



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1718-17**

**File ID:** SC-1718-17      **Type:** Special Claim      **Status:** Consent Item

**Version:** 1      **Reference:** Item 27      **In Control:** City Council

**Department:** Legal Department      **Cost:** \$9,905.62      **File Created:** 03/28/2018

**File Name:** Special Claim from David Donaldson      **Final Action:**

**Title:** SPECIAL CLAIM SC-1718-17: SUBMITTED BY DAVID DONALDSON IN THE AMOUNT OF \$9,905.62 FOR PLUMBING EXPENSES AND PROPERTY DAMAGE THAT OCCURRED AS A RESULT OF A SEWER BACK-UP AT HIS HOME ON 2301 RAVENWOOD LANE.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1718-14; and, if approved, direct payment in the amount of \$9,905.62 contingent upon obtaining a Release and Covenant Not to Sue from David Donaldson.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 04/10/2018

**Agenda Number:** 27

**Attachments:** Memo from City Clerk, Notice of Tort Claim, Plumbing Expense, Restoration Estimate, Paint Estimate, Carpet Estimate

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** sencinias@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File SC-1718-17

Body

**BACKGROUND:** A claim was filed by David Donaldson on February 28, 2018, in the amount of \$8,441.25, for plumbing expenses and property damage that occurred at his home on or about February 24, 2018, due to a sewer back-up.

**DISCUSSION:** On February 24, 2018, Mr. Donaldson arrived home and found damage that indicated a large sewer back-up had occurred while he was previously out of town. On February 25, 2018, Mr. Donaldson hired a plumber who then inspected the sewer lines at the house and found a blockage in the sewer main belonging to the City. Later the same day, City staff responded to Mr. Donaldson's emergency service request and determined that the 8-inch clay collection sewer main was obstructed by tree roots. Staff subsequently cleared the sewer main of this blockage.

Mr. Donaldson provided a receipt for his payment of plumbing expenses totaling \$99.95. He also provided estimates for the repair of damage sustained to the interior of his home due to the sewer back-up. These

estimates include \$3,916.30 for interior restoration and \$925.00 for painting repair. The initial estimate for carpet replacement was \$3,500 however Mr. Donaldson later provided a more exact estimate for this service which totaled \$4,964.37. Altogether these expenses equal \$9,905.62.

As indicated above, there appears to be possible negligence on the part of the City in this matter and consequently potential liability on the City. Mr. Donaldson's claim in the total amount of \$9,905.62 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of David Donaldson in the amount of \$9,905.62 as set forth above, be approved.