



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: SC-1314-11

File ID: SC-1314-11

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item No. 23

In Control: City Council

Department: Legal Department

Cost: \$3,525.00

File Created: 12/19/2013

File Name: Special Claim Equity Realty

Final Action:

Title: SPECIAL CLAIM NO. SC-1314-11: A CLAIM IN THE AMOUNT OF \$3,525 SUBMITTED BY EQUITY REALTY, L.L.C., ON BEHALF OF MOVING MOUNTAINS, L.L.C., FOR COSTS TO REPLACE A PARAPET WALL AND ELECTRICAL CONNECTIONS LOCATED AT 750 1/2 ASP AVENUE DAMAGED BY STREET AND LINE MAINTENANCE EMPLOYEES DURING INSTALLATION OF A WATER LINE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1314-11; and, if approved, direct payment in the amount of \$3,525 contingent upon obtaining a Release and Covenant Not to Sue from Equity Commercial Realty, L.L.C., on behalf of Moving Mountains, L.L.C.

ACTION TAKEN: _____

Agenda Date: 01/14/2014

Agenda Number: 23

Attachments: Clerk Memo Equity.pdf, Special Claim Equity.pdf

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:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

Text of Legislative File SC-1314-11

Body

BACKGROUND: A claim has been filed by Equity Commercial Realty, LLC on behalf of Moving Mountains, LLC in the amount of \$3,525.00 for replacement of a parapet wall and attached electrical connections located at the southeast corner of 750 1/2 Asp Avenue due to their claim that on July 19, 2013, the wall was damaged when City crews were installing waterline in that area.

DISCUSSION: This claim was investigated by Greg Hall, Street Superintendent, who indicates that the Street Division Asphalt Paving Crew was assisting the Line Maintenance Division with replacing the asphalt paving on Asp Avenue upon completion of the waterline replacement project in this area. In the process of paving, a City dump truck, while dumping the asphalt load, did catch the private cable hanging over the public street. This pulled the cable down and damaged the structure where the cable was attached. The cable was small and not visible to the truck operator.

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 damages claimed by Equity Commercial Realty, LLC on behalf of Moving Mountains, LLC in the amount of \$3,525.00 appear to be reasonable.

RECOMMENDATION: Based upon possible negligence in this case, it is the recommendation of the City Attorney's Office that the claim of Equity Commercial Realty, LLC on behalf of Moving Mountains, LLC in the amount of \$3,525.00 be approved.