



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-2021-3

File ID: SC-2021-3 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 15 **In Control:** City Council

Department: Legal Department **Cost:** \$2,238.00 **File Created:** 09/08/2020

File Name: Special Claim from Carwell Company LLC **Final Action:**

Title: SPECIAL CLAIM SC-2021-3: SUBMITTED BY CARWELL COMPANY L.L.C., IN THE AGREED AMOUNT OF \$2,238 FOR DAMAGE TO A LIGHT POLE AS A RESULT OF AN INCIDENT WITH A SANITATION VEHICLE AT 2425 WILCOX DRIVE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-2021-3; and, if approved, direct payment in the agreed amount of \$2,238 contingent upon obtaining a Release and Covenant Not to Sue from Carwell Company, L.L.C.

ACTION TAKEN: _____

Agenda Date: 09/22/2020

Agenda Number: 15

Attachments: City Clerk Memo, Notice of Tort Claim, Repair Estimate, Photo

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:

Text of Legislative File SC-2021-3

Body

BACKGROUND: A claim was filed by Carwell Company, LLC through attorney, Rachael Dewberry, in the adjusted amount of \$2,238 for damage to an electric light pole when it was struck by a City Sanitation truck on October 22, 2019, at 2425 Wilcox Drive.

DISCUSSION: This incident was investigated by Terry Richmond, Utilities Supervisor. On October 22, 2019, a City Sanitation employee was driving a trash truck and servicing the business at 2433 Wilcox Drive, located directly west of Claimant's building. The employee completed this service and attempted to leave the area by driving south to go through the

adjoining parking lot at 2425 Wilcox Drive. As the employee began to exit by turning right, he struck and damaged a light pole owned by the Claimant.

Claimant submitted three (3) estimates to repair damage to the light pole with the lowest estimate being \$1,738. Additionally, Ms. Dewberry requests payment of attorney's fees totaling \$500. 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. The claim from Carwell Company, LLC, through attorney, Rachael Dewberry, in the total amount of \$2,238 appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Carwell Company, LLC, through attorney, Rachael Dewberry, in the total amount of \$2,238 as set forth above, be approved.