



GENERAL LIABILITY CLAIM AGAINST THE CITY OF PORTLAND

** for damages to persons or property **



File Number: 2023-013972-20

A claim must be filed with City of Portland Risk Management within 180 days after the occurrence of the incident or event.

Normal business hours: Monday through Friday, 8:00am to 5:00pm. Closed on official holidays.

Claims received during regular business hours will be recorded on the date received.

Faxed or emailed claims received after business hours will be recorded on the next working day.

Please be sure your claim is against the City of Portland, not another public entity.

Where space is insufficient, please use additional paper and identify information by section number and letter.

Completed forms may be mailed, emailed, faxed, or hand-delivered to:

Risk Management/Liability, 1120 S.W. 5th Ave., Suite 1040, Portland, OR 97204-1912, Ph: 503-823-5101,

Fax: 503-823-6120 LiabilityClaims@portlandoregon.gov

1. Claimant (Circle: Mr) Mrs. Ms. Miss) Paul Golden Date of Birth [REDACTED]

a. Address 2550 NW Marcia Street City Portland State OR Zip 97210

b. Home Phone _____ Business Telephone _____ Cell Phone 415-341-5600

c. Occupation Film Producer d. Marital Status: Single () Married () Divorced or Widowed (**x**)

If married, name of spouse Widowed

d. E-mail address [REDACTED]

2. If claim involves a vehicle: a. Year, make and model _____

b. License Plate Number _____ Driver's License Number _____ State _____

c. At time of accident, were you (check all that apply) Owner: _____ Driver _____ Passenger _____ N/A _____

d. Name and address of owner if different from claimant (1. Above) _____

3. Occurrence or event from which the claim arises:

a. Date [REDACTED] Time June 12, 2023 Circle AM / PM

b. Place (exact and specific location) NW Lovejoy side of 2550 NW Marcia Street,
Portland OR 97210

c. Specify the particular occurrence, event, act, or omission by the City that you believe caused the injury or damage (use additional paper if necessary): _____

City performed sewer work in Claimant's yard damaged water service pipes irreparably. Please see statement attached.

d. State how the City of Portland or its employees were at fault: _____

Instead of using hand-tools, City contractors used heavy excavation equipment repeatedly (3x) in a yard with a previously trouble free water service. Their attempt to fix they break they caused was unsuccessful.

e. Were you on the job at the time of the accident? Yes x No _____


If yes, what is the name / phone number of employer N/A - I witnessed the excavation from my house

4. **Description:** Describe the injury, property damage or loss so far as is known at the time of this claim. _____
A new water service at a cost of \$5,437 was required to replace
existing water service damaged by City crews.
5. ***We are required to report all claims for injuries to Medicare/Medicaid Services***
If you were injured please provide the following: Social Security #: _____
Medicare/Medicaid Beneficiary? Yes _____ No _____
6. **Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury** _____
Portland Bureau of Env. Services/Cheryl Kuck & JW Fowler, General
Contractor - Westover Sewer Project
7. **Name and address of any other person injured** _____
8. **Name and address of the owner of any damaged property if different from claimant** _____
9. **Damages claimed:**
- a. Amount claimed as of this date: \$ 5,437.00
 - b. Estimated amount of future costs: \$ TBD
 - c. Total amount claimed: \$ _____
 - d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): _____
see attached invoices
10. **Names, addresses / phone #s of all witnesses** _____
Tim Ryan - Mike Patterson Plumbing - 503-509-1733
John Prockish - American Sprinklers - 503-319-5405
Todd Rhodes - Bureau of Dev Services - 503-823-5475
11. **Any additional information that might be helpful in considering your claim** _____
Please see attached statement and chronology.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (ORS 162.085)

I have carefully read the statements made in this claim, including any attached sheets, and I know them to be true of my own knowledge, except as to those matters stated upon information or belief and to such matters I believe the same to be true. I understand and acknowledge that all statements made in this claim are made to a public servant of the City of Portland, and that the statements are in connection with an application for a benefit from the City of Portland.

Date: July 20, 2023



Claimant's Signature

Print Name

Golden Residence Claim Against City of Portland Statement

I'm Paul Golden, owner of the property at 2550 NW Marcia St., Portland, OR 97210 at the corner of NW Lovejoy St. I am making a claim against the City of Portland for the damage and subsequent repair costs of a water service line in the side yard of my property.

