

By: Wentworth

S.C.R. No. 34

CONCURRENT RESOLUTION

1 WHEREAS, Henry Aratow, James Drinkard, Minerva Drinkard,
2 Peter Kopels, Trudy Leggett, and Tamila Seal allege that:

3 (1) the City of Austin is responsible for the
4 maintenance and inspection of a regional detention stormwater
5 management pond, designated as pond #342, for the Slaughter Creek
6 Watershed, in accordance with the City of Austin's Drainage
7 Criteria Manual;

8 (2) on November 14 and 15, 2001, a mild to moderate
9 rainfall fell in Hays and Travis counties, Texas, followed by heavy
10 rainfall on the afternoon of November 15, 2001;

11 (3) because the drainage grate for pond #342 was
12 improperly constructed, the City of Austin failed to timely remove
13 debris from the pond, and an embankment of the pond was too short,
14 the pond flooded on November 15, 2001;

15 (4) the flooding of the pond resulted in flooding in
16 the Tanglewood Forest Subdivision, causing significant damage,
17 including loss of life;

18 (5) the City of Austin failed to maintain and inspect
19 pond #342 in accordance with the city's Drainage Criteria Manual,
20 including applicable safety criteria, and was aware of dangerous
21 conditions resulting from this failure before and during the
22 flooding on November 15, 2001;

23 (6) during the flooding on November 15, 2001, the City
24 of Austin failed to place barricades across certain areas affected

1 by the flooding, and, as a result of this failure, Nathan Leggett
2 was killed after attempting to drive through the intersection of
3 Alcott Lane and Gwendolyn Lane in the Tanglewood Forest
4 Subdivision; and

5 (7) the City of Austin's negligence in maintaining and
6 inspecting pond #342 resulted in bodily injury, death, and property
7 damage for which Henry Aratow, James Drinkard, Minerva Drinkard,
8 Peter Kopels, Trudy Leggett, and Tamila Seal are entitled to
9 recover damages; now, therefore, be it

10 RESOLVED by the Legislature of the State of Texas, That Henry
11 Aratow, James Drinkard, Minerva Drinkard, Peter Kopels, Trudy
12 Leggett, and Tamila Seal are granted permission to sue the City of
13 Austin in the manner described for a suit against the state under
14 Chapter 107, Civil Practice and Remedies Code; and, be it further

15 RESOLVED, That the mayor of the City of Austin be served
16 process.