

CATHY L DOXSEY & LAURA A HAVLIN
35 Velma Drive West
Largo FL 33770

December 7, 2021

TRANSMITTED VIA EMAIL TO BCCAGENDACOMMENTS@MYPINELLASCLERK.ORG

Prepared for Presentation As Public Comment [Agenda Item 3] to the Pinellas County
Board of County Commissioners at the December 7, 2021, Public Meeting

Pinellas County Board of County Commissioners
315 Court Street
Clearwater, FL 33756

RE: Demand for Immediate Investigation and Remediation of Private Property Damage Due to
Extensive and Continuing Soil Subsidence Within Pinellas County Drainage Easement.
Subject Property: 35 Velma Drive West, Largo FL
Property Owners: Cathy L Doxsey & Laura A Havlin.

Dear Commissioners:

We are the owners of the above-referenced property and have been requesting the County's meaningful and adequate investigation and remediation of significant damage to our property from a Pinellas County Drainage Easement since March of 2020. We are submitting this letter to you out of our desperation at the County's continued failure and refusal to acknowledge and respond to the damages caused to our property.

It is indisputable that both the subject easement which traverses the rear portion of our property (the Easement) and the 5-foot diameter storm drain which it contains (the Storm Drain) are owned by the County. A copy of the recorded easement is attached, and as of the date of this letter, there is no subsequent instrument recorded in the public record referencing the transfer of Pinellas County's ownership of that Easement. While the obfuscations and delays of County staff in responding to our requests and resulting in significant legal fees are presented in more detail in the attached summary, the County did ultimately authorize a geotechnical investigation by Andreyev Engineering, Inc. (AEI) in February 2021. In their attached report AEI concludes:

Based on the results of the penetrometer readings, the sandy soils at the locations tested ranged from very loose to very dense. The very loose conditions were generally encountered adjacent to the buried pipe and depressional areas, with the denser readings coming from locations further away from the pipe.

The relative density measurements collected indicate that the soil density generally decreases at locations closer to the storm pipe, which could indicate the migration of sandy soils into a leaky storm pipe. In our professional opinion we feel that it is likely that the observed surface depressions were caused by the migration of sandy soils into the cracks and/or joints of the storm sewer system.

Although not included in the scope of work originally approved by Pinellas County, AES prepared and provided the following limited estimate of remediation costs at the insistence of Mr. Bentley in response to our request for the County's agreed reimbursement of AES's invoice:

Approximate costs for the excavation and replacement of the pipe overburden have been estimated and are included in Table 1 below. These estimated costs are based on similar projects completed over the past 36 months and should be considered preliminary. For a more realistic idea of associated costs, it is recommended that an estimate be obtained from a qualified contractor.

Table 1 - Estimated Costs for Over-excavation and Compaction of Pipe Overburden

<u>Item</u>	<u>Qty</u>	<u>Unit Cost</u>	<u>Cost</u>
Mobilization and Equipment Rental	1	\$5,000.00	\$5,000.00
Imported Fill (per cy)	50	\$15.00	\$750.00
Remove, Replace and Compact Soil (per cy)	125	\$15.00	\$1,875.00
Sod Disturbed Areas per sf)	2,250	\$3.00	\$6,750.00
R&R pavers	300	\$8.00	\$2,400.00
		TOTAL	\$16,775.00

At the recommendation of AES, we additionally sought a remediation assessment and estimate from a qualified excavation contractor, Ram Excavation Inc. (REI). Based on their review of the AES Report and an independent inspection of the property, REI likewise concluded that the damage to our property was caused by leakage from the Storm Drain and recommended that a ground penetrating radar survey be conducted to more quantitatively identify and determine the location, depth, and volume of subsurface voids:

My assessment of the likely cause for the observed subsidence at the Doxsey residence and the surrounding neighbors is as follows: Prior to the cured in place pipe lining installation, the corrugated storm drain deteriorated allowing sand to infiltrate. Because there's a tree root system and established ground cover, the ground settlement was slow and "hidden" from view until the natural support from the ground cover and the root system was unable to support the weight above it and the larger depression was exposed.

