



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1415-11

File ID: SC-1415-11

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item No. 19

In Control: City Council

Department: Legal Department

Cost: \$4,937.69

File Created: 10/06/2014

File Name: SC-1415-11 Claim of Jason Abbey-Flooding due to sewer line project

Final Action:

Title: SPECIAL CLAIM NO. SC-1415-11: A CLAIM IN THE AMOUNT OF \$4,937.69 SUBMITTED BY JASON ABBEY FOR EXPENSES INCURRED TO PREVENT FUTURE FLOODING AND FOR PROPERTY CLEANUP EXPENSES AFTER FLOODING OF HIS RESIDENCE AT 4511 CHUKKAR COURT DUE TO TERRAIN ALTERATION DURING A CITY SEWER LINE REPLACEMENT PROJECT.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1314-11; and, if approved, direct payment in the amount of \$4,937.69 contingent upon obtaining a Release and Covenant Not to Sue from Jason Abbey.

ACTION TAKEN: _____

Agenda Date: 10/14/2014

Agenda Number: 19

Attachments: Text File Abbey Claim.pdf, Clerk Memo Abbey.pdf, Special Claim Abbey.pdf

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-1415-11

Body

BACKGROUND: A claim has been filed by Jason Abbey for expenses claimed to have been incurred due to flooding of his property that occurred in April, 2013 when the City performed work on a sewer line that serves his neighborhood on Chukkar Court. Mr. Abbey alleges that the slope of his yard, as a result of this work, was not restored to its previous condition and that the modified angle of the slope caused rainwater to flood his bedroom. As a result of the flooding, he incurred expenses totaling \$8,722.69 to clean up the flooded property, repair damage and the redirect future storm water that would flow onto his property to prevent future flooding. Immediate cleanup expenses from the flooding totaled \$737.69. Estimates for expenses for flooring restoration, wall repair, painting and demolition of the damaged area are valued at \$3,785. In addition, in order to avoid future flooding, Mr. Abbey installed a French drain to shift the water drainage on his property at a cost of \$4,200. Even though Mr. Abbey reports he suffered losses of \$8,722.69, his claim requests only partial reimbursement of his expenses incurred of \$4,937.69 which covers expenses to reroute future storm water

flows and immediate cleanup expenses.

DISCUSSION: This incident was investigated by Charlie Thomas, Capital Projects Engineer. According to his investigation, Mr. Thomas confirms that during April, 2013, Jordan Contractors, Inc. provided pipe bursting sewer replacement services that terminated at Mr. Abbey's property. Upon completion of the sewer pipe-bursting operations, Jordan Contractors, Inc. reported that the property was restored to virtually identical configuration, material and grading that existed prior to any disturbance in the backyard. However, the work done by Jordan Contractors, Inc. was performed during a period of significant drought which was followed by several heavy rain events. City staff was not able to inspect the site until May 21, 2013. By this date, demolition in the bedroom had been completed. The inspection by City staff did confirm the existing French drain system behind and along the side of the home could not function properly since some of the inlets were covered by bricks and rock and others were clogged.

While it remains unclear that the grade of the property was changed significantly, there was significant work performed by Jordan Contractors, Inc. prior to the flooding suffered by Mr. Abbey which could indicate possible negligence on the part of the City in this matter and consequently, potential liability on the City. The estimate for partial reimbursement of the expenses incurred by Mr. Abbey due to the flooding (for installation of the French drain system and immediate cleanup services to the bedroom) in the amount of \$4,937.69 appears reasonable. Mr. Abbey opted not to seek reimbursement for flooring restoration, wall repair, painting and demolition of the damaged area valued at \$3,785, as a compromised position to settle the claim and because he wanted to install different flooring than what was in the bedroom at the time of the flooding. Mr. Abbey is aware that the proposal is a full settlement of the claim, waiving any right for additional reimbursement for other work to the property due to the flooding.

RECOMMENDATION: Based upon the above, it is recommended by the City Attorney's Office that the claim of Jason Abbey in the amount of \$4,937.69 in full settlement of expenses incurred due to flooding of his property at 4511 Chukkar Court be approved by Council.