

NOTICE OF TORT CLAIM

CLAIMANT: ROBERT D. & ROYETTA B. PROVINE DATE: 7/3/19
 ADDRESS: 201 OLDE BROOK CT CITY: NORMAN
 STATE: OK ZIP: 73072-4548 PHONE: (H) 405-360-9774 (W) 405-642-7589
 DATE OF INCIDENT: 5/21/19
 LOCATION OF INCIDENT: 201 OLDE BROOK CT., NORMAN, OK
 STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

SEE ATTACHED

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment: SEE ATTACHED

<u>JENKINS RESTORATION</u>	\$ <u>6,604.84</u>	<u>REPAIRING ORIENTAL RUGS</u>	\$ <u>738.00</u>
<u>NAPCO CONSTRUCTION</u>	\$ <u>13,885.53</u>	<u>CLEANING DRAPES</u>	\$ <u>160.00</u>
<u>SMALL RUG REPLACEMENTS</u>	\$ <u>118.88</u>	<u>USAA INS. PAID</u>	\$ <u>10,000.00</u>
TOTAL AMOUNT CLAIMED: \$ <u>11,507.25</u>			

LOWEST ESTIMATE

NAME AND ADDRESS OF INSURANCE COMPANY: USAA
800-531-8722 EXT 50096 AGENT: MICHAEL PARTAIN

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Robert D. Provine
 CLAIMANT'S SIGNATURE
Royetta B. Provine

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 7/3/19

Notice of Tort Claim

Statement of Circumstances/Reasons you believe City is liable

This claim for reimbursement for damages is being submitted as required by the City of Norman. This claim is being submitted to recover the costs that have been incurred to repair those damages from the line obstruction and resulting water intrusion and place the property back to its original condition prior to the water intrusion.

On May 21, 2019, a City of Norman Sewer Line Maintenance Collection System Obstruction Report was completed by T. Travis based on a call received at 0800 hours. A copy of that Obstruction Report and a copy of the property plat depicting the location of the manholes is included in Attachment A. The comments section of the Obstruction Report depicts that manholes 205-095 and 205-098 were holding and that the manhole 205-101 line section of 300 feet times 3 was required to be washed due to obstruction as noted on the report. The Obstruction Report clearly indicates that the responsibility for maintenance of these manholes is that of the City of Norman. Claimants have added their address for information purposes to the Obstruction Report.

At approximately 6:00 a.m., May 21, 2019, upon awakening from sleep we noticed water in the master bedroom when stepping out of bed and upon entering the master bathroom, standing water was present on the floor and the shower floor was covered in dirt and standing water. The water intrusion and dirt was spread throughout the first floor of our home including the following areas pictures of which are included in Attachment B.

- Master bedroom - B1 – B4
- Master bathroom – B5 – B7
- Hallway including closet – B8 – B10
- Living Room – B-11
- Entryway including closet – B12
- Master Bedroom Closet – B13 – B14
- Office including closet – B15
- Kitchen – B16 – B17
- Kitchen Pantry – B18
- Powder Bathroom – B19
- Full length drapes in master bedroom – B20
- Laundry room – B21
- Various Individual Rugs and mats – B22 – B27

As a direct result of this obstruction in these lines, the first floor of our home which is located at 201 Olde Brook Ct., Norman, Oklahoma received substantial damage due to water intrusion. The damage caused by the obstruction and water intrusion has required us to relocate our sleeping quarters upstairs. We have been sleeping upstairs for six weeks and it is currently unknown when our area downstairs area will be completed with new flooring. My wife just had surgery one week before this event and this relocation

to upstairs is not only inconvenient but is causing additional pain to my spouse. Furthermore, I have asthma and it is being aggravated by this situation. I continue to be treated with bi-weekly Xolair allergy shots and daily Breo inhaler.

The pictures included in Attachment C depict the demolition work that has been done to the following areas which will receive restoration, cleaning and repair.

- Master bedroom – Cleaning and sanitizing only
- Master bathroom – Cleaning and sanitation only
- Hallway including closet – C1 – C2
- Entryway including closet – C3
- Master Bedroom Closet – Cleaning and sanitizing only
- Office including closet – C4 – C6
- Living Room – C7 – C10
- Kitchen and Kitchen Pantry – C11 – C12
- Powder Bathroom – C13
- Full length drapes in master bedroom – C14
- Laundry room – Cleaning and sanitizing only
- Various Individual Rugs and mats – See B22 – B27
- Trash depicting the removal of damaged property – C15 – C18

The nature of the damage and the immediate health hazard and contamination associated with it necessitated immediate repair. That notwithstanding, with the exception of the immediate clean up required and as required by the City of Norman, I have obtained three estimates for repair work. These estimates are included in Attachment D, E and F respectively. Also included in Attachment G is the cost of replacing the various rugs and mats as depicted in Attachment B22 – B27.

The monetary damage caused from the water and mud intrusion as the result of obstructed lines totals \$21,507.25. This amount includes the total cost for the cleaning, restoration and removal of the contaminated wood flooring and carpet and the replacement of the wood flooring, carpet, various rugs and shower mats and the cleaning of the drapes. Our insurance company, USAA, has paid a total amount of \$10,000 of the total claim estimate leaving \$11,507.25 for which we are seeking reimbursement from the City of Norman for the unreimbursed costs incurred.

Consistent with the Line Maintenance Sewer Line Mission: ... The wastewater collection system is maintained in such condition as to minimize service disruption, household backup or overflows into the environment. Public Health and safety are the primary focus of this Division ...

The City of Norman is liable for these damages as the result of a failure of maintenance that resulted in backup and overflow that resulted in the water and mud intrusion. This necessitated a washing of the lines as clearly denoted in the Obstruction Report completed by T. Travis on May 21, 2019.

Notice of Tort Claim					
201 Olde Brook Ct					
Norman, Oklahoma					
Summary of Bids					
	NAPCO Construction	Kregger Floors & More	Impact Flooring & Design		
Renovation Costs	13,885.53	14,460.50	14,500.00		
Restoration Costs (Note 1)	6,604.84	6,604.84	6,604.84		
Drape Cleaning	160.00	160.00	160.00		
Rug & Mat Replacement	738.00	738.00	738.00		
Small Rug Replacement	118.88	118.88	118.88		
Total Claim	21,507.25	22,082.22	22,121.72		
Amount received from Insurance	(10,000.00)	(10,000.00)	(10,000.00)		
Amount requested from City	11,507.25	12,082.22	12,121.72		
Note 1: Due to the nature of the damage consisting of a health and contamination hazard					
Claimants insurance company immediately deployed Jenkins Restoration to begin					
remediation, cleaning and sanitizing. USAA Insurance paid Jenkins \$6,604.84 directly. Also, they					
paid claimants \$3,395.16 for part of the repairs. These 2 payments equal the \$10,000					
insurance reimbursement from USAA.					