Yucaipa Valley Water District

Workshop Memorandum 12-079

Date: **April 10, 2012**

Subject: **Denial of Claim Related to Sidewalk Subsidence at 11616 Holmes Street, Yucaipa**

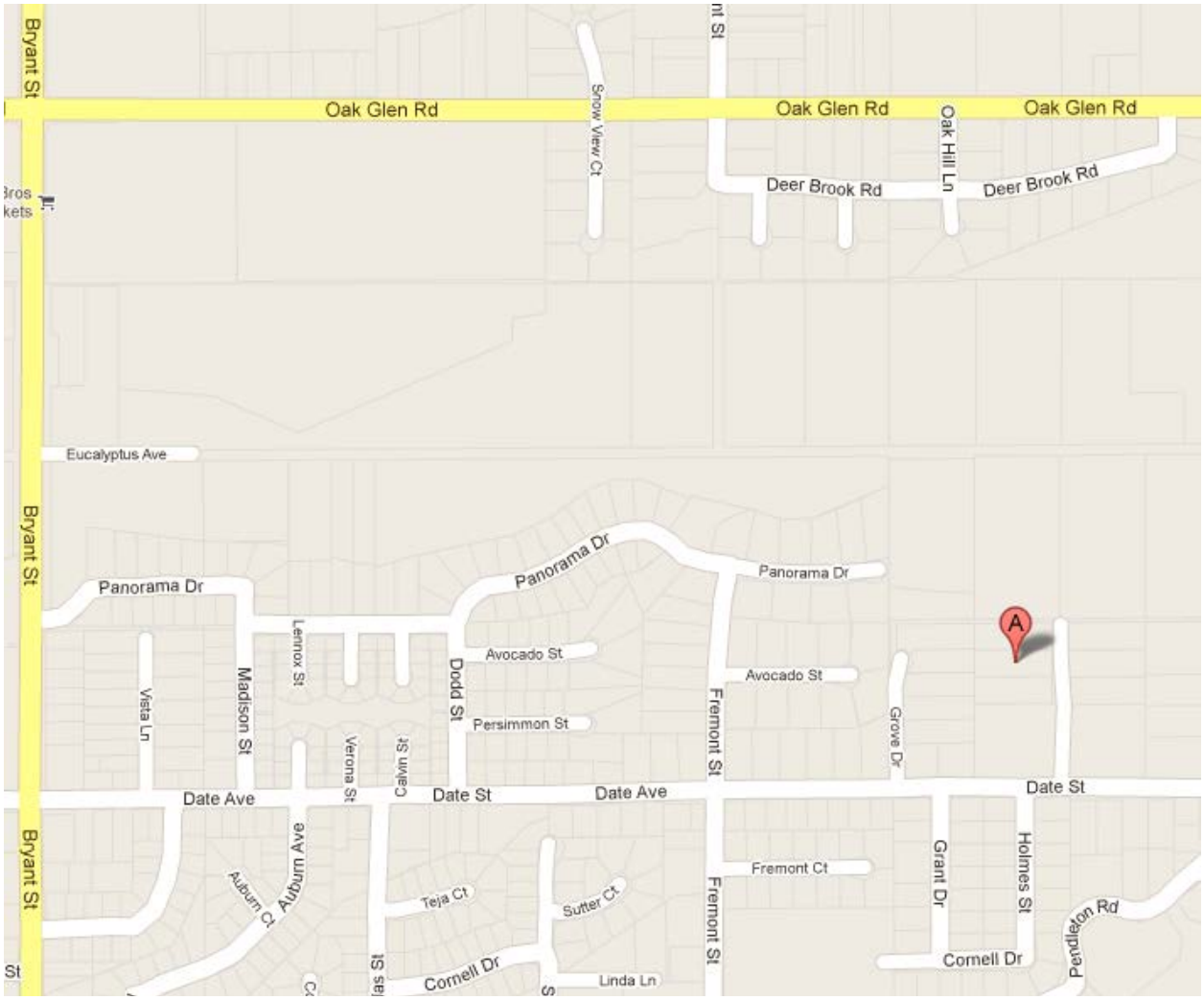
On March 28, 2012, the District received a claim from Steve Fick for the replacement of sidewalk sections located at 11616 Holmes Street, Yucaipa. The claim states that two sections of sidewalk each eight feet long and adjacent to the sewer lateral trench are sinking, causing a tripping hazard. Mr. Fick is claiming that the subsidence of the sidewalk was caused by compaction above a sewer lateral. No monetary damages were listed on the claim.