REI additionally provided the following limited estimate of remediation costs based on available information:

ITEM	COST
GPR	Unknown
Sewer scope inspection	\$ 1,750
Mobilize	\$ 5,000
Access area	Unknown
Fence removal and replacement	\$ 55 per lineal foot
Excavate and remove spoils	\$ 100 per cubic yard
Import fill	\$ 50 per cubic yard
Compact fill	\$ 15 per cubic yard
Bahia Sod	\$ 1.50 per square foot

For a more precise cost estimate, a more defined scope of work would need to be established.

We believe it is likewise indisputable from the foregoing and the attached expert reports and estimates that the significant and continuing damage to our property was and continues to be

caused by subsurface voids within the Pinellas County Easement traversing our property as a result of leaks from Pinellas County's Storm Drain, and its failure to properly inspect and maintain that Storm Drain and the Easement.

The existence of significant subsurface voids and the resulting visible surface and structural damage caused to our own and adjacent properties represent a serious and continuing safety hazard. Not only are we without any moral or legal responsibility for those damages, but because of the both the County's exclusive rights as dominant owner of the Easement, and the scope and costs of any remediation of damages extending to multiple properties, we lack the expertise, resources, and legal authority to conduct an adequate investigation and effect a sufficient solution.

While it is not our desire, *nor should it be necessary*, to litigate this matter in order for the County to recognize and respond to its clear legal obligations, we are left with no other recourse absent intervention and meaningful and responsible action by this Board.

We therefore respectfully demand such action by this Board to direct the County's immediate investigation and remediation of damages caused by its continuing failure and refusal to adequately maintain and repair its Easement and Storm Drain.

Respectfully,

CATHY L DOXSEY

LAURA A HAVLIN

enclosures: Recorded Pinellas County Easement
AES Geotechnical Report
REI Remediation Estimate
Summary of Requests to and Responses from Pinellas County [Claim # 20-24998]

150

THIS INDENTURE made this 12 day of Oct A.D. 1960, between GEORGE F. HINES and BASHIE HINES, his wife

of the County of Pinellas and STATE OF FLORIDA, party of the first part, and PINELLAS COUNTY, a political subdivision of the County of Pinellas and State of Florida, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar & other good and valuable considerations to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged does hereby grant and release unto the said party of the second part a perpetual easement and right of way as described below:

A drainage easement 20 feet wide, lying 10 feet on each side of the following described centerline: From the center of Section 33, Township 29 South, Range 15 East, run N 89°31'49" W along the East-West centerline of said Section 340.60 feet to the point of beginning; thence run N 9°38'31" W, 317.65 feet; thence N 49°29'11" E, 48.00 feet; thence N 62°07'11" E, 126.40 feet; thence N 17°24'03" E, 138.60 feet; thence N 28°50'11" E, 270.00 feet to a point of ending on the south line of Lot 15, Velma Manor Addition, as recorded in Plat Book 44, Page 41, public records of Pinellas County, Florida; LESS that part thereof lying within the boundary of Lots 1 and 3, Block B, Velma Manor Subdivision, Plat Book 41, Page 72. IN WITNESS WHEREOF, the said party of the first part has here unto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of

George F. Hines SEAL

Bashie Hines SEAL

Arthur J. Blake
Notary Public

STATE OF FLORIDA,)
County of PINELLAS)

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, GEORGE F. HINES and BASHIE HINES, his wife

to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

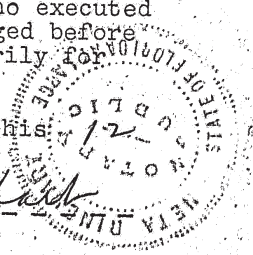
WITNESS my hand and official seal at County of PINELLAS, and State of Florida, this 12 day of Oct A. D. 1960.

Notary Public

My Commission Expires

Notary Public, State of Florida at Large
My Commission Expires Oct. 18, 1963
Insured by American Fire & Casualty Co.

RECORDED PINELLAS CO. FLA.
AVERY W. GILKINSON, CLERK
1960 OCT 13 AM 9:40





Revised: July 14, 2021
AEI Project No.: APGT-21-013

TO: Ms. Cathy Doxsey and Ms. Laura Havlin
c/o Derek B. Spilman
4215 Miller Drive
St. Petersburg Beach, Florida 33706

SUBJECT: Geotechnical Investigation, Doxsey Residence, 35 Velma Drive West, Largo, Florida

Dear Ms. Doxsey and Ms. Havlin:

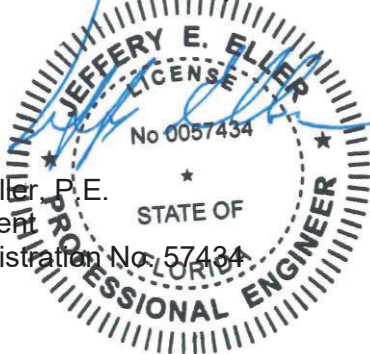
Andreyev Engineering, Inc. (AEI) has completed a geotechnical investigation for the Doxsey Residence. The results of the investigation together with conclusions are included herein.

