



# CITY OF DARIEN

Public Works Department

May 1, 2003



Mr. Rick H. Skiba Jr. 834-0100  
DuPage Water Commission  
600 E. Butterfield Road  
Elmhurst, IL 60126-4642

Regarding: Claim #110-01-05932

Dear Rick:

It is my understanding that, claim #110-01-05932 has been closed. Unfortunately, there has been no disposition of this issue and the City's storm sewer has never been repaired.

Per our phone conversation of April 30, 2003. I am requesting that the above mentioned claim be reinstated so this matter can be resolved as soon as possible. Please find attached three letters regarding this issue.

If you have any questions, please do not hesitate to call me.

Sincerely,

City of Darien

Rob Rodgers  
Assistant Director of Public Works

CC: Bryon Vana, City Administrator  
CC: Dan Lynch, City Engineer

1041 S. Frontage Road ♦ Darien, Illinois 60561 ♦ (630) 887-0008

DEC 7 2001



# DU PAGE WATER COMMISSION

800 E. BUTTERFIELD ROAD • ELMHURST, IL • 60126-4642  
(830) 834-0100 • FAX: (830) 834-0120

November 30, 2001

## NOTICE OF POTENTIAL CLAIM

### CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Aetna Casualty & Surety Company of Illinois  
1020 31<sup>st</sup> Street  
Downers Grove, Illinois 60515

Re: Policy No.:	08PG5063281
Named Insured:	DuPage Water Commission 800 East Butterfield Road Elmhurst, Illinois 60126-4642
Policy Period:	9/27/88 - 10/01/91
D/O/L:	Unknown
Claimant:	City of Darien

01-05932  
DEANNE MORRISON  
DEC 11 2001

Dear Sir or Madam:

On November 20, 2001, the DuPage Water Commission received a letter from the claimant. A copy of the letter is enclosed. Allegedly, the claimant's storm sewer was damaged during the installation of the TS-3/88 South Transmission Main—Sections I and II. We do not know whether there were any other contractors who might have damaged the claimant's storm sewer after the installation of the South Transmission Main.

Under the terms of our contract with Abbott Contractors, Inc., they are required to defend and hold harmless the Commission against any and all claims arising out of the construction of the Contract TS-3/88 South Transmission Main. It is our understanding, however, that the construction contractor is no longer in existence. The DuPage Water Commission also is covered separately by policies issued through the CNA Companies or Crum & Forster Insurance or Insurance Company of the West.

Please let me know if I can be of any further assistance in the handling of this potential claim.

Very truly yours,  
*Richard H. Skiba, Jr.*  
Richard H. Skiba, Jr.

RHS/ecm  
Enclosure  
cc: City of Darien  
Mr. James J. Holzwan  
Mr. Robert L. Marlin  
Mr. Edward J. Nawrocki  
Maureen A. Crowley, Esq., H&K  
Mr. James R. Moebel

M:\011166\Letters\8156 Darien Claim T113.doc

RECEIVED  
DEC 11 2001  
AUG CLAIMS



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**  
8575 West Higgins Road • Suite 800 • Rosemont, Illinois 60018-4820 • TEL (847) 823-0500 • FAX (847) 823-0520

October 18, 2001

Alvord, Burdick and Howson  
20 North Wacker Drive  
Chicago, IL 60606

Attention: John Lussow

Subject: City of Darien  
(CBBEL Project No. 95-323)



As we discussed on the telephone earlier this week, we are providing you with a copy of the tape from the Darien Storm Sewer under Plainfield Road which was blocked at the time the water commission line was installed. This crossing is a few hundred feet east of Clarendon Hills Road. As you will see on the video tape it appears that the contractor appears to have cut the metal storm sewer to install the water line. The reason it has taken so long for this problem to have been discovered is presumably that the water was able to seep through the stone backfill from the watermain and was not completely plugged until recently. We would like to schedule a meeting to discuss this conflict in the near future. After you have had a chance to review the tapes please contact me.

Very truly yours,

*Daniel L. Lynch*

Daniel L. Lynch, P.E.  
Head, Municipal Engineering Department

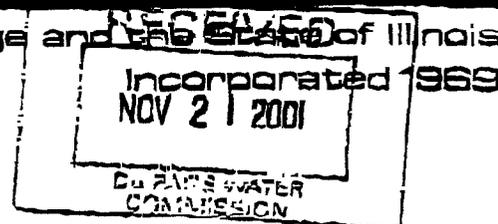
- cc: Rick Curneal - City of Darien
- Rob Rodgers - City of Darien
- Bob Martin - DuPage Water Commission
- Ed Nawrocki - DuPage Water Commission

DLL/gmf  
CORRSPD L96323.X1A



# CITY OF DARIEN

In the County of DuPage and the State of Illinois



November 20, 2001

Mr. Robert Martin  
DuPage Water Commission  
600 East Butterfield Road  
Elmhurst, Illinois 60120-4642

Dear Robert:

In August, our City Engineer contacted you about damage to a City stormsewer under Plainfield Road, east of Clarendon Hills Road, caused by a contractor for the DuPage Water Commission. A copy of the videotape of that damage was provided to you. We also described the circumstances of our discovery of this damage, specifically relating to the amount of gravel (road base) removed from the stormsewer.

Since that time, despite repeated phone calls by our Engineer and Water Department staff, the Commission has done nothing.

Please contact me before 5:00 p.m., Monday, December 3, with a plan for the Commission to complete repairs to this stormsewer. If I do not hear from you by that time, I will request the Darien City Council authorize the City Attorney to begin legal proceedings against the Commission to accomplish the needed repairs.

Sincerely,

CITY OF DARIEN

Rick O. Curneal  
City Administrator

cc: Mayor Soldato  
City Attorney Murphy  
Bob Kolar, DuPage County Department of Transportation

1702 Plainfield Road | Darien, Illinois 60561 | Area 630 | 852-5000

# ICW GROUP

- INSURANCE COMPANY OF THE WEST
- THE EXPLORER INSURANCE COMPANY
- INDEPENDENCE CASUALTY AND SURETY COMPANY



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Of Innovation

October 25, 2002

Richard H Skiba Jr  
 Du Page Water Commission  
 600 E Butterfield Rd  
 Elmhurst IL 60126-4642

RE: Insured: Du Page Water Commission  
 Policy Number: XPL 1495535-02 (eff. 11/01/00 – 11/01/01)  
 Date of Loss: 08/01/01  
 Claimant: City of Darien  
 Claim Number: 110-01-05932

Dear Mr. Skiba:

As there apparently has been no activity on this claim, Insurance Company of the West will close its file. Please advise us immediately should any activity occur in this file, or should the Du Page Water Commission or any of its agents or employees be served with a Summons & Complaint regarding the above-referenced claim.

If you have any questions, please contact the undersigned.

Sincerely,

James S. Goodman  
 Claims Analyst  
 jgoodman@icwgroup.com  
 Direct Line (858) 350-2853

JSG/as/025

cc: Arthur J Gallagher  
 2 Pierce Pl  
 Itasca IL 60143