



August 19, 2021

Certified Mail – Return Receipt Requested

Taylorville-Bennion Improvement District
Attention: Mark Chalk
1800 West 7400 South
Taylorville, UT 84118

Insured: Landmark Installations HDD
Policy No.: 00109677-0
Occurrence Date: 07/15/2021
Our File No.: 00154728

Dear Mr. Chalk:

James River Insurance Company (“James River”) insures Landmark Installations HDD. We have received notice of the above captioned claim being brought by Taylorville-Bennion Improvement District (“Taylorville-Bennion”) and Utah Department of Transportation.

As we understand the facts, Landmark was hired by Ervin Cable Construction to bore and place conduit for google fiber at the location of 4200 S Redwood Road Taylorville, UT 84123. Landmark located all marked utility lines before boring beneath a UDOT road. Landmark located an 8” water line at 52” believing it to be the only active line in the ground. Landmark began to bore across the UDOT road and proceeded to go beneath the water line at a bore depth of 77”. Landmark was anticipating a 17”-18” clearance beneath the located 52” water line. Landmark’s drill operator proceeded to pass the one marked water line when the drill indicated it was being forced down. Shortly after an 8” water main burst causing water to bubble up and flood the storm drains, causing damage to the intersection. During the excavation process to access the damaged line Landmark located an old water line at 52” that had been replaced previously by Taylorville-Bennion and left underground resting above the active line which was located at 65”. One water utility mark was painted on the ground, but two water lines were underground. Landmark also discovered large pieces of asphalt that had been left underground by Taylorville-Bennion surrounding the line. It was determined that the asphalt and the concrete pushed up against the water line which caused it to rupture. Landmark had no reason to believe the line they located was inactive. James River has determined Landmark took all necessary steps and precautions to ensure successful completion of this job.

Claims Department
James River Insurance Company
P.O. Box 27648 • Richmond, VA 23261 • 804.289.2700 • Fax 804.420.1058
www.jamesriverins.com

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After reviewing all information available to us at the time, we have determined Taylorsville-Bennion to be responsible for this incident.

James River on behalf of Landmark Installations HHD hereby tenders defense and indemnity of the matter to Taylorsville-Bennion.

We ask that you or your liability insurance carrier respond to our request in writing within 15 days of receipt of this letter indicating your acceptance of our tender.

If you have any additional information you would like us to consider, or if you receive additional information relating to this matter, please forward such documentation to our attention so we may receive it in a timely and prompt manner.

James River specifically reserves all of its rights and remedies under the policy, and under the statutes and common law. No action taken by James River in this matter should be construed as a waiver by or estoppel of these rights and remedies or any of the terms, conditions, limitations, or exclusions of the policy.

James River reserves all rights to amend this tender or assert additional defenses under the Policy and applicable law(s) which may become relevant at a later date.

If you have any questions or wish to discuss any of the above, please do not hesitate to contact me.

Sincerely,



Amanda Mayfield
Claims Examiner
Phone: 804-281-2623
Amanda.Mayfield@jamesriverins.com

CC via electronic mail:

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