



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1516-7

File ID: SC-1516-7

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 11

In Control: City Council

Department: Legal Department

Cost: \$4,735.40

File Created: 12/30/2015

File Name: Special Claim filed by A T & T

Final Action:

Title: SPECIAL CLAIM SC-1516-7: FROM SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA IN THE NEGOTIATED AMOUNT OF \$4,735.40 FOR COSTS TO REPAIR A CABLE DAMAGED DURING INSTALLATION OF A STORM DRAIN AT 2005 GRAND VIEW AVENUE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1516-7; and, if approved, direct payment in the negotiated amount of \$4,735.40 contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone d/b/a AT&T Oklahoma.

ACTION TAKEN: _____

Agenda Date: 01/12/2016

Agenda Number: 11

Attachments: A T & T Tort Claim 2005 Grandview, A T & T Claim
City Clerk memo

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-1516-7

Body

BACKGROUND: A claim has been filed by A T & T in the amount of \$6,056.92 for damages incurred to a telephone cable at 2005 Grandview Drive on or about June 10, 2015, by a City crew installing a storm drain.

DISCUSSION: This incident was investigated by Greg Hall, Street Superintendent. Mr. Hall's investigation confirmed that the City's crew was preparing to replace the failed storm water pipes at 2005 Grandview Drive in early June, 2015. His investigation confirmed that the City crew did damage the line when tying the storm water pipe into the existing junction box. Mr. Hall indicates that the operator removed additional dirt and unintentionally went several inches deeper than what had been previously cleared by hand digging which caused damage to the line. However, Mr. Hall also reported that the A T & T line was incorrectly placed under the city storm water system. This is the second claim filed by A T & T for damage to their equipment in this area during the same project. It has been confirmed by staff that the claims are for separate damages.

As a result of this damage, A T & T did relocate the line and their representative agreed that the location of their line contributed to the damage. Therefore, after negotiations, A T & T has agreed to settle this claim in the

reduced amount of \$4,735.40.

It appears there could be possible negligence on the part of the City in this matter and staff recommends payment of this claim in the reduced amount of \$4,735.40.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of A T & T in the amount of \$6,056.92 be paid in the settlement amount of \$4,735.40, as set forth above, be approved.