

8/18/09
Approved

MEMORANDUM

TO: FILE
FROM: DJC
DATE: 8/17/09
RE: RM2338 (Phase I)—CTSUD easement acquisitions/title curative issues

32 A

We have four parcels with signed easements that have not received subrogation approval from the mortgage lienholders. The lienholder on the Lopez property has actually denied our request for a partial release/subrogation, so the only way to extinguish that lien would be through condemnation. The total amount to be paid to acquire easements in these four parcels is \$6,225 (see attached spreadsheet).

According to HNTB the contractor has one more week of work before we face potential delay claims for not having these parcels available for work (see attached e-mail). The damage claims could be as much as \$8K-\$16K per day for the crews, and \$2K-\$5K per month for the general contractor costs.

In order to avoid these potential claims does the court want to pay the landowners the agreed values and not wait to seek subrogation from the lienholders? CTSUD will want us to agree to pay for the cost to acquire these easements again if they happen to be extinguished because of foreclosure by the banks. But proceeding without the subrogations will allow us to avoid any further delay on the project.

extinguish by foreclosure
we will try again

Authorize ~~project~~ acquisition of Chisholm easements ~~without seeking~~ without seeking subrogation from lienholders and agreeing to compensate Chisholm if any lienholder files

a claim against Chisholm