



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda November 20, 2001

To: Board of Supervisors

Re: Claim of Harvey Douglas Gold, No. 102-041

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. Reject the claim of Harvey Douglas Gold, No. 102-041 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: Tom Bolich, Director
Department of Public Works

RISK MANAGEMENT

By Janet McKinley
Janet McKinley, ARM, Risk Manager

SAMUEL TORRES, JR., COUNTY COUNSEL

By Kim Elizabeth Baskett
Kim Elizabeth Baskett, Assistant County Counsel

102-041

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



0026

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Government Center

701 Ocean Street, Santa Cruz, CA 95060

- 1. Claimant's Name: Harvey Douglas Gold
Address: 1975 Seascap Blvd Aptos, CA 95003
- 2. Occurrence: Retaining Wall Washout
- 3. Date: 25 Jan & 5 Jul 2001 Place: 1975 Seascap backyard

Circumstances of occurrence or transaction giving rise to claim: During development of the Uplands a storm drainage system, maintenance road and buhrm were installed with County approval. The last/lowest drain along the maintenance road is behind our home. Coexisting with the drain is the lowest point in the maintenance road. The buhrm does not extend across the back of our property below this lowest point. On 25 January we had a heavy rain. The storm drain system was not sufficient to handle the water. The water crossed the road, came down the Uplands green space behind our home and began washing under and over our upper retaining wall. Clearing the upper retaining wall the water also washed under our middle retaining wall and finally our lower retaining wall. The lowest retaining wall was pushed about 6" towards our home. On 5 July a moving van backed over a fire hydrant. The water filled the drainage ditch, overflowed the lowest drain (the one behind our home), and cascaded down the hill causing further damage to our retaining walls.

- 4. General Description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: Ray, your Director of Public Works inspected the damage and said it was due to the decay of my wood retaining wall. I spoke with Walt and Chris (DPW) and Andy Anderson regarding the problem and they all assured me that the development was completed in accordance with the approved county plans. Our claim is that had the county required the developer to run the diversion buhrm beyond the lowest point in the maintenance road that the water would have been diverted to the catch basin and thus protected our property from this water damage. We're not asking for compensation for the damaged retaining walls. We are asking that the county in cooperation with the Uplands property manager (Anderson and Company) see that the buhrm be properly engineered and extended beyond the lowest point in the maintenance road and thus prevent further uncontrolled water cascading onto our property.

One of the promises given to the homeowners when the Uplands project was approved is that we would not suffer any effects from the development and construction. Unfortunately this has not been the case.

- 5. Name(s) of public employee(s) causing injury, damage or loss if known: Unknown
- 6. Amount claimed now \$ None
Estimated amount of future loss, if known \$ unknown
- 7. Basis for above computations: _____
- 8. If the amount claimed is over \$10,000, indicate the court of jurisdiction:

_____ Municipal Court _____ Superior Court

CLAIMANT'S SIGNATURE: Harvey D. Gold

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 454-2123)

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cc: Jerry and Susan Hoffman, Ruth and Earl Johnson, Anderson and Company

2/0-15-01