



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 606, SANTA CRUZ, CA 950604068
(831) 464-2040 FAX: (831) 464-2116

SAMUEL TORRES, JR., COUNTY COUNSEL

Assistants

CHIEF ASSISTANTS
RAHN GARCIA
DANA McRAE

Deborah Steen	Kim Baskett
Harry A. Oberhelman III	Julia Hill
Marie Costa	Shannon Sullivan
Jane M. Scott	Sharon Carey-Stronck
Tamyra Rice	Dwight L. Herr
Pamela Fyfe	

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda November 20, 2001

To: Board of Supervisors

Re: Claim of Paul and Catherine Rucker, No. 102-044

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 Paul and Catherine Rucker, No. 102-044 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

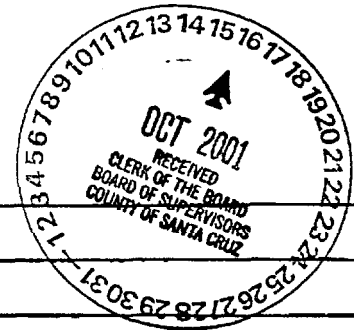
By Kim Elizabeth Baskett
Kim Elizabeth Baskett, Assistant County Counsel

102-044
CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 910 et Seq., Govt. Code)

Rucker

0036

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: Paul and Catherine Rucker
Address: 3536 Gross Road
Santa Cruz CA 95062
Phone No: 831-476-8145
P.O. Box to which notices are to be sent: _____
2. Occurrence: Public Nuisance which has become a continuing private nuisance
Date: 04/15/2001 continuing on Place: 40th Ave and Newport Ave.
Circumstances of occurrence or transaction giving rise to claim: Wooden barriers which prevent traffic from using some streets are causing us traffic problems different in kind and degree than the public in general. Access to our property is being blocked by bumper to bumper traffic stopped in front of our house for increasingly longer periods of time on almost a daily basis. The inability to use alternative routes forces traffic onto our street due to congested traffic on Soquel Ave.
3. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
See attachment A
4. Name(s) of public employee(s) causing injury, damage or loss, if known; see attachment A
5. Amount claimed now \$ _____
Estimated amount of future loss, if known \$ _____
TOTAL \$ See attachment B
6. Basis for above computations: See attachment B
7. If the amount claimed is over \$10,000, indicate the court of jurisdiction:
_____ Municipal Court Santa Cruz County _____ Superior Court
- CLAIMANT'S SIGNATURE: Paul Rucker, Catherine Rucker H/W

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-

14
2/10-15-01

Attachment A

By preventing equal distribution of traffic due to barriers in our area the concentration of traffic in front of our home obstructs the free use and enjoyment of our property. The increased noise levels, decreased air quality, loss of privacy, and problems with access to our property due to overflow traffic stopped in front of our home for increasingly longer periods of time has also inflicted mental and emotional distress, resulting in anxiety and depression for which one of us is currently under a physician's care and taking medication. New development, which could have been routed through a neighborhood with no traffic problems, was instead approved to access our street, which was known to have severe traffic problems. Although this development is not yet completed it has the future potential of further exacerbating worsening conditions. Under statutes governing continuing nuisances every repetition of the continuing nuisance is a separate wrong, subject to a new and separate limitation period, therefore we are claiming that our injury begins six months prior to your receipt of this complaint and continuing until abatement of the nuisance.

Attachment B

Our primary concern is abatement of the nuisance[s]. We are requesting the sum of \$50.00 per day for each day that we have been subjected to inconvenience, discomfort, loss of enjoyment of our property, and emotional distress. However as the situation worsens daily and we are being subjected to longer and longer periods of deprivation we can only assess damages based on how quickly abatement proceedings occur. If the quality of our life deteriorates still further caused by your failure to act promptly then our future loss will be much greater.

