



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1920-5

File ID: SC-1920-5

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 17

In Control: City Council

Department: Legal Department

Cost: \$11,507.25

File Created: 09/09/2019

File Name: Special Claim from Robert D. and Royetta B. Provine

Final Action:

Title: **SPECIAL CLAIM 1920-5:** SUBMITTED BY ROBERT D. AND ROYETTA B. PROVINE IN THE AMOUNT OF \$11,507.25 FOR DAMAGE TO THE INTERIOR OF THEIR HOME AT 201 OLDE BROOK COURT AS A RESULT OF A SEWER LINE BACK-UP.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1920-5; and, if approved, direct payment in the amount of \$11,507.25 contingent upon obtaining a Release and Covenant Not to Sue from Robert D. and Royetta B. Provine.

ACTION TAKEN: _____

Agenda Date: 09/24/2019

Agenda Number: 17

Attachments: City Clerk memo, Notice of Tort Claim, Photo, Map, Invoices

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sarah.encinias@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-1920-5

Body

BACKGROUND: A claim was filed by Robert D. and Royetta B. Provine, for expenses incurred due to a sewer main back-up at their property on May 21, 2019, at 201 Olde Brook Court. Mr. and Mrs. Provine request reimbursement of damage in the amount of \$11,507.25.

On September 3, 2019, an Executive Session was held to discuss the claims being submitted on behalf of three property owners regarding the sewer back-up on Olde Brook Court. This claim is being submitted to City Council for consideration at this time.

DISCUSSION: On the morning of May 21, 2019, City division staff received service calls for a

possible sewer obstruction from residents of Olde Brook Court. Upon arrival, staff inspected the 8-inch clay sewer main and found it was obstructed. As a result, three property owners submitted claims to the City requesting payment of their damages.

The claim was investigated by David Hager, Utilities Manager. According to City maintenance records for the past three years, the City has never received a maintenance request for the Olde Brook Court area. When the City received news of the sewer back-up, it took immediate action and cleared the obstruction on the same day.

As previously discussed with Council, this is not a clear case of City liability, however there could be potential liability on the City. The Provine's claim in the amount of \$11,507.25 appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Robert D. and Royetta B. Provine, in the amount of \$11,507.25, as set forth above be approved.