



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1819-11**

**File ID:** SC-1819-11

**Type:** Special Claim

**Status:** Consent Item

**Version:** 1

**Reference:** Item 29

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$3,369.96

**File Created:** 06/13/2019

**File Name:** Special Claim from Cory Averitt

**Final Action:**

**Title:** SPECIAL CLAIM SC-1819-11: SUBMITTED BY CORY AVERITT IN THE AMOUNT OF \$3,369.96 FOR DAMAGE TO HIS VEHICLE AS A RESULT OF AN INCIDENT WITH A POLICE DEPARTMENT VEHICLE AT 1333 EAST LINDSEY STREET.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1819-11; and, if approved, direct payment in the amount of \$3,369.96 contingent upon obtaining a Release and Covenant Not to Sue from Cory Averitt.

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

**Agenda Date:** 06/25/2019

**Agenda Number:** 29

**Attachments:** Notice of Tort Claim, City Clerk Memo, Repair Estimate, Police Report - redacted

**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-1819-11

Body

**BACKGROUND:** A claim has been filed by Cory Averitt in the amount of \$3,369.96 for damage that occurred to his vehicle on February 12, 2019, when it was struck by a City police department vehicle at 1333 East Lindsey Street.

**DISCUSSION:** This incident was investigated by Kevin Foster, Interim Chief of Police. On February 12, 2019, a City police officer was driving eastbound in the parking lot of 1333 East Lindsey Street to pursue a traffic violator. As the officer drove past a large moving truck parked nearby, his view was obstructed and he didn't see Mr. Averitt driving southbound into the same area. As a result, the officer struck the front passenger's side of Mr. Averitt's vehicle, causing damage to it.

Mr. Averitt obtained three (3) estimates for repair of the front bumper, panel and headlights of his 2008 Pontiac G6 GT Coupe, with the lowest estimate being \$3,369.96. The total value of Mr. Averitt's vehicle is approximately \$4,481.00, making repair of his vehicle feasible.

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. Mr. Averitt's claim in the amount of \$3,369.96 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Cory Averitt, in the amount of \$3,369.96 as set forth above, be approved.