



City of Norman, OK

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

Master

File Number: SC-1314-1

File ID: SC-1314-1

Type: Special Claim

Status: Consent Item

Version: 2

Reference:

In Control: City Council

Department: Legal Department

Cost: \$1,714.08

File Created: 06/26/2013

File Name: Agenda Item - Claim from Sean Waugh

Final Action:

Title: SPECIAL CLAIM NO. SC-1314-1: A CLAIM IN THE AMOUNT OF \$1,714.08 SUBMITTED BY SEAN WAUGH FOR DAMAGES TO HIS VEHICLE FROM ROAD MATERIAL DEBRIS FALLING THROUGH A HOLE IN THE BRIDGE DECK OF THE INDIAN HILLS ROAD BRIDGE OVER INTERSTATE 35.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1314-1; and, if approved, direct payment in the amount of \$1,714.08 contingent upon obtaining a Release and Covenant Not to Sue from Sean Waugh..

ACTION TAKEN: _____

Agenda Date: 07/09/2013

Agenda Number:

Attachments: Memo from Clerk Waugh Claim, Waugh Claim, Waugh title

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-1314-1

Body

BACKGROUND: A claim has been filed by Sean Waugh for damages to his vehicle on April 1, 2013 in the amount of \$1,714.08. Mr. Waugh alleges that several chunks of concrete fell off of the Indian Hills Road overpass onto his vehicle which caused damage to his windshield, hood, roof and front bumper.

DISCUSSION: This incident was investigated by Greg Hall, Street Superintendent. According to his investigation, Street Division crews and Norman Police Department responded quickly to Mr. Waugh's call and discovered a hole in the deck of the driving surface of Indian Hills Road over Interstate 35 which caused the chunks of concrete to fall onto Mr. Waugh's vehicle as he was driving on Interstate 35. Street Division crews closed the overpass to all traffic immediately and repairs to the deck driving surface were performed the same night. ODOT and City staff inspected the repairs and the rest of the deck for other possible failures and none were noted at that time.

Additionally, prior to this incident, the Street Division was aware that the Indian Hills Road overpass was on the

schedule for inspection and possible repairs. Therefore, 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 amount claimed by Mr. Waugh appears to be reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim by Sean Waugh for damage to his vehicle in the amount of \$1,714.08, as above set forth, be approved.