Without stated monetary damages, the claim is incomplete and invalid. The claimant was notified that a specific amount for monetary damages must be included for the claim to be valid. However, in the interest of time, District staff investigated the validity of the claim. The subject property is on a private street, where most of the residences had sewer laterals installed prior to sidewalks being required. The District installed a sewer lateral in 1999, cutting and later replacing a two foot wide section of the sidewalk (copy of Permit for Sewer Connection attached). The property is on the west side of the street and slopes away from the street, with a mounded shrubbery garden adjacent to the sidewalk for most the length of the property frontage. There is a subsidence along the entire length of the eight foot sections adjacent to the sewer lateral, with the section to the north having the most severe subsidence of the sidewalk section causing roughly a three inch rise above the curb next to the street and a similar depression on the side adjacent to the garden. The two foot section over the sewer lateral show little if any subsidence. Additionally, there are three sidewalk sections to the north of the driveway that have significant cracks adjacent to the shrubbery garden approximately twenty to twenty five feet north of the sewer lateral. There was no claim for these sidewalk sections.

While inspecting the sidewalk subsidence, Mr. Fick stated that the cracked sidewalk panels not part of the claim were cracked by a forklift delivering masonry or bricks at some earlier date. I also observed that the garden adjacent to sidewalk was mostly bare ground mounded four to six inches higher than the sidewalk and then sloping away from the street towards the residence.

Based on the facts related to this issue, the District staff concludes that the sewer lateral, installed more than a decade ago, appears to show very little subsidence. The subsidence of the adjacent sidewalk sections appears to have resulted more from watering of the lawn and garden adjacent to the sidewalk where the irrigation water has percolated along the sidewalk, thus weakening the sidewalk foundation and causing the sidewalk sections to subside as a monolithic unit over the years. It is noted that the sidewalk panels adjacent to the garden to the north of the driveway cracked when a load was placed, indicating a similar lack of support where water could saturate the sidewalk foundation. Therefore, the District staff recommends denial of the claim.

Location of subject property:



Yucaipa Valley Water District
12770 Second Street • P.O. Box 458 • Yucaipa, CA 92399 • (714) 797-5117

RECEIVED
MAR 28 2012
YUCAIPA VALLEY
WATER DISTRICT

CLAIM FOR DAMAGES
TO PERSON OR PROPERTY

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2)
2. Claims for damages relating to any other cause of action must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2)
3. Read entire claim before filing.
4. See Page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.
7. Claim must be filed with Board Secretary.

Name of Claimant

Steve Fick

Home Address of Claimant — City and State

11616 Holmes — Yucaipa Ca

Home Telephone Number — Business Telephone Number

797-4688 — 951-532-4992

Business Address of Claimant — City and State

11616 Holmes Yucaipa Ca. 92399

Give address to which you desire notices or communications to be sent regarding this claim:

ongoing

When did DAMAGE or INJURY occur?

Date:
Time:

How did DAMAGE or INJURY occur? Give full particulars.

In 1999 YVWD extended the sewer lateral from the street to our property, this process involved ~~cutting~~ cutting a 2' trench in our side walk

Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on reverse side of this sheet. Where appropriate, give street names and addresses and measurements from landmarks:

Front side walk area

What particular ACT or OMISSION do you claim caused the injury or damage? Give names of District employees causing the injury or damage, if known: NON Compaction of the area beneath the cut & patch

What DAMAGE or INJURIES do you claim resulted? Give full extent of injuries or damages claimed: (2) 8' section of sidewalk are sinking in the area next to the 2' cement patch, causing the other ends to raise aprox. 3" causing a severe triping hazzard.

