



County of Santa Cruz 25

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda August 24, 1999

To: Board of Supervisors

Re: **Claim of** Howard B. and Marianne Hamilton, No. 900-001

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 ^X . Deny the claim of Howard B. and Marianne Hamilton, No. 900-001 and refer to County Counsel.
- 2 . Deny 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 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

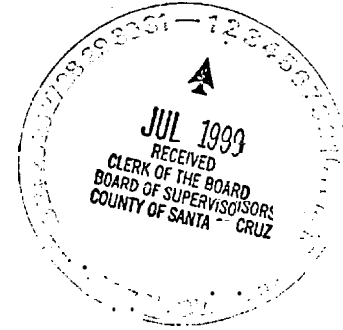
By Janet McKinley

COUNTY COUNSEL

By Samuel Torres, Jr.

PER51 07 wp rev. 4/99

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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:** Howard B. and Marianne Hamilton
Address: 551 Milky Way
 Watsonville, CA 95076
Phone No: (831)864-0555
2. **Occurrence:** Ongoing **Date:** 3/10/99 **Place:** APN-049-022
3. **Circumstances of occurrence or transaction giving rise to claim:** Damage to Real Property known as APN-049-022-58 by County of Santa Cruz, Drainage Improvements to White Road - most recently water piped 500 yards away from White Rd., across intervening property. The County piped surface water drainage from White Rd. through our neighbor's property to our property.
4. **General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:** The property is being physically invaded by surface water runoff diverted onto the property by pipes constructed and maintained by the County and the property is being eroded and physically washed away by the surface water runoff. There is elimination in value to the amount of land eroded away and the reduction in fair market property value due to the reluctance of a prospective buyer to pay full value given the ongoing erosion and use of the property as a drainage way outside the usual streambed.
5. **Name of public employee(s) causing injury, damage or loss, if known:** Department of Public Works
6. **Amount claimed now:**

Present Out of Pocket	\$9,000.00
Estimate to Fix	\$35,000.00
TOTAL	\$44,000.00
7. **Basis for above computations:** Estimates and Invoices
8. **If the amount claimed is over \$10,000, indicate the court of jurisdiction:** SUPERIOR COURT

CLAIMANT'S SIGNATURE:

Alex Friedland
 ALEX FRIEDLAND, Attorney for
 Marianne and Howard B. Hamilton