



City of Norman, OK

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

Master

File Number: SC-1314-7

File ID: SC-1314-7

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item No. 16

In Control: City Council

Department: Legal Department

Cost: \$8,135.80

File Created: 10/24/2013

File Name: Special Claim

Final Action:

Title: SPECIAL CLAIM NO. SC-1314-7: A CLAIM IN THE AMOUNT OF \$8,135.80 SUBMITTED BY JERRY MASTERS FOR CHARGES INCURRED DUE TO A WATER MAIN BREAK WHICH FLOODED 3101 AND 3103 PHEASANT RUN.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1314-7; and, if approved, direct payment in the amount of \$8,135.80 contingent upon obtaining a Release and Covenant Not to Sue from Jerry Masters.

ACTION TAKEN: _____

Agenda Date: 11/12/2013

Agenda Number: 16

Attachments: Memo Masters.pdf, Claim Masters.pdf, Itemized Costs Masters.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-1314-7

Body

BACKGROUND: A claim has been filed by Jerry Masters on behalf of Melanie Ann Masters and Laura Anne Masters in the amount of \$8,135.80 for restoration services, carpet replacement, flooring replacement, hotel expenses and moving and storage fees due to his claim that a water main break on June 7, 2013 at 3101 and 3103 Pheasant Run caused flooding in and extensive damage to both residences.

DISCUSSION: This incident was investigated by David Hager, Utilities Superintendent. According to staff and field work reports, at approximately 5:00 a.m., a Water Line Maintenance Division water crew was dispatched to an emergency water main break at 3001 Pheasant Run Road. According to the work report, the 8-inch ductile iron water main ruptured in the grass area adjacent to the backyard of 3101-3103 Pheasant Run Road. Staff located and closed the valves to isolate the line which eliminated the flow of water at approximately 6:30 a.m. It was, however, determined that an estimated 150,000+ gallons of water were released from the water line before the actual shutdown occurred.

While onsite, staff confirmed that there was flooding in two (2) two-unit duplexes on Pheasant Run Road as a result of the waterline break. Both duplexes had water damage. Water and red mud were standing in all units.

The tenant at 3101 Pheasant Run Road had to be relocated at the time City staff was at the residence .

The water main in the area is ductile iron and is deteriorated. The utilities contractor was in the process of replacing the 8-inch water line at the time of the rupture, but the water main sustained a baseball-sized rupture to the top side of the main due to the deteriorated state of the ductile iron line. This water main has since been replaced and relocated as part of the Apple Creek replacement project.

RECOMMENDATION: Although there is well settled law in Oklahoma regarding sewer line cases, there is little authority in Oklahoma regarding waterline breaks. Because this matter could involve litigation, the merits were discussed with Council through a privileged and confidential document at an earlier date. The cost to prepare this case for trial would exceed the offer of settlement, even if handled by staff attorneys. Based upon the above and foregoing and the fact that the Masters' clearly suffered property damage from a waterline break they did not cause, it is the recommendation of the City Attorney's office that the claim of Jerry Masters on behalf of Melanie Ann Masters and Laura Anne Masters in the amount of \$8,135.80, as above set forth, be approved.