



City of Norman, OK

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

Master

File Number: SC-1314-9

File ID: SC-1314-9

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item No. 17

In Control: City Council

Department: Legal Department

Cost: \$3,504.99

File Created: 10/31/2013

File Name: SC-1314-10

Final Action:

Title: SPECIAL CLAIM NO. SC-1314-9: A CLAIM IN THE REDUCED AMOUNT OF \$3,504.99 SUBMITTED BY COLBY WARDWELL FOR DAMAGES TO HIS VEHICLE AND CHARGES INCURRED DUE TO AN ACCIDENT WITH A PARKING SERVICES VEHICLE AT THE INTERSECTION OF SANTA FE AVENUE AND SYMMES STREET.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1314-9; and, if approved, direct payment in the reduced amount of \$3,504.99 contingent upon obtaining a Release and Covenant Not to Sue from Colby Wardwell.

ACTION TAKEN: _____

Agenda Date: 11/12/2013

Agenda Number: 17

Attachments: Clerk Memo Wardwell.pdf, Wardwell Claim.pdf,
Police Report Wardwell.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:
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Text of Legislative File SC-1314-9

Body

BACKGROUND: A claim has been filed by Colby Wardwell in the amount of \$3,804.99 for damages to his vehicle, tow charges, rental car charges and medical expense due to a vehicle accident that occurred on October 1, 2013, when his vehicle, driven by his son Kyle Wardwell, was struck by a City of Norman parking service officer at the intersection of Santa Fe Avenue and Symmes Street.

DISCUSSION: This incident was investigated by Lt. Jeff Robertson, Lt. Chris Amason and Chief Keith Humphrey. According to the investigation and the official accident report, Mr. Wardwell's vehicle was traveling northbound on Santa Fe Avenue. The City vehicle, driven by Amanda Boutwell, a parking services officer, was traveling eastbound on Symmes Street approaching Santa Fe Avenue. Ms. Boutwell was facing a stop sign; however, she proceeded through the intersection without yielding to the vehicle driven by Kyle Wardwell, striking Mr. Wardwell's vehicle.

Mr. Wardwell's vehicle has been declared a total loss. The vehicle is a 2003 Chevrolet Cavalier with 131,000

miles. According to Mr. Wardwell, the vehicle was in excellent condition and was used by his son to travel back and forth to college. While Mr. Wardwell has placed the value of the vehicle at \$3,500, he has agreed to settle for the lesser amount of \$3,000 for the vehicle, which amount is in line with research done by the City into the value of the vehicle, a \$200 allowance for rental car expense, tow charges in the amount of \$284.99 and his medical co-pay in the amount of \$20 which allows the City to settle Mr. Wardwell's entire claim for \$3,504.99. Additionally, Mr. Wardwell would sign the title of the vehicle over to the City and the City would then be able to sell the vehicle for salvage and retain those proceeds.

Therefore, 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 settlement amount agreed to by Mr. Wardwell appears to be reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim by Colby Wardwell for damages to his vehicle, tow charges, rental car expenses and medical expense in the reduced amount of \$3,504.99, as above set forth, be approved.