

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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

DWIGHT L. HERR
COUNTY COUNSEL

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CHIEF ASSISTANTS

GOVERNMENT TORT CLAIM RECOMMENDED ACTION

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

ASSISTANTS

Agenda March 2, 1999

To: The Board of Supervisors

Re: Claim of Gary Podesto and Janice Podesto, by and through Peter W. Manion, Esq.
No. 899-081

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 Gary Podesto and Janice Podesto, by and through Peter W. Manion, Esq., No. 899-081 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.

cc: John Fantham, Director
Department of Public Works

RISK MANAGEMENT

By Barret McKinley

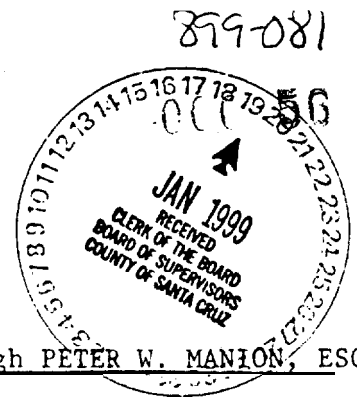
COUNTY COUNSEL

By [Signature]

LTR9.WPT

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 910 et Seq., Govt. Code)

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



1. Claimant's Name: Gary Podesto and Janice Podesto, by and through PETER W. MANION, ESQ.
c/o Hakeem, Ellis, Simonelli & Marengo
Address: 2800 W. March Lane, Ste. 200
Stockton, CA 95219
Phone No: (209) 474-2800

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

2. Occurrence: Damage to real property from soil erosion caused by failure of a three
foot (3') diameter CMP
Date: 2/2/98 Place: 1443 San Andreas Road
LaSelva Beach, California

Circumstances of occurrence or transaction giving rise to claim: A three foot (3') diameter CMP
owned and maintained by the County running underneath San Andreas Road failed
thereby causing erosion and related property damage to Claimants' property.

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:

Significant soil erosion resulting in loss of usable property, necessity of
expensive repairs, and related property damage, including, but not limited to,
loss of a wall or fence

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

6. Amount claimed now \$ In excess of \$10,000.00

Estimated amount of future loss, if known \$ _____

TOTAL \$ _____

7. Basis for above computations: N.A.

8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction:

Municipal Court Santa Cruz Superior Court

CLAIMANT'S SIGNATURE: _____

PETER W. MANION, Attorney for Claimants

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).