



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1415-13

File ID: SC-1415-13

Type: Special Claim

Status: Consent Item

Version: 2

Reference: Item 17

In Control: City Council

Department: Legal Department

Cost: \$2,247.00

File Created: 02/09/2015

File Name: Claim from Donald H. Roberts, D.D.S.

Final Action:

Title: SPECIAL CLAIM SC-1415-13: A CLAIM IN THE REDUCED AMOUNT OF \$2,247 SUBMITTED BY DONALD H. ROBERTS, D.D.S., FOR DAMAGES INCURRED TO HIS BRICK DUMPSTER ENCLOSURE LOCATED AT 1001 24TH AVENUE N.W. THAT WAS STRUCK BY A SANITATION VEHICLE WHILE EMPTYING A DUMPSTER.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1415-13; and, if approved, direct payment in the reduced amount of \$2,247 contingent upon obtaining a Release and Covenant Not to Sue from Donald H. Roberts, D.D.S.

ACTION TAKEN: _____

Agenda Date: 02/24/2015

Agenda Number: 17

Attachments: Memo from Clerk Roberts Claim.pdf, Tort
Claim-Roberts, Estimate #1, Estimate #2

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-1415-13

Body

BACKGROUND: A claim has been filed by Donald H. Roberts, DDS for damage to the brick dumpster enclosure at 1001 24th Avenue NW when a City sanitation truck struck the brick wall while it was emptying the dumpster at that location on October 3, 2014. He filed the original claim in the amount of \$2,500 and has since submitted a lower estimate to repair the brick enclosure wall in the amount of \$2,247.

DISCUSSION: This incident was investigated by Gary Seal, Utilities Supervisor. According to his investigation, it was determined that the damage to Dr. Roberts' brick wall was caused by the driving of the sanitation truck placing the dumpster back inside the enclosure with the lid open. The lid caught the rear wall of the enclosure which damaged the wall.

There appears to be possible negligence on the part of the City in this matter and consequently, potential liability on the City. The estimate for the repair to the brick enclosure in the amount of \$2,247 appears reasonable.

RECOMMENDATION: Based upon the above, it is recommended by the City Attorney's Office that the claim of Donald H. Roberts, DDS in the reduced amount of \$2,247 for repair to the brick enclosure be approved.