As part of the Westover Rd. Sewer Project in 2022/2023, starting on or around October 28, 2022, crews from contractor JW Fowler excavated and installed a new sewer lateral pipe in my yard adjacent to NW Lovejoy street. The house, built in 1942, has an existing water service comprised of a potable water line for the house and a potable water line to the double check valve of the irrigation system. Prior to work in October 2022, the water service and irrigation system has performed flawlessly without incident.

Around October 28, the JW Fowler crew entered my yard with earth movers and jack hammers. Their first attempt to locate the existing sewer lateral failed as their survey indicated a location six feet east of the actual spot. Fowler came back a few days later and dug up a new spot and located the sewer lateral. They replaced the lateral and connected it to street.

On or around January 18, the Portland Water Department determines my neighbor to the East, Anne Yoo, is experiencing flooding in her basement. The Water Dept. person examines my water meter and notices extreme dial movement indicating an active leak. They shut off my water. I check with the Water Department and the bill is four times the normal amount. It appears excess water usage started on October 31, when the Fowler crew began their work on my property. I inform Cheryl Kuck at Environmental Services.

On January 20, Fowler comes back and caps irrigation water service line at the area where sewer work was done. The crew promises to come back and fix this service line at a later date. Because it's mid-winter, it is acceptable to me that they fix this on a less urgent schedule. They come back later that month and make their repair. It's not determined if their fix has worked. The meter is still moving.

In the meantime, we still need to determine where there continues to be a leak. On January 31, American Leak Detectors comes to the property and locates the leak at the place where the sewer work was performed.

On February 8, I have Anctil Plumbing install a new shut-off valve in my house to

verify that the house is not part of the excess water. This proves there's still a leak in the yard.

On March 2, I'm informed by the City that Fowler needs to come back and replace the sewer lateral because of a spec mistake on Fowler's part. I remind them they still need to address the capped off water service line

On March 6, Fowler comes back for a third time with earthmovers and jack hammers in my yard. The work is very loud, pounding and vibration-filled.

In April, Fowler reconnects the water service line with a compression fitting and PVC pipe. It is determined later on via a City Building Inspector that this fitting was insufficient and not code-compliant for a water service line. The Fowler crew complains that because I have galvanized pipe in my yard, they're not sure if they can warrant a fix.

On April 22, American Sprinkler comes out to investigate why the sprinklers are not functional after Fowler has reconnected the water service line

It's determined by American Sprinkler that the Fowler crew has reconnected the water service line incorrectly without purging the system, sending debris into the control valves. This requires the valves to be replaced.

On April 25, Fowler agrees to hire American Sprinkler to fix the sprinklers. AS returns May 12 to replace the damaged control valves.

On June 9, my gardener, Jamie Kissler and I notice a large leak in the yard where the Fowler crew was working.

On June 12, I have Anctil Plumbing come out and they assess that the damage Fowler has done to my water service lines is practically irreparable and the only way to fix this would be to run new lines.

I inform the Cheryl Kuck at the City of my findings and am told to file a claim because Fowler says that because my pipes are older galvanized, they are not going to do any more work. This is sort of like saying "I'm sorry I flew my plane into your roof, but because the roof is old, I can't fix your roof."

In July, I hire Mike Patterson Plumbing to re-run new pex lines from the street to the double check. The irrigation pipes after the double check are left intact.

The reason that Fowler and the City are responsible is that Fowler did not exercise due care and diligence to determine whether my yard could take three successive heavy equipment sessions. In a house that is 80+ years old, they should have

started excavation with hand tools which would have been far less invasive and destructive.

Then, when Fowler tried to fix the pipes they broke, they delivered an inadequate, non-code compliant repair which failed almost immediately. I gave them several opportunities to cure this, but they had other fish to fry. Apparently JW Fowler is not concerned with residential property and their owners and primarily focused on civil engineering and large scale projects. They did not have the bandwidth or interest to diagnose and rectify the damage they caused to my property.

Until they arrived, I had zero problems with my water system. After they left, it was wrecked. I'm asking for reimbursement on the cost of re-running the water service lines so that I can have an irrigation system that is intact and functional.

