



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1920-12

File ID: SC-1920-12 **Type:** Special Claim **Status:** Consent Item

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

Department: Legal Department **Cost:** \$7,500.00 **File Created:** 01/16/2020

File Name: Special Claim from Kerri Brackin **Final Action:**

Title: SPECIAL CLAIM SC-1920-12: SUBMITTED BY KERRI BRACKIN IN THE AGREED AMOUNT OF \$7,500 FOR DAMAGE TO THE INTERIOR OF HER HOME AS A RESULT OF A SEWER BACK-UP THAT OCCURRED ON MARCH 10, 2019, AT 3545 BROOKFORD DRIVE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1920-12; and, if approved, direct payment in the agreed amount of \$7,500 contingent upon obtaining a Release and Covenant Not to Sue from Kerri Brackin.

ACTION TAKEN: _____

Agenda Date: 01/28/2020

Agenda Number: 18

Attachments: City Clerk memo, Request for Tort Claim, Photo of tree roots

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: |
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Text of Legislative File SC-1920-12

Body

BACKGROUND: A claim was filed by Kerri Brackin for expenses incurred due to a sewer main back-up at her home on March 10, 2019, at 3545 Brookford Drive. Ms. Brackin requests reimbursement of damage in the agreed amount of \$7,500.

On January 14, 2020, an Executive Session was held to discuss this claim and it is being submitted to City Council for consideration at this time.

DISCUSSION: On the evening of March 10, 2019, a sewage back-up occurred at Ms.

Brackin's home on 3545 Brookford Drive. The following morning, an obstruction service request was received for this location and staff immediately responded. Upon arrival to Ms. Brackin's home, staff verified the 8-inch clay sewer main was obstructed and after using a CCTV (closed circuit television) camera, the cause of the obstruction was found to be tree roots from Ms. Brackin's service line. City staff cleared the roots and scheduled the line segment for chemical treatment.

This claim was investigated by David Hager, Utilities Manager. According to City maintenance records, the City has not received a maintenance call for the immediate area since 2008. When the City received news of the sewer back-up, it took immediate action and cleared the obstruction on the same day.

As previously discussed with Council, this is not a clear case of City liability, however there could be potential liability on the City. After discussions with Ms. Brackin's attorney, a settlement was reached for payment in the amount of \$7,500 and this amount appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Kerri Brackin in the agreed amount of \$7,500 as set forth above, be approved.