



**Contra
Costa
County**

To: Blackhawk GHAD Board of Directors

From: Patricia E. Curtin, GHAD Attorney and General Manager

Date: January 19, 2016

Subject: Claim submitted by Bronco Don Holdings, LLC and its members against the Blackhawk GHAD

RECOMMENDATION(S):

DENY claim submitted by Bronco Don Holdings, LLC ("BDH") and its members against the GHAD for \$118,728 seeking alleged damage to the claimant's building at 3800 Blackhawk Road.

FISCAL IMPACT:

none

BACKGROUND:

On September 23, 2014, the Blackhawk Geologic Hazard Abatement District (GHAD) commenced work on a slope stabilization project (project) on the common area hillside owned by the Blackhawk Executive Center Association (BECA). The BECA property is located on the northwest corner of the intersection of Camino Tassajara and Crow Canyon Road, Danville. The property is within the boundaries of the GHAD. The project was constructed above 3800 Blackhawk Road, a separate parcel, located within BECA on the northeast portion of the development. The property at 3800 Blackhawk Road is a one story commercial building, as are the other 4 buildings comprising BECA. The project was primarily comprised of the installation of a drilled subterranean structural reinforced

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/19/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

ABSENT: Mary N. Piepho, District III Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 19, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

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By: Stephanie L. Mello, Deputy

cc:

concrete wall with drilled tieback anchors. The project was completed on November 21, 2014.

On October 30, 2014 the GHAD Manager was contacted by BDH, the owners of 3800 Blackhawk Road, and notified that an occupant within the building complained of experiencing vibrations as a result of vibratory soil compaction operations conducted by the GHAD contractor. The building owners reported building distress in the form of concrete floor settlement and cracks in adjacent interior partition walls.

BACKGROUND: (CONT'D)

In response, the GHAD Manager arranged a site meeting on October 31, 2014 to observe the claimed damage to the building. The GHAD also retained the services of Dr. Sands Figeurs, Professional Geophysicist of Norfleet Consultants to conduct a vibration monitoring study, including the installation of monitoring instrumentation on or near the building. The study determined that any vibrations associated with the GHAD's project were insufficient to cause damage to the claimant's building.

The GHAD also retained geotechnical engineer Phil Gregory of Cal Engineering & Geology (CE&G), the designer of the GHAD project, and Kent Sasaki of Wiss, Janney, Elster Associates (WJE), a structural engineer, to inspect the site and investigate the claim. Following their investigations, Mr. Gregory and Mr. Sasaki have concluded that the GHAD repair operations did not cause any damage to the claimant's building.

On December 15, 2015, the GHAD received a claim from the Bronco Don Holdings, LLC, owners of 3800 Blackhawk Road, presenting a damages claim against the GHAD for \$118,728.00

ATTACHMENTS

Blackhawk GHAD board agenda