



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1415-8

File ID: SC-1415-8

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item No. 15

In Control: City Council

Department: Legal Department

Cost: \$1,938.31

File Created: 12/09/2014

File Name: Special Claim of Cox Communications 1230 W. Main

Final Action:

Title: SPECIAL CLAIM SC-1415-8: A CLAIM IN THE AMOUNT OF \$1,938.31 SUBMITTED BY OUTSIDE PLANT DAMAGE RECOVERY ON BEHALF OF COX COMMUNICATIONS FOR DAMAGES INCURRED TO AN AERIAL LINE BEHIND JOHNNIE'S RESTAURANT LOCATED AT 1230 WEST MAIN STREET THAT HAD BEEN PULLED DOWN BY A SANITATION VEHICLE WHILE EMPTYING TRASH.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1415-8; and, if approved, direct payment in the amount of \$1,938.31 contingent upon obtaining a Release and Covenant Not to Sue from Outside Plant Damage Recovery on behalf of Cox Communications.

ACTION TAKEN: _____

Agenda Date: 12/23/2014

Agenda Number: 15

Attachments: Text File Special Claim.pdf, Memo from Clerk for Cox Comm.pdf, Claim from Cox.pdf, Photographs from Cox.pdf

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayne.rowe@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-1415-8

Body

BACKGROUND: A claim has been filed by Outside Plant Recovery on behalf of Cox Communications in the amount of \$1,938.31 for damages to their aerial line located behind Johnnie's Restaurant at 1230 W. Main Street on August 6, 2014.

DISCUSSION: This claim was investigated by Gary L. Seal, Acting Utilities Superintendent. According to his investigation on August 6, 2014, a commercial collection truck caught the cable line at 1230 W. Main which pulled the line loose from the pole. On August 18, 2014, the collection truck caught the Cox cable line for a second time, bringing it to the ground.

During Mr. Seal's investigation, he further discovered that, while the line might have been low, it was within the required clearance level. Additionally, the driver could have backed up enough to clear the cable line. This location has now been designated a location with Overhead Obstructions which puts the driver on notice that

additional overhead dangers and concerns are present.

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, \$1,938.31, 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 \$1,938.31 be paid.