



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1718-16

File ID: SC-1718-16 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 18 **In Control:** City Council

Department: Legal Department **Cost:** \$1,711.55 **File Created:** 03/06/2018

File Name: Special Claim from Bill's Dozer **Final Action:**

Title: SPECIAL CLAIM SC-1718-16: SUBMITTED BY BILL'S DOZER IN THE AMOUNT OF \$1,711.55 FOR DAMAGES TO THEIR TRUCK AS A RESULT OF AN ACCIDENT WITH A STREET DIVISION DUMP TRUCK ON NORTH PORTER AVENUE AT BANDERA TRAIL.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1718-16; and, if approved, direct payment in the amount of \$1,711.55 contingent upon obtaining a Release and Covenant Not to Sue from Bill's Dozer Service.

ACTION TAKEN: _____

Agenda Date: 03/27/2018

Agenda Number: 18

Attachments: Memo from City Clerk, Notice of Tort Claim, Repair Invoice, Collision Report, Photographs

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-1718-16

Body

BACKGROUND: A claim was filed by Claimant, Bill's Dozer, in the amount of \$1,711.55 for damage their dump truck received when it was struck by a City of Norman Street Division dump truck on North Porter Avenue at Bandera Trail.

DISCUSSION: This incident was investigated by Rocky Henkel, Street Superintendent, who found that on October 30, 2017, a dump truck owned by Claimant was headed northbound on North Porter Avenue while a City dump truck was traveling directly behind him. As Claimant's truck began to turn eastbound on Bandera Trail, the City truck failed to maintain adequate driving distance and subsequently struck the right rear of Claimant's truck.

The resulting damage to Claimant's 2007 Peterbilt tri-axle dump truck necessitated the total replacement of three tires, a tire rim and the repair of one additional tire. Claimant provided an invoice reflecting the total cost of this work which totaled \$1,711.55.

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. Bill's Dozer's claim, in the amount of \$1,711.55, appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Bill's Dozer, in the amount of \$1,711.55 as set forth above, be approved.