

**IN LIEU OF
DIRECTORS' MEETING
ADDENDUM
Monday, March 29, 2021**

- I. CONSTITUENT CORRESPONDENCE**
 - 1. Claim Against the City – John Hudec

Angela M. Birkett

From: John Hudec <jghudec@gmail.com>
Sent: Monday, March 29, 2021 1:21 AM
To: Council Packet
Subject: Claim Against the City Of Lincoln
Attachments: LETTER TO COUNCIL.docx; MAP OF LOCATION.docx

Council Members,

Please see attached documents in reference to pending claim against the City of Lincoln. I am unable to stand before the City Council on 3-29-21. Please review my attached documents to support my claim.

Thank You,

John Hudec

Dear City Council Members:

Thank you for your time in reviewing this claim. It would be an honor to stand before you all and explain this case in detail, but I am unable to meet with you in person on March 29th. I hope this letter will suffice to argue my case.

As you can see in the original letter I presented to the City Clerk's Office on January 19th, I requested a monetary claim due to an injury I sustained on a city sidewalk. I received a letter from the Assistant City Attorney, Danielle Rowley stating that this claim is recommended to be denied.

The incident in question occurred on a portion of sidewalk on the West side of Franciscan, from Gold Dust to Fontaine. The sidewalk was not fully poured, leaving an approx. 4' section uncompleted. Due to this laps in coverage, I injured myself while already injured in a non-weight bearing boot and operating a medical scooter (please see additional documentation of injury on documents provided to the City Attorney's Office.)

I notified the city of the unfinished sidewalk and injury and the sidewalk was promptly fixed by the city. I allowed a bit of time to pass, and then submitted a claim to the city. My claim was recommended to be denied by Danielle Rowley, and now sits in your hands. Since this time, I have reached out to City Building and Safety and Transportation and Utilities regarding this incident to further my knowledge in how the city should have handled this specific lapse in sidewalk coverage.

I was told that the location of the missing portion of the sidewalk was on a piece of property owned by a neighborhood association (Parcel ID: 1614124025000) that adjoins to a residential house at 8910 Gold Dust. Both agencies within the city told me that this laps in sidewalk should have been reported but hadn't prior to my injury. I further discussed the building of the residence on Gold Dust in 2018. If completed correctly, the building safety inspector would have observed this missing piece of sidewalk connecting to adjacent property. A properly poured driveway, curb cutout, and sidewalk (among many other things) must be present for occupancy of the residence. The inspector would have observed the missing portion of sidewalk adjoining to the existing sidewalk and notified the correct city agency to have it completed **if the inspection was completed correctly**.

I understand that the City Attorney's Office recommended my claim to be denied based on lack of knowledge of the missing sidewalk. I, on the other hand, feel that negligence exists due to the lack of completing a proper inspection by the city. Since occupancy was allowed on 8910 Gold Dust, a city inspector should have known but failed to take proper care in performing their task of inspecting this residence for occupancy. Failure to take proper care in doing something is the definition of negligence. Lack of Knowledge is due to the inspector's negligence in completing a complete inspection.

Due to these above facts and the facts, maps, and pictures presented in my original document provided to the City Clerk's Office, I feel that the city was negligent and liability does fall on its shoulders. Please review these circumstances and accept my original claim presented.

Thank you for your time,

John Hudec

