

OFFICE OF THE
COUNTY COUNSEL



14
143
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

ASSISTANTS

GOVERNMENT TORT CLAIM RECOMMENDED ACTION

Agenda January 26, 1999

To: The Board of Supervisors

Re: Claim of Daniel Jensen #899-075

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 Daniel Jensen #899-075 and refer to County Counsel.

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

3. Grant 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.

RISK MANAGEMENT

cc: John Fantham, Director,
Department of Public Works

By Janet McKinley

COUNTY COUNSEL

By DeJewis

LTR9.WPT

PER 5 107 Rev. 4/97

23

899-075

146

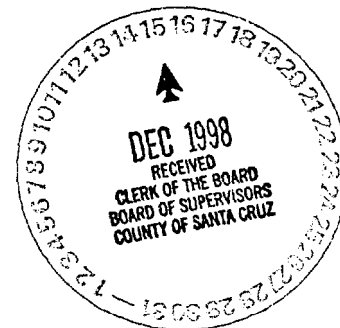
LAW OFFICES

900 LAFAYETTE STREET • SIXTH FLOOR, SUITE 600 • SANTA CLARA, CA 95050 • TEL: (408) 985-7514 • FAX: (408) 985-7431

NOTICE OF CLAIM**Sent Via Certified Mail-Return Receipt Requested**

December 14, 1998

Clerk, Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060



Re: Claimant: Daniel Jensen/Damage to Vehicle
Date of Incident: December 6, 1998

Please be notified that Claimant hereby makes a claim against the County of Santa Cruz, and each agent in the sum of one thousand dollars (\$1 ,000.00) for damage to his vehicle. Claimant makes the following statement in support of this claim

1. Claimant can be contracted through the Law Offices of Daniel Jensen.
2. Notices concerning this claim should be sent to Daniel Jensen, Attorney at Law, 900 Lafayette Street, Suite 600, Santa Clara, California 95050; telephone (408)985-7514.
3. The date and place of the occurrence giving rise to this claim is December 6, 1998, at approximately 9:00 p.m., in the County of Santa Cruz, Riva Ridge Drive near Majestic Drive.
4. The circumstances giving rise to this claim are as follows: Claimant, Daniel Jensen, was driving down southbound Riva Ridge Road just past Majestic Drive. Riva Ridge Road is a two lane mountain road. The roadway is clearly marked with a double yellow line in the center, separating the southbound from the northbound lanes. As Claimant drove down the steep incline, he observed a saw-horse hazard barrier on the far right edge of southbound Riva Ridge Road warning drivers of several potholes on the far right edge of the road. In order to avoid the hazard barrier and the potholes immediately behind the barrier, Claimant drove around the barrier towards the center of the road. As a result, Claimant drove into another pothole that was approximately six feet by twenty feet. This pothole was located in the center of the road-way, approximately 20 to 30 feet behind the hazard barrier. There was no warning signs notifying drivers of this dangerous pothole. The weather condition that

night was wet with dense fog. In addition, visibility of this pothole was further obscured due to the steep incline of the road.

Riva Ridge Road is a County maintained road. The County of Santa Cruz had notice of the dangerous condition this large pothole created on the roadway for approximately one year but failed to take any steps to either warn drivers or remedy this unsafe condition of the road. Furthermore, the see-saw barrier on the right of southbound Riva Ridge Road, forced traffic directly into the second pothole, and thus, created a trap for drivers.

5. As a result of the dangerous condition and the County of Santa Cruz's failure to warn or take any steps to remedy the roadway after they were notified of the condition and had ample time to remedy the situation, the Claimant sustained damage to his vehicle (1998 Accura NSX) in the estimated amount of approximately \$1 ,000.00 when he drove into the pothole.
6. The names of the public agents causing the claimant's damage are unknown at this time.

DATED: December 14, 1998

LAW OFFICES OF DANIEL JENSEN



Daniel Jensen

DJ:tp