and Smith Roberts Baldischwiler, LLC, related to Claim No. CLEOHS1002, Project MP-0577, Woodson Park New Athletic Complex;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding the above case as authorized by 25 O.S. (2022 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

Background:

The City engaged MA+ Architecture, LLC to provide professional services related to Project MP-0577, Woodson Park New Athletic Complex. MA+ Architecture, LLC contracted with Smith Roberts Baldischwiler, LLC to provide certain surveying and other professional services. The City alleges deficiencies related to a survey conducted by SRB for the final grading plans at the Project. The City alleges these deficiencies caused the City to incur additional expense in the construction of the Project. The City filed a claim, claim No. CLEOHS1002, against Hamilton Select Insurance, Inc. for the errors and omissions of SRB in performance of its professional services.

Although SRB has expressly denied any and all responsibility or liability as a result of its work at the Project or related to the Claim, the parties are desirous of compromising their different views, avoiding litigation, and settling their differences by executing this Release of all Claims and Settlement Agreement. The Release provides for the payment of Three Hundred Seventy-Eight Thousand Six Hundred Sixty-Five Dollars and 56/100 (\$378,665.56), the amount of the claim, to the City as full and final settlement of potential claims against Smith Roberts Baldischwiler, LLC, including its alternative entities Smith Roberts Resources, Inc., Smith Roberts Baldischwiler 1, Inc., Smith-Robert, Inc., dba Smith Roberts National and Collaborative Logic, LLC, pertaining to the Project.

It is the recommendation of this office that Council approve the attached Release of all Claims and Settlement Agreement. If Council desires more information regarding the merits of this case, it is recommended that the Council enter into executive session with the Municipal Counselor.

Review:

Municipal Counselor's Office

Recommendation: Agreement be approved and/or Executive Session be held.