Below is the report from the City inspector after the new water service was run:

Todd Rhodes, Bureau of Development Services - Water Inspector

Date/Time : 7/19/23 11:20AM

Inspection involved replacement of tee tapped water service for irrigation line. Consultation on an attempted fix of the irrigation domestic supply to the double check, damage during city main sewer line replacement. Determined by senior plumbing inspector that the installation method and coupling material as installed by the city contractor as inadequate per code.

Also attached is a photo of the work that JW Fowler did that did not meet code and failed.

Side Yard Chronology

Players:

HOMEOWNER is Paul Golden

CITY is Portland Bureau of Environmental Services, Cheryl Kuck

FOWLER is JW Fowler, the Westover Road Sewer Repairs general contractor.

American Sprinkler repairs sprinkler system

American Leak Finders were hired to assess the leak location.

Ancil Plumbing quoted the repairs

Bill Patterson Plumbing also quoted and made the repairs.

Todd Rhodes is Bureau of Development Services Inspector who inspected Patterson's work.

October 28-31, 2022

Fowler crew comes into yard with Earth Movers and Jack hammers. 1st pass digs in the wrong place and cannot locate sewer lateral. Comes back a few days later and locates sewer lateral. Replaces it to connect to street.

January 18, 2023

Water Department shuts off water main, says excessive water use is causing flooding in neighbors basement

Problem reported to City construction.

January 19, 2023

Water Department turns on water again

January 20, 2023

Fowler comes back and caps irrigation feed line at area where sewer work was done. Crew promises to come back and reconnect to rest of irrigation feed.

January 31, 2023

American Leak detectors come to find leak in the yard. Leak found at location of sewer lateral work

February 8, 2023

Ancil Plumbing comes and installs a new shut-off in the house. It is determined that there is still a leak in the yard and no draw in the house.

March 2, 2023

Informed by City that crews need to come back and replace sewer pipes again due to a spec problem. I remind them they need to reconnect irrigation lines.

March 6, 2023

Crews come back to replace sewer pipes again and heavy equipment is used.

April 2023

Irrigation line is reconnected.

April 22, 2023

American Sprinkler comes out to investigate why sprinklers are not working. Reports that debris introduced with City fix has harmed sprinkler system.

April 25, 2023

Fowler and City agree to hire American Sprinkler to fix sprinklers.

May 12, 2023

American Sprinkler comes back to do work on fixing damaged control valves

June 9, 2023

Homeowner and gardener notice large leak in the yard where work was done.

June 12 2023

Ancil Plumbing comes out to investigate. Determines it is a major breach and water must be shut off.

Ancil says that the breach is probably unwise to repair because of risk of future failure. Cause was definitely related to City sewer work in yard. Recommends replacement of water system with pex lines to replace galvanized pipes.

June 12 2023

Homeowner reports to City on the findings. City response from Cheryl Kuck is pipes are old, not our problem. Suggest I file a claim.

June 14, 2023

Receive quote for \$6800 from Ancil to do the replacement work.

June 23, 2023

Visit from Mike Patterson Plumbing for 2nd estimate. Homeowner decides to go with Patterson because of a more conservative, incremental approach. Patterson says that they won't know the extent of the issue until they excavate to determine the precise pathway of the water service.

June 26, 2023

Excavation begins again to expose city fixes and it is determined that fixes were temporary and not to code.

Determined that new (potable) water service lines leading to double check valves of irrigation system will need to be installed to bypass damaged original water service lines. New lines will be installed through boring under yard.

Patterson performs excavation work to determine pathways of existing water service.

June 30, 2023

Patterson invoice for \$1,587 for excavation services in advance of water service work.

July 12, 2023

Patterson supplies estimate of \$3,850 to install new water service including the boring and connection of new fixtures.

Work authorized to begin.

July 14, 2023

Boring prep begins

July 18, 2023

Yard boring and install of new potable water pex lines from water main to double check valves

July 19, 2023

Bureau of Development Services inspector Todd Rhodes inspects and approves new plumbing work on water service. Rhodes also inspects work performed by Fowler crew and determines in consultation with his supervisor that the failed compression fittings installed by Fowler were not to code (should have used a Romac coupler at least) and would not have been a code-approved fix.

July 20, 2023

Excavation holes re-filled, post inspection, by Patterson Plumbing.



