

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  
COUNM 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 GULLMR  
DANA McRAE

ASSISTANTS

## GOVERNMENT TORT CLAIM RECOMMENDED ACTION

Agenda March 2, 1999

To; The Board of Supervisors

Re: Claim of Richard E. Damon and Sheri L. Damon, No. 899-086

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:

1. <sup>X</sup> Deny the claim of Richard E. Damon and Sheri L. Damon, No. 899-086 and refer to County Counsel.

Deny ~~the~~ application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.

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 Janet McKinley

COUNM COUNSEL

By [Signature]

LTR9.WPT

899-086

RICHARD E. DAMON, PC  
Attorney at Law  
125 Water Street, Suite D  
Santa Cruz, California 95060  
Telephone: (831) 429-9752  
Facsimile: (831) 429-1905

Claimant in propria persona



CLAIM AGAINST COUNTY OF SANTA CRUZ

Claim of RICHARD E. DAMON )  
and SHERI L. DAMON, )  
Claimants, )  
vs. )  
COUNTY OF SANTA CRUZ, )  
CALIFORNIA, )  
Defendant. )

CLAIM FOR  
PROPERTY **DAMAGE**

[Govt Code **secs.** 815.2; 910]

TO THE BOARD OF SUPERVISORS, COUNTY OF SANTA CRUZ,  
CALIFORNIA:

YOU ARE HEREBY NOTIFIED THAT Richard E. Damon and SHERI L. DAMON, whose residence address is 327 San **Andreas** Road, Watsonville, California 95076, and whose business and mailing address is c/o Richard E. Damon, P.C., Attorney at Law, 125 Water Street, Suite D, Santa Cruz, California 95060, telephone (831) 429-9752, facsimile (831) 429-1905, claim damage from the COUNTY OF SANTA CRUZ, CALIFORNIA, in the amount, computed as of the date of presentation of this claim, of \$5,000.

This claim is based on property damage sustained by claimants on or about January 1, 1999, as the legal result of the County's negligent and intentional conduct as follows: the negligent or intentional failure to maintain a drainage ditch

CLAIM FOR PROPERTY DAMAGE - page 1

DAMON.CLM

1 owned by the County located along the south side of San **Andreas**  
2 Road and fronting on claimants' property at 327 San **Andreas**  
3 Road; the widening of San **Andreas** Road, addition of a bike lane,  
4 and the narrowing and filling of the drainage ditch which had  
5 previously been in existence at that location; addition of curbs  
6 on both sides of San **Andreas** Road to the west of claimants'  
7 property and addition of a curb on the north side of San **Andreas**  
8 Road just opposite claimants' property without addition of a  
9 curb on the south side of San **Andreas** Road; intentional design  
10 of the roadway improvements to deflect water from the road and  
11 from properties uphill from claimants' property into the  
12 drainage ditch along the south side of San **Andreas** Road and onto  
13 claimants' driveway; actual diversion of large quantities of  
14 water, sand, silt, mud and other run-off onto claimants'  
15 driveway; failure to design a drainage system which would direct  
16 run-off into a storm drain or culvert without damaging  
17 claimants' property; failure to consider direct impact on  
18 claimants' property in designing roadway improvements and in  
19 altering the natural flow of rain water, irrigation water and  
20 run-off in the vicinity; and resulting damage to claimants'  
21 driveway, culvert, and real property.

22 The cost of repairing damage caused by County's negligent  
23 and intentional conduct is \$5,000, including the cost of  
24 addition of an accessible sand trap which will catch the  
25 County's run-off and which can be cleaned and maintained; re-  
26 contouring the driveway to compensate for the run-off resulting  
27 from County interference with natural water flow; and scraping,  
28 repairing and resurfacing an approximately 200 foot-long section

1 of claimants' driveway which has been buried in silt and sand  
2 and which has washed out within the past year.

3 Any and all public employees involved in the negligent and  
4 intentional conduct were acting within the course and scope of  
5 their employment and under the direction of the County of Santa  
6 Cruz at the time of the negligent and intentional conduct which  
7 is the subject of this claim.

8 The amount claimed, as of the date of presentation of this  
9 claim, is computed as follows:

10 Scraping approximately 200 feet of driveway and making  
11 repairs: \$ 1,000;

12 Re-contouring the first 25 feet of the driveway south of  
13 the existing culvert to create a slope toward the existing  
14 county drainage ditch : \$1,000;

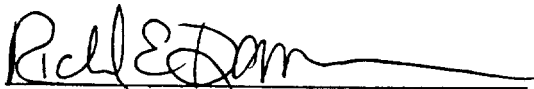
15 Resurfacing 200' x 10' driveway with oil and screenings @  
16 \$.75/square foot: \$1,500;

17 Addition of a sand trap to the county drainage ditch  
18 upslope from the driveway to catch silt, sand, mud and other  
19 run-off to avoid clogging the driveway culvert: \$1,500.

20 Total repair cost claimed from County: \$5,000.

21 All notices or other communications with regard to this  
22 claim should be sent to claimants c/o Richard E. Damon, P.C.,  
23 Attorney at Law, 125 Water Street, Suite D, Santa Cruz,  
24 California 95060.

25 Dated: January 27, 1999

26 By:   
27 RICHARD E. DAMON  
28 Claimant in propria persona