



OFFICE OF THE
COUNTY COUNSEL

COUNTY OF SANTA CRUZ

GOVERNMENT CENTER
(408)454-2040
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ, CALIFORNIA 95060-4068

DWIGHT L. HERR
COUNTY COUNSEL

DEBORAH STEEN
SAMUEL TORRES, JR.
CHIEF ASSISTANTS

HARRY A. OBERHELMAN III
MARIE COSTA
JANE M. SCOTT
RAHN GARCIA
TAMYRA CODE
PAMELA FYFE
ELLEN LEWIS
KIM BASKETT
LEE GULLIVER
DANA McRAE

GOVERNMENT TORT CLAIM
RECOMMENDED ACTION

Agenda January 12, 1999

ASSISTANTS

To: The Board of Supervisors

Re: Claim of Gene & Peggy Benton, No. 899-070F

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 Gene & Peggy Benton, No. 899-070F 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
Alvin James, Planning Director

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Elle Lewis

LTR9.WPT

PER 5107 Rev. 4/97

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 9 10 et Seq., Govt. Code)

899-070 E

DEC 19 1999
RECEIVED
CLERK OF THE BOARD
BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Governmental Center
70 1 Ocean Street, Santa Cruz, CA 95060

1. Claimant's Name: Gene and Peggy Benton
Address: 526 Robin Drive
Aptos, CA 95003
Phone No: (831) 685-3000

P.O. Box to which notices are to be sent: _____

2. Occurrence: Grading and paving in contravention of Tentative Map approved by
the Board of Supervisors. See #
Date: Jr Place: Rio Highlands Subdivision, Aptos CA

Circumstances of occurrence or transaction giving rise to claim: Santa Cruz County Public Works
and Planning Departments wrongfully approved the Final Map for the Ri
Highlands Subdivision that did not substantially comply with the Rio
Highlands Subdivision Tentative Map

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
Loss of Privacy; unreasonable interference with enjoyment of home;
Nuisance: diminuation in property value; flooding; diverting of run off
water onto claimant's real property; deprivation of due process

5. Name(s) of public employee(s) causing injury, damage or loss, if known: _____

6. Amount claimed now \$50,000
Estimated amount of future loss, if known to be ascertained
TOTAL \$ _____

7. Basis for above computations: Please see No 4 above

8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction:
Municipal Court / Santa Cruz County / Superior Court

CLAIMANT'S SIGNATURE: Gene Benton - Peggy Benton

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2 123).