



GENERAL LIABILITY CLAIM AGAINST THE CITY OF PORTLAND



* for damages to persons or property *

File Number: 2022-011905-20

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 Mr Ms. Miss) Fiona Yun Date of Birth [REDACTED]

a. Address 5890 SE Equestrian Dr. City Portland State OR Zip 97236

b. Home Phone 503-200-4728 Business Telephone _____ Cell Phone same

c. Occupation _____ d. Marital Status: Single () Married () Divorced or Widowed ()

If married, name of spouse Jesse Yun, 503-757-6020

d. E-mail address [REDACTED], [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 1/3/2022 Time _____ Circle AM / PM _____

b. Place (exact and specific location) 5890 SE Equestrian Dr., Portland, OR,
as well as the culvert that daylight on City of Portland Property

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): _____

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

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. The culvert that daylight on City of Portland property erupted an incredible amount of water into our front yard, into the crawl space, and flooded our ^{daylight} basement... See additional page
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** _____
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:**
- Amount claimed as of this date: \$ _____
 - Estimated amount of future costs: \$ _____
 - Total amount claimed: \$ _____
 - Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): _____
10. **Names, addresses / phone #s of all witnesses** _____
11. **Any additional information that might be helpful in considering your claim** Please see attached pages

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: 2/3/2022


 Claimant's Signature

Fiona Yun
 Print Name

General Liability Claim Against the City of Portland

Attachment 1

Section 3c.

There is a culvert that daylight on City property right at the top corner of our driveway. This culvert also empties out underneath the sidewalk and into our front yard, creating a sort of spring, which we as homeowners have tried to “incorporate” into our landscaping. However, on the night of January 2nd, early morning of January 3rd, this culvert just unloaded an incredible amount of water over our driveway, into the front of our house, as well as under the sidewalk, and into the front of the house. This overwhelmed all drainage systems we have in place (our home was built in 2019), and our daylight basement flooded.

According to the builder, Michael Mayer, he met with the City of Portland several times about this culvert and how it butts up against the driveway.

This culvert daylight on a small strip of land that is City property. We have no control over that piece of land, and have done everything that we can to take care of our property and prevent flooding. However, we cannot control the heavy river of water that blasted our house off of City property. I have mentioned to folks before that I thought it was abnormal that we should have a “spring” or a “fountain” following the track of the culvert, and that made it clear that the water from the culvert was coming under the sidewalk.

After City workers came and dug up the trench in front of the culvert, it became more obvious that a large portion of the water coming out of the culvert just flows under the sidewalk into our front yard, and follows the path of least resistance to the house. On the night of January 2nd and early morning of January 3rd, that flow underground became coupled with an incredibly forceful river of water coming out of the culvert over top of the driveway and followed another path into the front of the house.

Section 4.

Our entire daylight basement, my elderly father’s living space, has had to be gutted because of this singular event. We had to move him upstairs and turn my office into his bedroom. He’s lost easy access to a full bathroom (he has mobility issues and has trouble going up and down stairs. He now showers once a week or less, because it’s so difficult for him to get up the stairs to use ours). I’ve had to put my plans to re-open my massage practice on hold, and had just started the permitting process for this when the basement flooded. The entire downstairs is ruined, including a living room, a bedroom, a large walk in closet, a full bathroom, an office, and a storage space. All carpet has been torn up, baseboards, trim and the lower two feet of drywall removed, the bathtub sized shower has been torn out, toilet torn out, vanity torn out. Much of my dad’s furniture is damaged or ruined including his king sized bedroom set, a curio cabinet, a dining table, a coffee table, bookshelves, an office suite, his computer, his tv stand, several books (including some from the 1800’s and irreplaceable documents from his time at the University of Edinburgh). Additionally, damage has been done to our landscaping, which is far less of a concern, but notable.

Section 9.

-The cost to simply remove the carpet, the trim and baseboards, the bottom two feet of drywall and dry out the space was and throw away damaged furniture.\$22,700

-A rug purchased by a family friend while stationed in Afghanistan is currently trying to be saved. The cost to do so is \$1000.

We had to gut his bathroom, which means we will have to replace the full shower. This estimate is between.

We haven't gotten quotes back on refinishing the rest of the basement. We didn't even want to start this process until we could be confident that the basement wouldn't flood again. I will update this claim with that amount, but Service Masters said it's generally about 3 times the amount it cost to demo the basement, which would put it around \$69,000.

Section 11.

The culvert seems to be a pipe coming off of the property above Equestrian Dr., daylighting onto City of Portland property, right outside the edge of ours. This means that the water coming off of their land is emptying out into our basement. Yikes. Now, we have only been here since late August of 2020, when we bought this house, but from what I have observed, this culvert is full of water in the winter and mostly dry in the summer. There were a couple of times, mid summer, last year, when there was water coming out of that culvert. There were no signs of water anywhere else, and it made me think someone at the top of the hill must be heavily watering their plants or animals (they raise goats). In the winter, we often have a little tiny fountain at the front of our front yard that follows the pathway of where the water flows under the sidewalk from the culvert. The rest of the water "usually" flows over the top edge of our driveway and down the side of the sidewalk in to the street, and then it seems to find a hole or crack where our neighbors to the south have their driveway and water flows under the street except in cases of very heavy rainfall.

Because our house is brand new, I have spoken with the builder several times about what's been going on. Once this is all said and done, we're going to probably have to spend over \$100,000 to get our brand new house put back together over an event which was entirely out of our control and not our fault, which seems pretty abnormal to me. He has spoken several times about his meeting with the city about that section of City owned land right at the very end of SE Equestrian Dr as well as the culvert that dumps into our land. He said he had to demo the original driveway and then re-do it to meet City demands, and then it was finally able to meet the permitting needs. Although he suddenly seems to be hiding from us, until this point, he has been cooperative and transparent, so I don't think he's making that up.