AEI appreciates the opportunity to participate in this project, and we trust that the information herein is sufficient for your design. If you have any questions or comments concerning the contents of this report, please do not hesitate to contact our office.

Sincerely,

ANDREYEV ENGINEERING, INC.

Jeffery E. Eller, P.E.
Vice President
Florida Registration No. 57434



This item has been digitally signed and sealed by Jeffery E. Eller, P.E. on July 14, 2021 using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Project Description

Based on our conversations and initial site visit, a series of depressions have formed in the vicinity of a buried stormwater pipe located within the easement behind the subject residence. Based on conversations with the property owner, the depressions occurred after the home was purchased in 2018 and have gotten progressively worse over the previous 12 months. One of the depressions observed by AEI had developed into an open hole. The homeowner stated that they had filled the initial depression with soil but more depressions have formed since. The locations of the depressions coincide with a buried storm sewer pipe which is oriented in a north-south direction within an easement located to the rear of the subject property. Photographs taken during our site visit are included in **Appendix A**. Our study herein addresses the geotechnical assessment of the depressions.

Project Approach

The objective of our geotechnical investigation was to obtain information concerning the subsurface conditions over the utility easement in general in order to make geotechnical engineering estimates and recommendations in each of the following areas:

1. Soil stratigraphy at the boring locations and the development of the approximate soil profile at the boring locations.
2. General location and description of potentially deleterious materials including buried or surficial existing fills, organics, construction debris, etc.
3. Relative density of the soils in and around the depressions and buried stormwater pipe.

Scope of Work

In order to address the above objectives, our scope of work for this project included the following:

1. Reviewed available published information on the site, including the United States Department of Agriculture (USDA) Soil Conservation Service (SCS) soil survey data for Pinellas County and the United States Geological Survey (USGS) topographic maps.
2. Conducted a subsurface exploration program consisting of soil borings and field testing. Our exploration program for this project consisted of conducting five (5) hand auger borings to depths of 7 feet below land surface (bls) in the vicinity of the depressional areas. Our testing included the collection of representative soil samples and relative density during the drilling of the borings.
3. Conducted cone penetrometer probes within and around the affected areas.
4. Reviewed and visually classified the recovered soils in the laboratory using the Unified Soils Classification System. Developed the general soil stratigraphy over the site.

5. Prepared this geotechnical report which summarizes the course of our study, the field and laboratory data generated, the subsurface conditions encountered and our geotechnical engineering conclusions.

Existing Site Conditions

The study area is located at 35 Velma Drive West in Largo, Pinellas County, Florida and consists of a single-family residence. The U.S.G.S. topographic survey was reviewed for the site. The site is found on the Quadrangle map entitled "Clearwater, Fla." From this review, the natural ground surface elevation over the subject property is approximately +22 to +23 feet (North American Vertical Datum of 1988, aka "NAVD88"). Please refer to the attached **Figure 1** for a copy of the U.S.G.S. topographic map showing the subject property location.

Subsurface Soil Conditions

The USDA's Web Soil Survey was reviewed. The soil map units identified over the subject project include Tavares fine sand and Urban land. Tavares fine sand consists of poorly sloped, moderately well drained fine sand with a seasonal high water table depth of 18 to 42 inches bls. Due to the site specific nature of Urban land, no additional information was provided.

Field Exploration Program

For our study, we conducted five (5) hand auger borings (HA-1 through HA-5) to depths of 7 feet in the vicinity of the depressional areas. The approximate boring locations are indicated on **Figure 2**. The recovered samples were visually classified in the field, and representative samples were placed in jars and transported to our office for further review and confirmation of the field classification.

