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Miner Road sinkhole repair to begin as property owners and city come to right-of-entry agreement

By Sora O'Doherty



This damaged pipe underscores the severity of the sinkhole. Photo Sora O'Doherty

have lived for 25 years, include removal of all hardwood floors and much of the sheetrock, the removal of sludge left by the flood, and the loss of furniture and personal possessions, including two cars.

On March 14, the city held a community meeting at Sleepy Hollow School, in the area most affected by the sinkhole, to address neighbors' concerns. The city attributed the delay in sinkhole repair to the weather and to negotiations with the property owners. "Negotiating rights-of-entry with the adjoining property owners allowed the city to proceed with the project as soon as possible, without jeopardizing reimbursement from federal and state agencies," the city said in a sheet of Frequently Asked Questions handed out at the meeting.

Orinda Senior Engineer Jason Chen spoke about alternative traffic routes and signage and striping changes on Camino Sobrante. Fire Chief Stephen Healy of the Moraga-Orinda Fire District addressed the effects of Miner Road closure on response times. While he stated that the sinkhole was causing delays of approximately 10 minutes, some residents disagreed with Healy, stating that delays are often longer.

Orinda Police Chief Mark Nagel spoke about crime statistics, home security, including lighting and alarms, and the effects of the closure of Miner Road on response times. Nagel presented statistics showing that crime has been steadily declining in Orinda from 103 reported cases in the Sleepy Hollow and Orinda Woods areas in 2012, to 36 in 2016, with eight cases thus far in 2017. He urged residents to view the Orinda Safety Video (<http://lamorindacert.org/Orinda-safety-video/>) and to keep their property secured, noting that that morning eight cars had been burglarized in Orinda, and all had been unlocked.

Many residents complained about difficulties navigating the detours, frequently blocked by construction trucks. They offered suggestions, such as shuttles for BART commuters and/or for contractors and workers, or designating a specific truck route. Residents wondered if the city would avail of the opportunity to underground utilities during the work on Miner Road, but Public Works Director Larry Theis replied that that was not authorized. Theis explained that while potholes would be fixed, Camino Sobrante is part of the 2017 schedule of repaving, while Miner Road is scheduled for 2018.

Speakers asked what increased costs were caused by the delay and how much they could be attributed to "one holdout" property owner. Orinda Mayor Eve Phillips responded that a big consideration in the repair process was the prospect of receiving reimbursement, which was facilitated by coming to an agreement with the property owner, and said she was very glad that they were able to reach agreement.

Others wanted to know if the Rains were paid for the right-of-entry, and were told no, but that there will be an easement appraisal and offer process. Commenters asked for access to the 1999 settlement with the same property owners following a prior flood. City Attorney Osa Wolff stated that the document is public and will be made available. After the meeting Wolff released two documents, indicating the Rains had settled their claims for damages from the 1997 flood for \$185,000 and no attorney costs.

A comment that delay caused by the property owner increased the costs was applauded by many. One speaker said the rusted-out culvert should have been repaired, thereby avoiding the sinkhole. Another asked the city to begin condemnation proceedings on the damaged properties. Council Member Inga Miller assured the residents that the city council members do drive the affected roads. She stressed the

Two months after Orinda suffered a serious sinkhole, the city has obtained a right-of-entry from the property owner adjacent to the sinkhole to perform repair work.

The property owners object to any suggestion that they were responsible for any delay. Darryl and Jena Rains say they only received drawings on Friday, March 10, submitted them to their engineer over the weekend, and approved the plans on Monday, March 13. The Rains agreed with the proposed box culvert; they maintain that the pipe culvert proposed by the city would not have met California Department of Transportation standards.

The Rains said they were upset by some negative comments, but have also received sympathy, and even flowers, from neighbors. It has not been easy for them. The full basement and the ground floor of their home were flooded with creek water and sewage from the broken sewer pipes. Repairs to the home, where they

have lived for 25 years, include removal of all hardwood floors and much of the sheetrock, the removal of sludge left by the flood, and the loss of furniture and personal possessions, including two cars.

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importance of federal funding because if the city has to pay to the repairs to the sinkhole, the money would be diverted from other discretionary spending for things like police and public works. This reassured people that the city is spending more to get the work done faster.

Although the Rains were not present at the meeting, they were represented by attorney Andrew Sabey. He said that as a result of the action of the property owners, there is now a more robust repair plan. He pointed out that when the property owners purchased the property in 1992 it was not in a flood zone. The 1997 flood was a shock to the property owners, and resulted in their property being then reclassified as flood zone. "Nobody likes the government to take property," he said, and if Orinda had done so it would have resulted in a court case. He complimented the city on doing a good job getting to the point of agreement with the property owners on a design that will meet Caltrans standards for rebar and concrete and will be adequate for what is considered a "100-year storm."

As the meeting concluded, the city attorney, responding to questions, said that the Rains have filed two claims. While the negotiation for the right-of-entry to the site has been concluded, the remaining issues include damage claims, compensation for construction easements and permanent maintenance easements.

Fixing the sinkhole

Orinda Director of Public Works Larry Theis said that in regards to sinkhole repair, the design now calls for a reinforced concrete box culvert 16 feet wide by seven feet high, with three 24-inch diameter high flow pipes installed between the top of the culvert and the bottom of the roadway to handle potential flood waters.

Work outside the channel will begin immediately. The city needs to reapply for an emergency permit from the Army Corps of Engineers to set up a temporary dam and divert the creek around the worksite, as the current permit has expired. The permit will likely take a week or two to be issued. Once the creek has been diverted, the construction of the new culvert will take about two months, barring any unforeseen conditions or significant adverse weather.

The box culvert and headwalls will be constructed by placing steel rebar within wood forms and filling the forms with high early strength concrete. Above the culvert and behind the headwalls will be backfilled and compacted; utility lines and the three overflow pipes will be placed as the backfill rises. The two top feet of the backfill will contain base rock and hot mix asphalt for the restored pavement surface. The dam will then be removed and the city will proceed with planting vegetation and placing a decorative cultured stone treatment on the face of the walls for aesthetics.

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