What AMOUNT do you claim on account of each item of injury or damage as of the date of presentation of this claim, giving basis of computation:

Give ESIMATED AMOUNT as far as known, that you claim on account of each item of prospective injury or damage, giving basis of computation: N/A

Name and address of Witnesses, Doctors and Hospitals

N/A

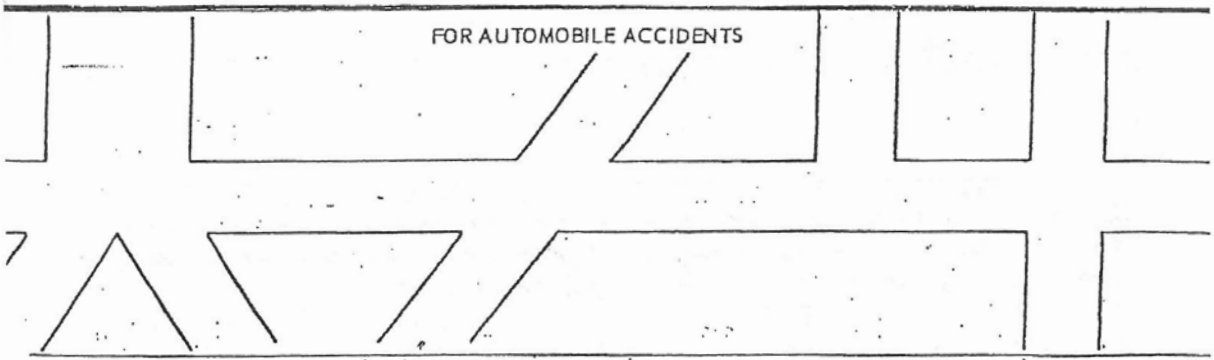
READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South, and West: indicate place of accident by "X" and by showing house numbers of distances to street corners.

If District Vehicle was involved, designate by letter "A" location of District vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw District vehicle: location of District vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.

FOR AUTOMOBILE ACCIDENTS



Signature of Claimant or person filing on his self giving relationship to Claimant:	Typed Name	Date

NOTE: Presentation of a false claim is a felony (Cal. Pen. Code Sec. 72)

CLAIMS MUST BE FILED WITH BOARD SECRETARY

Vacant

YUCAIPA VALLEY WATER DISTRICT

PERMIT FOR SEWER CONNECTION

PERMIT № 8860

797-5117

A.P. # 321 - 161 - 31 38 A.D.# 5

JOB ADDRESS 11616 Holmes St. Lot 2 PM 12992 STREET

PROP. OWNER James Cobrae PHONE 797-2505

ADDRESS 35614 Ivy Ave. CONTRACTOR

Yucaipa ZIP 92399 STATE LIC. #

BILLING START DATE PHONE

OWNER OR CONT. SIG. DATE 12-12-90

PERMIT FEE 50.00 ADDITIONAL FEE TOTAL

RECEIVED BY DATE

COMMENTS

WORKERS COMP. INS. CARRIER

Distribution
White YVWD
Yellow BIL.
Pink INSP.
Goldenrod CUSTOMER

Agreement:
Owner and Contractor agree to abide with the laws, ordinances and regulations that are now or may be in force by the United States Government, the State of California, the County of San Bernardino, and the Yucaipa Valley Water District pertaining to connections to sewer systems. Owner and Contractor are aware of their liability for violation and penalty in accordance with said laws, ordinances, and regulations, and shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.
Sewer User Fees are applicable upon date of connection to the sewer system.
This permit expires _____ months from date of application.

DIST. APPROVAL

Erin Stuart

Signature of Owner/Agent

4 **SEPTIC TANK AND PIT ABANDONMENT**

PUMPING OF SEPTIC AND CESSPOOL CAN BE POSTPONED UNTIL SCHEDULED BY DISTRICT AT WHICH TIME ARRANGEMENTS FOR PUMPING SHOULD BE MADE

A PUMP SEPTIC & PIT

New Const.

