



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1415-14**

**File ID:** SC-1415-14

**Type:** Special Claim

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 15

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$5,166.88

**File Created:** 06/11/2015

**File Name:** Special Claim from Cox Communications-2728  
Cimarron

**Final Action:**

**Title:** SPECIAL CLAIM SC-1415-14: A CLAIM IN THE AMOUNT OF \$5,166.88 FROM OUTSIDE PLANT DAMAGE RECOVERY ON BEHALF OF COX COMMUNICATIONS FOR DAMAGES INCURRED TO AN UNDERGROUND CABLE BY A LINE MAINTENANCE CREW DURING REPAIRS TO A WATER LINE AT 2728 CIMARRON DRIVE.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1415-14; and, if approved, direct payment in the amount of \$5,166.88 contingent upon obtaining a Release and Covenant Not to Sue from Outside Plant Damage Recovery on behalf of Cox Communications.

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

**Agenda Date:** 06/23/2015

**Agenda Number:** 15

**Attachments:** Text File - SC-1415-14, Memo from Clerk, Tort Claim  
Form - Cox, Tort Claim - Cox damages

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

**Entered by:** jayme.rowe@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	06/23/2015					

### Text of Legislative File SC-1415-14

Body

**BACKGROUND:** A claim has been filed by Outside Plant Recovery on behalf of Cox Communications in the amount of \$5,166.88 for damages to a Cox underground cable located at 2728 Cimarron on February 9, 2015.

**DISCUSSION:** This claim was investigated by David Hager, Utilities Manager. According to his investigation, a City crew was performing a horizontal auger bore underneath a driveway approach at 2728 Cimarron. Staff had exposed an electric main at a depth of 40 inches outside the driveway but had been unable to locate the Cox Communications or AT&T cables within the area marked by flags and paint. At that point, staff assumed the cables were buried at a depth greater than 40 inches and it would be safe to horizontally auger at 32 inches deep. Staff could not hand dig and did not want to tear out the entire driveway. However, the Cox Communication cable was not below the electric main at 40 inches and was damaged when the reamer hooked the cable as they were reaming back.

This incident occurred on the Cimarron Drive (WA0029) water main replacement project.

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. The amount claimed by Outside Plan Recovery on behalf of Cox Communications, \$5,166.88, appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Cox Communications in the amount of \$5,166.88 be paid.