

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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GOVERNMENT TORT CLAIM
RECOMMENDED ACTION

Agenda June 23, 1998

ASSISTANTS

To: The Board of Supervisors

Re: Claim of Linda C. Alban, No. 798-142

Original Document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

X 1. Deny the claim of Linda C. Alban, No. 798-142 and refer to County Counsel.

Deny 2. the application to file a late claim on behalf of _____ and refer to County Counsel.

Grant 3. the application to file a late claim on behalf of _____ and refer to County Counsel.

_____ 4. Approve the claim of _____ in the amount of _____ and reject it as to the balance, if any, and refer to County Counsel.

_____ 5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: John Fantham, Director
Department of Public Works

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By [Signature]

LTR9.WPT

798-142

GOVERNMENTAL CLAIM



TO: County of Santa Cruz

NAME OF CLAIMANT: Linda C. Alban

ADDRESS: 227 Lake Drive,
Aptos, California 95003

ADDRESS TO WHICH NOTICE SHOULD BE SENT: Johnson & James LLP, Post Office
Box 245, Aptos, California 95001-0245

CLAIM:

On or about February 4, 1998, claimant, Linda C. **Alban**, suffered severe emotional distress, personal injury, and property damage when her residence at 227 Lake Drive, Aptos, California, was inundated with mud, water, and debris. This inundation was proximately caused by the negligent actions of the County of Santa **Cruz** in the installation, design, construction, maintenance, operation, and control of its surface streets and sewage lines in the areas near the subject property, including **but** not limited to the drainage of surface waters on or about Highland Drive and those sewage lines situated between the **Alban** parcel described hereinabove and the Peterson parcel situated on Highland Drive contiguous to and up-gradient **from** the **Alban** parcel. A large section of upper-gradient cliff failed during the storms of February, sending a mass of, soil and debris sixty (60) to eighty (80) feet across **and fifteen** (15) to twenty (20) feet deep, including several large trees and vegetation moving downslope and impacting the claimant's home and property. Although the landslide mass did not enter the claimant's home, the landslide mass was resting directly against her house to the level of the windows on the second story. The house was red tagged by the County of Santa **Cruz**. This movement has caused the remainder of the area to become vulnerable to further slide activity. In acting as hereinabove set forth, the County of Santa Cruz committed trespass and nuisance, as well as acting in a negligent manner.

DESCRIPTION OF ECONOMIC LOSS:

At the present time a complete assessment of the cost of repair is impossible. The slide damage is hidden in part by the compacted mud and debris which has not been completely removed. This makes assessment of the structural damage impossible. Geotechnical analysis is not yet complete regarding the integrity of the slope behind the house. It is assumed that a retaining wall will be necessary. The wiring, plumbing, and foundation are all impossible to assess at this point, but a cursory examination of the foundation reveals some shift or movement in the foundational wall. Landscaping and general yard condition are completely destroyed. The

house has been unoccupied since the date of the red tag. This disruption in the claimant's daily life has been not only costly but extremely disconcerting and emotionally taxing. The uncertainty as to her future and the future of her house has caused extreme emotional distress.

NAMES OF EMPLOYEES CAUSING INJURY:

The names of the employees causing the injury are unknown at this time.

AMOUNT OF INJURY CLAIMED:

The injury is within the jurisdictional limits of the Superior Court of the State of California.

Dated: May 12, 1998.

JOHNSON & JAMES LLP,
Attorneys for Claimant, Linda C. Alban

By:


Omar F. James