



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1718-4**

**File ID:** SC-1718-4

**Type:** Special Claim

**Status:** Consent Item

**Version:** 1

**Reference:** Item 18

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$14,000.00

**File Created:** 09/01/2017

**File Name:** Special Claim from Jerry Ogle

**Final Action:**

**Title:** SPECIAL CLAIM SC-1718-4: SUBMITTED BY JERRY OGLE IN THE NEGOTIATED AMOUNT OF \$14,000 FOR DAMAGES TO HIS LAWN MOWING EQUIPMENT AND TRAILER AS A RESULT OF AN ACCIDENT WITH A SANITATION VEHICLE NEAR THE INTERSECTION OF FLOOD AVE AND SYMMES STREET.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1718-4; and, if approved, direct payment in the negotiated amount of \$14,000 contingent upon obtaining a Release and Covenant Not to Sue from Jerry Ogle.

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

**Agenda Date:** 09/12/2017

**Agenda Number:** 18

**Attachments:** City Clerk Memo, Tort Claim, Estimates, Photographs

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** sencinias@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-1718-4

Body

**BACKGROUND:** A claim was filed by Jerry Ogle for the cost of replacing a 2017 Road Boss Trailer and several pieces of mowing equipment due to damage these items received on June 16, 2017, when he claims an oncoming City sanitation vehicle crossed the center line and struck his trailer, heavily damaging it and the contents it was hauling.

**DISCUSSION:** This incident was investigated by Bret Scovill, Sanitation Division Manager, and it has been determined that on June 16, 2017, a City Sanitation Division employee was driving a City sanitation vehicle north on Flood Avenue at the same time a truck hauling Mr. Ogle's trailer approached going southbound. As both vehicles neared each other just north of Symmes Street, the City vehicle crossed the center line and struck the truck and Mr. Ogle's trailer. The City vehicle continued to move forward and push the truck and the trailer off of the road, causing them to become wedged between the City vehicle and a nearby tree. The incident caused major frame damage to the front of the trailer and damage to several pieces of mowing equipment, rendering them unusable.

Mr. Ogle submitted invoices reflecting the replacement cost of his damaged items which include a 2017 Road Boss Trailer, a 2017 Tiger Cat II riding mower, 1 backpack blower, 2 self-propelled mowers, an edger, a trimmer, a telescopic pruner, a 14" chainsaw, a 20" chainsaw and a hedge trimmer in the amount of \$20,026.83. Mr. Ogle has agreed to accept \$14,000 for all of the damaged equipment.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Jerry Ogle, in the amount of \$14,000 as set forth above, be approved.