



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1920-13**

**File ID:** SC-1920-13      **Type:** Special Claim      **Status:** Consent Item

**Version:** 1      **Reference:** Item 16      **In Control:** City Council

**Department:** Legal Department      **Cost:** \$2,458.00      **File Created:** 03/09/2020

**File Name:** Special Claim from Greg Massay      **Final Action:**

**Title:** SPECIAL CLAIM SC-1920-13: SUBMITTED BY GREG MASSAY IN THE AMOUNT OF \$2,458.00 FOR DAMAGE TO THEIR SEWER LINE AS A RESULT OF STORMWATER WORK NEAR 3300 BART CONNOR DRIVE ON OR ABOUT MAY 16, 2019.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1920-13; and, if approved, direct payment in the amount of \$2,458 contingent upon obtaining a Release and Covenant Not to Sue from Greg Massey.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 03/24/2020

**Agenda Number:** 16

**Attachments:** City Clerk memo, Notice of Tort Claim, Photos, Invoices

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** sarah.encinias@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-1920-13

Body

**BACKGROUND:** A claim was filed by Greg Massay in the amount of \$2,458 for plumbing and landscaping expenses incurred due to a sewer line repair at his business, located at 3300 Bart Connor Drive, during July and August 2019.

**DISCUSSION:** On May 16, 2019, Mr. Massay contacted a private plumber to service the sewer line at his business, Massay's Dance Stars, located at 3300 Bart Connor Drive. The plumber conducted camera inspection of the line and found it appeared to have been damaged and subsequently repaired with a substandard part. The plumber located the damage to be

near a recently installed City stormwater channel.

In order to repair the sewer line, Mr. Massay hired an excavation company to dig through the concrete stormwater channel to uncover the sewer line. He then hired a plumber to complete repair of the line, upon which time the excavators refilled the area and laid landscaping sod. Mr. Massay submitted repair invoices totaling \$2,458.

A review of City records for the area in question showed that the Bart Conner Drive Channel Repair Project was completed in February 2019. This project included the widening of the curb opening to the drainage ditch and creating a concrete channel liner to the detention area to the south. A review of construction inspection records for this project did not indicate that a sewer line had been damaged during construction of this project.

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. Mr. Massay's claim in the total amount of \$2,458 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Greg Massay, in the amount of \$2,458 as set forth above, be approved.