



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1920-9**

**File ID:** SC-1920-9

**Type:** Special Claim

**Status:** Consent Item

**Version:** 1

**Reference:** Item 22

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$7,786.79

**File Created:** 12/13/2019

**File Name:** Special Claim from OG&E through CMR

**Final Action:**

**Title:** SPECIAL CLAIM SC-1920-9: SUBMITTED BY OG&E THROUGH CMR IN THE REDUCED AMOUNT OF \$7,786.79 FOR DAMAGE TO A BURIED CABLE AT THE NORTHWEST CORNER OF MORREN DRIVE AND BEACON AVENUE.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1920-9; and, if approved, direct payment in the amount of \$7,786.79 contingent upon obtaining a Release and Covenant Not to Sue from OG&E through CMR.

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

**Agenda Date:** 01/14/2020

**Agenda Number:** 22

**Attachments:** City Clerk memo, Notice of Tort Claim, Damage Invoice

**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-1920-9

Body

**BACKGROUND:** A claim was filed by OG&E through CMR in the amount of \$7,986.79 for damage to a buried cable located at the northwest corner of Morren Drive and Beacon Avenue.

**DISCUSSION:** This incident was investigated by David Hager, Utilities Manager who found City staff was trenching for the Morren Drive (WA0336) water main replacement project at the intersection of Morren Drive and Beacon Avenue. On May 30, 2019, an unmarked or flagged OG&E street light cable was damaged during trenching and upon review, it was discovered the locate request information was incorrect for the working area where excavation was taking

place. The facility was not marked because staff misidentified the locate area which caused the cable not to be located.

CMR submitted an invoice in the amount of \$7,986.79 for the repair of the buried cable. Of this total, \$200.00 was billed as administrative cost however this amount will not be paid.

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 request of CMR on behalf of OG&E, in the reduced amount of \$7,786.79, appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of CMR on behalf of OG&E, in the reduced amount of \$7,786.79 as set forth above, be approved.