



Santa Clara Valley Water District

File No.: 17-0036

Agenda Date: 2/28/2017

Item No.: 3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Claim of Donald Bean.

RECOMMENDATION:

Deny the claim of Donald Bean.

SUMMARY:

In October of 2016 the claimant, San Jose Resident Donald Bean, filed a claim for reimbursement for damages to his concrete pool decking due to improper grading after a pipeline project (Almaden Valley Pipeline-constructed in 1965) along District property that backs up to his yard. He claims that improper grading caused water to leak into his yard which has, over time, been undermining his concrete pool decking. Mr. Bean has not asserted any specific dollar amount as damages.

Staff met with Mr. Bean who explained that he felt the District property was sloped towards his property and, when it rained, water would pool on the District property. He felt that this pooling caused cracks to his pool decking, which is over 60 years old. Staff noticed cracking on both sides of the pool deck, but more on the side that abutted District land.

Subsequently, a District Civil Engineer in the Utility Maintenance Engineering unit inspected the property. From his visual inspection, as well as review of GIS topography maps, the engineer determined that Mr. Bean's property sits approximately one foot above the adjacent District property and that any rainfall on the District property would not drain towards Mr. Bean's property, but rather would pond on the District property and eventually percolate into the ground.

Due to the age of the deck, the length of time since the installation of the pipeline and the engineer's report, staff recommends that the claim be denied.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

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CEQA:

The recommended action is a ministerial action and thus is not subject to the requirements of CEQA.

ATTACHMENTS:

Attachment 1: Claim

UNCLASSIFIED MANAGER:

Stan Yamamoto, 408-630-2755