



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1617-6

File ID: SC-1617-6 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 13 **In Control:** City Council

Department: Legal Department **Cost:** \$9,010.21 **File Created:** 05/03/2017

File Name: Special Claim from Claims Management Resources for Cox Communications **Final Action:**

Title: SPECIAL CLAIM SC-1617-6: SUBMITTED BY CLAIMS MANAGEMENT RESOURCES (CMR) ON BEHALF OF COX COMMUNICATIONS IN THE NEGOTIATED AMOUNT OF \$9,010.21 FOR DAMAGES TO AN UNDERGROUND CABLE LOCATED AT 1370 NORTH INTERSTATE DRIVE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1617-6; and, if approved, direct payment in the negotiated amount of \$9,010.21 (total \$10,449.59 requested minus \$1,439.38 administrative costs) contingent upon obtaining a Release and Covenant Not to Sue from Cox Communications.

ACTION TAKEN: _____

Agenda Date: 05/23/2017

Agenda Number: 13

Attachments: City Clerk's Memo, Tort Claim from CMR, Repair Invoice from Cox

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sencinias@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File SC-1617-6

Body

BACKGROUND: A claim has been filed by Claims Management Resources (CMR) on behalf of Cox Communications in the amount of \$10,449.59 for damage to a Cox underground cable located at 1370 North Interstate Drive on or about March 14, 2016. This total includes administrative costs of \$1,439.38, leaving \$9,010.21 of the total billed.

DISCUSSION: The claim was investigated by David Hager, Utilities Manager. According to his investigation, while conducting emergency water main replacement at Robinson Crossing, City crew successfully exposed two franchise facilities (OG&E and Cox) on March 13, 2016, without damaging either one. Staff then installed a water main under the exposed facilities and backfilled the excavation with 1.5-inch rock.

On March 14, 2017, staff was notified of possible damage to Cox's facility and subsequently met onsite with Cox and their contractor to expose the cable. The cable was not found to have damage from a backhoe but

from compacted rock after the trench itself was compacted. It is believed that due to the depth of Cox's cable and the Division's compaction procedures, the compaction equipment could have caused the cable to be pinched between the rocks, damaging the facility.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of CMR on behalf of Cox Communications for \$10,449.59, minus administrative fees of \$1,439.38 for a remainder of \$9,010.21, as set forth above, be approved.