



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1819-6**

**File ID:** SC-1819-6

**Type:** Special Claim

**Status:** Consent Item

**Version:** 1

**Reference:** Item 15

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$15,969.00

**File Created:** 12/28/2018

**File Name:** Special Claim from Cimarron Trails Apartments

**Final Action:**

**Title:** SPECIAL CLAIM SC-1819-6: SUBMITTED BY CIMARRON TRAILS APARTMENTS IN THE AMOUNT OF \$15,969 FOR DAMAGES TO THEIR PARKING LOT LOCATED 3100 ROCK CREEK TRAIL AS A RESULT OF A BROKEN WATER MAIN THAT OCCURRED ON SEPTEMBER 30, 2018.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1819-6; and, if approved, direct payment in the amount of \$15,969 contingent upon obtaining a Release and Covenant Not to Sue from Cimarron Trails Apartments.

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

**Agenda Date:** 01/22/2019

**Agenda Number:** 15

**Attachments:** City Clerk Memo, Notice of Tort Claim, Estimates, Photo

**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-1819-6

Body

**BACKGROUND:** A claim was filed by Cimarron Trails Apartments in the amount of \$15,969 for damage to the parking lot at 3100 Rock Creek Trail that occurred on September 30, 2018.

**DISCUSSION:** This incident was investigated by David Hager, Utilities Manager. On September 30, 2018, City staff responded to notice of a ruptured water main under the parking lot of the Cimarron Trails Apartments. Staff arrived at the address and observed water escaping from beneath the lot in several locations and so impeding the effort to locate the actual rupture. Staff began excavating at the site but they were unable to find the rupture until after 40 - 50 feet of the lot was removed.

Staff found a hole approximately the size of a softball in the 6-inch ductile iron water main. The main also displayed signs of moderate to severe deterioration due to its age and because the soil in the area is acidic and aggressive to metal piping. This particular segment of water main is not currently on the five-year replacement program but will be programmed for Fiscal Year 2024.

Cimarron Trails Apartments provided three (3) estimates to repair the damaged section of the parking lot, which measures approximately 2400 square feet, with the lowest estimate totaling \$15,969.

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. Cimarron Trails Apartments' claim in the amount of \$15,969.00 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Cimarron Trails Apartments, in the amount of \$15,969 as set forth above, be approved.