B BACKFILL SEPTIC & PIT

C FINAL INSPECTOR DATE

3 **CONNECTION TO HOUSE AND DIST.**

A BACKFILL

D WATER SOFTENER

B X CONNECT TO DISTRICT

E NEED RWV YES DIST & RW C/O TO NEAR E/G OTHER

C X CONNECT TO HOUSE INSPECTOR 8/10/93 DATE

2 **SEWER LINE CONSTRUCTION**

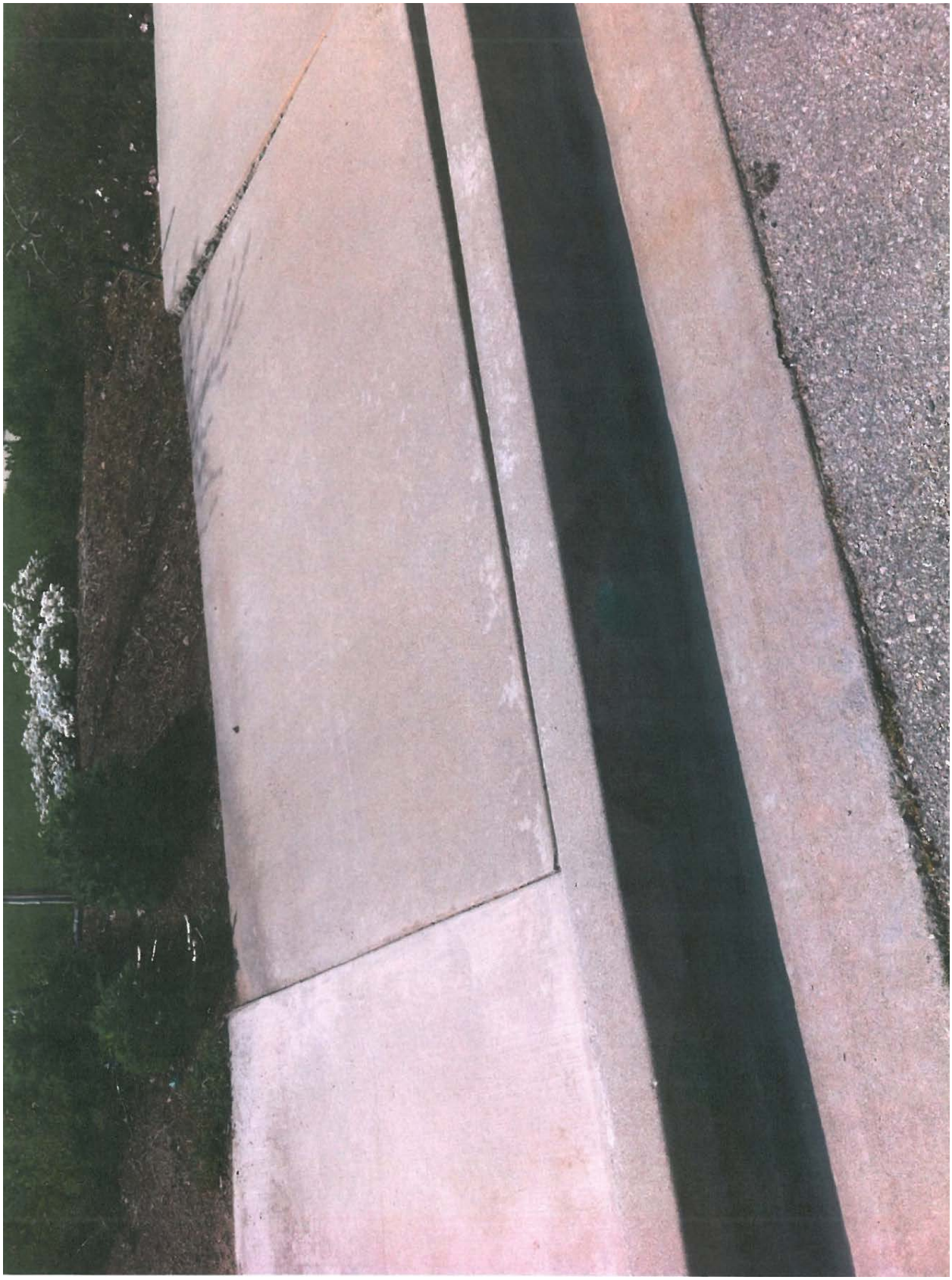
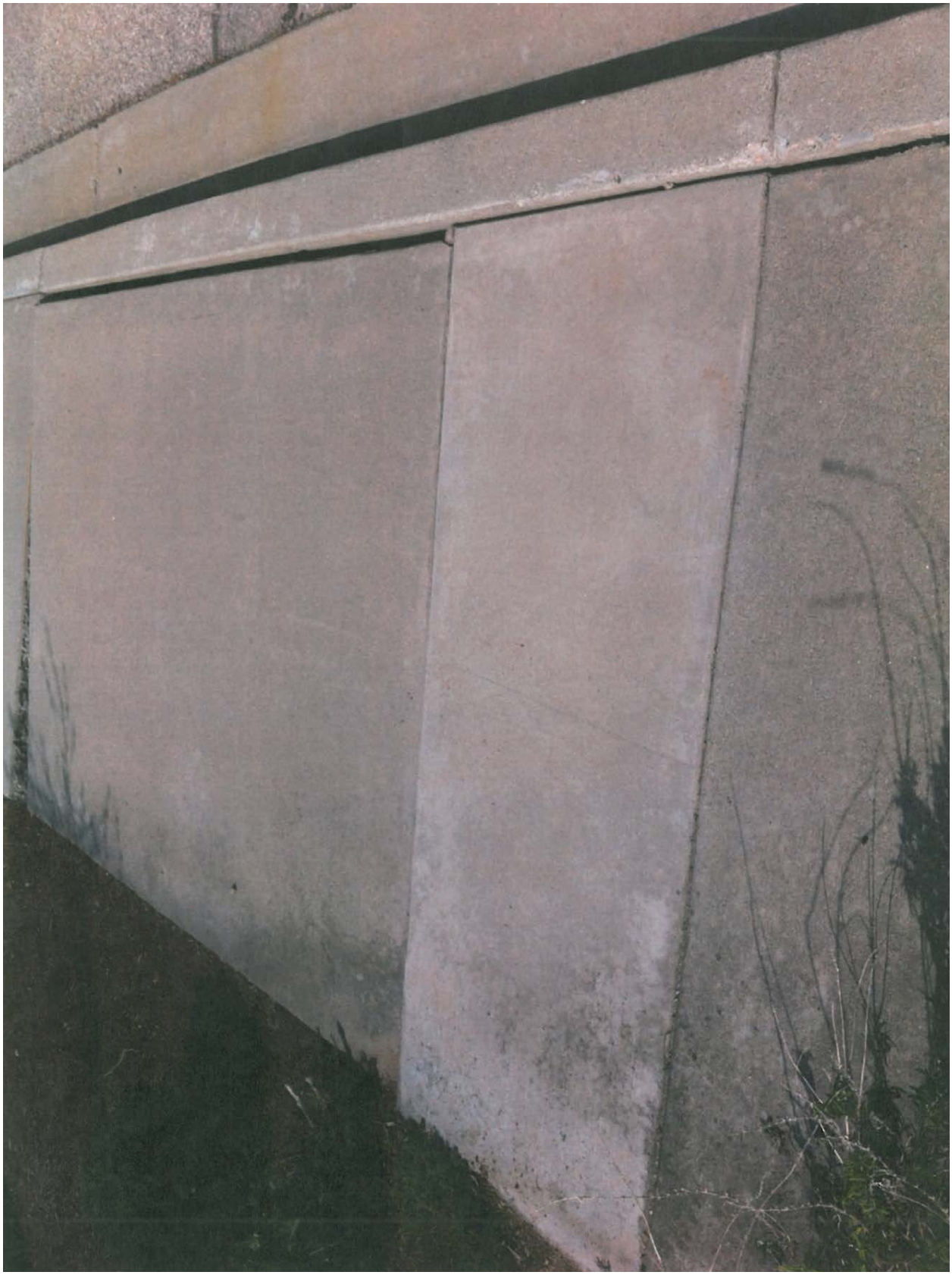
A TRENCH EXCAVATION

B PIPE INSTALLATION

C PIPE TEST INSPECTOR DATE

1 **LATERAL LOCATION**

A AS-BUILT EXCAVATION

B ELECTRONIC LOCATION

C EXCAVATION INSPECTOR DATE