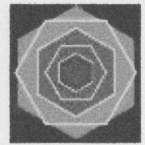




# GENERAL LIABILITY CLAIM AGAINST THE CITY OF PORTLAND

\* for damages to persons or property \*



File Number: \_\_\_\_\_

**2022-011866-20**

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. 5<sup>th</sup> 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) ROBERT CHIDSEY Date of Birth [REDACTED]
- a. Address 5858 NE SUMNER ST City PORTLAND State OR Zip 97218
- b. Home Phone 503.477.6056 Business Telephone same Cell Phone 440.668.5102
- c. Occupation DESIGNER d. Marital Status: Single ( ) Married ( ) Divorced or Widowed ( )
- If married, name of spouse DIANE CHIDSEY
- 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 \_\_\_\_\_
- N/A 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 11/13/2019 Time 10:00 AM → Circle AM PM
- b. Place (exact and specific location) 5858 NE SUMNER ST / FRONT  
as part of "ROSELAWN BUNDLE WATER MAIN REPLACEMENT PROJECT"
- 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):  
(Please see attached)
- d. State how the City of Portland or its employees were at fault: \_\_\_\_\_  
Locations were INCORRECTLY MARKED on  
the street
- e. Were you on the job at the time of the accident? Yes \_\_\_\_\_ No ✓
- If yes, what is the name / phone number of employer \_\_\_\_\_

4. **Description:** Describe the injury, property damage or loss so far as is known at the time of this claim. \_\_\_\_\_

(please see attached) PIPE DAMAGED

5. **\*We are required to report all claims for injuries to Medicare/Medicaid Services\***

If you were injured please provide the following: Social Security #: \_\_\_\_\_

N/A Medicare/Medicaid Beneficiary? Yes \_\_\_\_\_ No X

6. **Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury** \_\_\_\_\_

WATER BUREAU / DIRT AND AGGREGATE INTERCHANGE

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:

\$420.00 + \$938.45 = \$1,358.45

b. Estimated amount of future costs:

\$3,880.00

c. Total amount claimed:

\$5,238.45

d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): \_\_\_\_\_

BILLS, ESTIMATES, INVOICES FROM LOTUS PLUMB-  
ING  
AND APOLLO PLUMBING

10. **Names, addresses / phone #s of all witnesses** \_\_\_\_\_

THE D & A CREW

APOLLO TECHNICIANS

11. **Any additional information that might be helpful in considering your claim** \_\_\_\_\_

(please see attached)

**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: 1/27/2022

[Signature]  
Claimant's Signature

ROBERT CHIDSEY  
Print Name

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**From:** Bob and Diane Chidsey [REDACTED] >  
**Sent:** Thursday, January 27, 2022 4:25 PM  
**To:** Risk Liability Claims  
**Subject:** Damage  
**Attachments:** Scan 39.jpeg; Scan 40.jpeg

City of Portland Risk Management  
Risk Management/Liability  
1120 SW Fifth  
Room 709  
Portland Or 97204-1912

January 27, 2022

To Whom it May Concern,

We live at 5858 NE Sumner Street which was part of the Roselyn Bundle Water Main Replacement Project. In the fall of 2019 the pipe in front of our home was replaced and a fire hydrant was installed.

The Water Bureau's representatives/workers marked the street for utilities so the crew from Dirt and Aggregate could break into the blacktop with their heavy equipment. But when the D & A crew started to dig, they did not break into just blacktop; they hit the main water line with great force, breaking it and causing a geyser of water that shot many feet in the air and way into the middle of our yard. They eventually lowered the bucket of the digging machine over the break in the pipe, diverting much of the water sideways and into the ground with the same force it had shot into the air.

This happened at about 10:00 AM and lasted until about 2:00 PM. It was determined that the city workers who had come in advance to mark the utilities were about five feet off in their markings, so the crew dug in the wrong place and broke the water main. This created a huge mess and ruined all the new landscaping. The city took responsibility and we replaced the landscaping and thought we were finished with the results of this error.

We have now, however, discovered another unfortunate result from this incident, completely unrelated to the landscaping. On January 13, 2022 we called our plumber to help with a slow draining shower. He came out to snake it and after a while gave up and said he would send someone out the next morning with a bigger snake to be used outside the house. This was still ineffective as the tech could still not break through or identify the cause/clog. He referred us to Apollo Plumbing for "jetting" which would be certain to break through.

On January 14, 2022 Apollo sent a tech who assessed the situation, called for backup and started in on the problem with their jetting equipment. What they found was that there were a great deal of tree roots in the pipe near the street. They said the roots have intruded through a "deformity" in the pipe. They defined "deformity" to us as "damaged" or "bent."

They asked us if there had been any work done out front in the last few years, possibly by a utility. We told them the Water Bureau had been working there two years ago to replace the main and install a fire hydrant; and that the crew had broken the water main. Their response was "Ohhhh" as in "aha".

It has been explained to us that this incident would cause the pipe to be damaged in multiple ways; because the impact of the heavy equipment acts "like an earthquake it can actually restructure the pipe," and because the "pipe is embedded in rock and that enormous amount of water would wash away the rock so that the pipe can shift, causing the pipe to buckle." "They may have also just hit the pipe."

At any rate, this incident has caused us another round of stress and expense. We have already incurred two bills for investigating, attempted clearing, and eventually discovering the cause of the problem. Apollo cleaned out as much of the roots as they could at the time as a stop-gap measure; but will need to come back to do more root removal via robotic cutting and repair the pipe, which will be done in a "no dig" manner, using a cured in place pipe. This method is less costly and less intrusive than excavation.

They also suggested we contact the city and said that they will provide you/us with a map so you can see the what and where of the project. We will also provide you with photos and video from the day of the incident in 2019, as well as the photos taken inside the pipe by Apollo. We also have the invoices for the work necessary to correct this issue.

This is a major issue for us as Robert is undergoing cancer treatment and this just adds more to the pile. Thank you in advance for your time and consideration. We look forward to hearing from you. Please let us know what else you might need from us.

Thanks again,  
Robert and Diane Chidsey  
5858 NE Sumner Street  
Portland 97218  
503-477-6056