



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1819-5**

**File ID:** SC-1819-5

**Type:** Special Claim

**Status:** Consent Item

**Version:** 1

**Reference:** Item 30

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$3,274.35

**File Created:** 12/18/2018

**File Name:** Special Claim from Braum's Inc.

**Final Action:**

**Title:** SPECIAL CLAIM SC-1819-5: SUBMITTED BY BRAUM'S INC. IN THE AMOUNT OF \$3,274.35 FOR DAMAGE TO A METAL OVERHANG CANOPY AS A RESULT OF AN INCIDENT WITH A PARKS DEPARTMENT VEHICLE CARRYING A DUMPSTER AT 1002 24TH AVENUE S.W.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1819-5; and, if approved, direct payment in the amount of \$3,274.35 contingent upon obtaining a Release and Covenant Not to Sue from Braums, Inc.

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

**Agenda Date:** 01/08/2019

**Agenda Number:** 30

**Attachments:** City Clerk Memo, Notice of Tort Claim, Invoices, Photos

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

**Entered by:** sarah.encinias@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-1819-5

Body

**BACKGROUND:** A claim was filed by Braum's Inc. in the amount of \$3,274.35 for damage to a metal overhang canopy when it was struck by a City employee at Braum's restaurant located at 1002 24th Avenue Southwest on October 31, 2018.

**DISCUSSION:** This incident was investigated by Matt Hendren, Parks Supervisor. On October 31, 2018, a City employee was driving a truck that was hauling a large dumpster in its bed. While on lunch break, the employee went through the drive-through lane of Braum's; however, he did not take into account the height of the dumpster and as he approached an overhang canopy, the dumpster struck and caused damaged to it.

Braum's Inc. provided invoices totaling \$3,274.35 for the installation and replacement of the metal canopy. 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. Braum's Inc. claim in the amount of \$3,274.35 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Braum's Inc., in the amount of \$3,274.35 as set forth above, be approved.