



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1819-3

File ID: SC-1819-3 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 18 **In Control:** City Council

Department: Legal Department **Cost:** \$2,573.31 **File Created:** 08/14/2018

File Name: Special Claim from SWB d/b/a AT&T Oklahoma **Final Action:**

Title: SPECIAL CLAIM SC-1819-3: SUBMITTED BY SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA IN THE AMOUNT OF \$2,573.31 FOR DAMAGE TO A BURIED CABLE BY LINE MAINTENANCE DIVISION EMPLOYEES WHILE REPAIRING A STORM WATER PIPE LOCATED AT 2606 RICHARDSON DRIVE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1819-3; and, if approved, direct payment in the amount of \$2,573.31 contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

ACTION TAKEN: _____

Agenda Date: 08/28/2018

Agenda Number: 18

Attachments: City Clerk Memo, Tort Claim, Photos

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sencinias@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File SC-1819-3

Body

BACKGROUND: A claim was filed by Southwestern Bell Telephone Company (SBC) d/b/a AT&T Oklahoma (AT&T), in the amount of \$2,573.31 for damage to a buried cable located at 2606 Richardson Drive.

DISCUSSION: This incident was investigated by Carrie Evenson, Stormwater Program Manager. On March 23, 2018, a Line Maintenance Division crew was in the process of making necessary repairs to a damaged stormwater pipe located near 2606 Richardson Drive. OKIE utility locate services were initiated and a buried cable belonging to AT&T was marked in the area.

City crew began carefully digging along the location of the buried cable but instead uncovered an unexpected piece of concrete. In order to allow the crew access to the stormwater pipe and proceed with repairs, the concrete was then broken apart and removed from the area. It was during this process that the cable belonging

to AT&T had been discovered embedded in the concrete and subsequently damaged by the removal process. Further inspection of the damage indicated that the concrete had been poured over the buried cable and that AT&T had not purposefully set their cable into the concrete.

AT&T submitted an invoice in the amount of \$2,573.31 for the repair of their buried cable. 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 SBC on behalf of AT&T, in the amount of \$2,573.31, appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of SBC d/b/a AT&T in the amount of \$2,573.31, as set forth above, be approved.