

## Commissioners sued over work

Tracey Read

TRead@News-Herald.com

### Company alleges breach of contract in sewer project

Lake County commissioners are being sued for more than \$400,000 over a sewer line project along Route 306. Attorneys for a Kirtland

excavating company have filed a lawsuit in Lake County Common Pleas Court claiming the three-member board breached its contract, costing

Mr. Excavator Inc. about \$423,000 in damages, plus interest and costs.

The county sewer line was meant to resolve a problem

with failing septic systems in the Temple View neighborhood just south of Kirtland City Hall.

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In February 2010, commissioners accepted Mr. Excavator's bid for the project.

Last May, the company completed the project contract work.

But county officials provided the company with designs, plans, drawings and specifications that contained errors, omissions, misrepresentations and other material defects, according to the suit filed by lawyer Andrew Natale.

"The undisclosed gas and water laterals conflicted with the specified trenching systems requiring (Mr. Excavator) to incur additional expense and costs to ensure continued gas and water service to adjacent homeowners during construction," Natale stated in the lawsuit.

The company also accuses county officials of asking it to perform additional work beyond the original scope of the contract and refusing to compensate it for the additional costs incurred to complete the project and contract work.

Mr. Excavator officials are seeking a jury trial before Judge Eugene A. Lucci.

Albert Saari, the county's sanitary engineer, declined comment because he had not seen the suit.

Phone calls left for commissioners and Assistant Lake County Prosecutor Eric Condon were not immediately returned.

A similar breach of contract lawsuit over a Concord Township sewer project was filed against commissioners in 2009 by Wiloughby-based Trax Construction Co.

That case was later settled out of court.