



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1819-10

File ID: SC-1819-10

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 20

In Control: City Council

Department: Legal Department

Cost: \$4,198.94

File Created: 03/26/2019

File Name: Special Claim from Michelle Stewart

Final Action:

Title: SPECIAL CLAIM SC-1819-10: SUBMITTED BY MICHELLE STEWART IN THE REDUCED AMOUNT OF \$4,198.94 FOR DAMAGE TO HER VEHICLE AS A RESULT OF AN ACCIDENT WITH A SANITATION VEHICLE AT 2813 WEYMOUTH COURT.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1819-10; and, if approved, direct payment in the reduced amount of \$4,198.94 contingent upon obtaining a Release and Covenant Not to Sue from Michelle Stewart.

ACTION TAKEN: _____

Agenda Date: 04/09/2019

Agenda Number: 20

Attachments: City Clerk Memo, Notice of Tort Claim, Estimate of Repair, 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-1819-10

Body

BACKGROUND: A claim was filed by Michelle Stewart in the amount of \$4,753.94 for damage her car received when it was struck by a City Sanitation truck on January 4, 2019, at 2813 Weymouth Court.

DISCUSSION: This incident was investigated by Terry Richmond, Utilities Supervisor. On January 4, 2019, a City employee was operating a Sanitation truck to service residential trash containers on Weymouth Court. As the employee proceeded between carts, he did not retract the truck's polycart arms and as a consequence, the arms struck Ms. Stewart's car legally parked at the curb.

Ms. Stewart submitted three (3) estimates to repair damage that occurred on the left side of her 2011 Nissan Altima. The lowest estimate is \$4,753.94, which includes a car rental expense of \$555 for 15 days of repairs. The estimate for actual auto body repair is \$4,198.94. After car rental expenses are incurred, a request for reimbursement of these costs will be filed as a supplement to this claim.

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. Ms. Stewart's claim in the reduced amount of \$4,198.94 appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Michelle Stewart, in the reduced amount of \$4,198.94 as set forth above, be approved.