



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1920-2

File ID: SC-1920-2

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 24

In Control: City Council

Department: Legal Department

Cost: \$1,550.00

File Created: 08/14/2019

File Name: Special Claim from Todd Bayles

Final Action:

Title: SPECIAL CLAIM SC-1920-2: SUBMITTED BY TODD BAYLES IN THE AMOUNT OF \$1,550 FOR DAMAGE TO HIS BRICK FENCE BY A WATER LINE MAINTENANCE CREW WHILE REPAIRING A WATER MAIN LEAK AT 4050 36TH AVENUE N.E.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1920-2; and, if approved, direct payment in the amount of \$1,550 contingent upon obtaining a Release and Covenant Not to Sue from Todd Bayles.

ACTION TAKEN: _____

Agenda Date: 08/27/2019

Agenda Number: 24

Attachments: City Clerk Memo, Notice of Tort Claim, Estimate, Photos

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sarah.encinias@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-1920-2

Body

BACKGROUND: A claim was filed by Todd Bayles in the amount of \$1,550.00 for damage his fence received when a water main leak was repaired on January 7, 2019, at his home on 4050 36th Avenue Northeast.

DISCUSSION: This incident was investigated by David Hager, Utilities Manager. On January 7, 2019, City staff was dispatched to Mr. Bayles home on 4050 36th Avenue Northeast due to a water main leak. To safely access the 24-inch PVC water main, staff had to remove Mr. Bayles' drive approach, a keypad pedestal for a gate opener, a segment of vinyl fence panels,

and a brick fence post. The City was able to repair the resident's drive approach on February 25, 2019, but repair of Mr. Bayles' fence required the filing of a Notice of Tort Claim.

Mr. Bayles submitted three (3) estimates to repair the damage to his fence, with the lowest estimate being \$1,350.00, plus \$200.00 for bricks, for a total of \$1,550.00. 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 claim of Todd Bayles in the amount of \$1,550.00 appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Todd Bayles, in the amount of \$1,550.00 as set forth above, be approved.