Generalized Soil Stratigraphy

The results of the subsurface exploration program including the soil stratification profiles and some pertinent exploration information such as groundwater levels as well as a legend describing the different soil types encountered are presented on **Figure 3**. Soil stratification was based on the review of recovered soil samples and interpretation of the field boring logs by a geotechnical engineer. The stratification lines represent the approximate boundaries between soil types; the actual transition may be gradual. The soil strata were visually classified using the Unified Soils Classification System. Minor variations in soil types not considered important to our engineering evaluations may have been abbreviated or omitted for clarity.

In general, the borings encountered slightly silty fine sand (Stratum 1) from the ground surface to the termination depth of 7 feet below land surface (bls).

Shallow Water Table Conditions

The shallow groundwater table was encountered at depths of 4.1 to 5.2 feet bls in the hand auger borings conducted for this study. The shallow groundwater level should be expected to vary during wet seasons and heavy rainfall events.

Seasonal fluctuations of groundwater levels can be anticipated in response to variations in rainfall. The levels recorded during this investigation is estimated to be lower than the normal seasonal high levels.

Cone Penetrometer Probes

During the advancement of the hand auger borings, and in a grid around the buried stormwater pipe, a cone penetrometer was used to collect relative density measurements of the undisturbed soils. The grid layout is displayed on **Figure 2**. The results of the penetrometer readings are presented adjacent to the penetrometer locations on **Figure 2** and soil profiles on **Figure 3**. Based on the results of the penetrometer readings, the sandy soils at the locations tested ranged from very loose to very dense. The very loose conditions were generally encountered adjacent to the buried pipe and depressional areas, with the denser readings coming from locations further away from the pipe. Correlation of the penetrometer values with relative density are provided in the following table:

Coarse-Grained Soils	
Penetrometer Resistance	Relative Density of Sand
0-6	Very Loose
7-12	Loose
13-20	Medium-Dense
>20	Dense to Very Dense

Review of Supplied Pipe Video

A diagnostic video was provided to AEI by the client for our review. The video was completed by Pinellas County Utilities on December 9, 2020 and based on our understanding the access/start point of the video is a structure located on the south side of West Bay Drive, south of the West Bay Oaks Mobile Home Park. The video identifies a circumferential fracture at 292 feet from the starting point which roughly corresponds to the south portion of the utility easement located adjacent to the subject residence. Review of the video noted a portion of the pipe video which was missing, from approximately 272 feet to 292 feet. The catch basin observed within the on-site easement corresponds to the video length measurement of 323 feet and soil deposits can be seen at this location. Due to the video's poor quality no further information regarding the pipe's structural integrity could be ascertained.

Conclusions and Recommendations

Based on the results of the field investigation, the shallow soils existing within the area of the pipe and utility easement consist of easily erodible, non-cohesive sandy soils. These sandy soils would be particularly susceptible to migration into voids and leaky pipes with the infiltration of rainfall being the driving force. The relative density measurements collected indicate that the soil density generally decreases at locations closer to the storm pipe, which could indicate the migration of sandy soils into a leaky storm pipe. In our professional opinion we feel that it is likely that the observed surface depressions were caused by the migration of sandy soils into the cracks and/or joints of the storm sewer system.

Based on our observations and testing we recommend that the pipeline be accessed and inspected in order to determine its integrity prior to any remedial activities to correct the overlying land. It has been suggested by the County that the pipe has been recently lined. However, this could not be confirmed using the supplied video. Following confirmation of the necessary repairs to the pipe the soil overlying the pipe will need to be removed, replaced and properly compacted.

The excavation should include the entire pipe alignment located within the subject property, taken down to the top of pipe. The excavation and replacement should take place in sections due to the lack of area for stockpiling soil. Backfill over pipe and associated structures should consist of non-cohesive granular material. The granular material may consist of the on-site sandy soil of Stratum 1 and or imported fine sand with less than 12% passing the #200 standard sieve. All backfill should be suitable as described above and be free of deleterious material. The initial backfill should be carefully deposited on both sides of the pipe at the same time and uniformly compacted. In no case should backfill material be placed in the trench in a manner that will cause shock to, or unequal pressure on the pipe or structure. The backfill should be placed and compacted to 90 percent of maximum density as determined by AASHTO T-180 under and within six (6) feet of any traveled way and under other existing hard surfaced or previously compacted areas.

Trench excavations should be made in accordance with recommendations outlined by the Occupational Safety and Health Administrative (OSHA) "Document 2226-Safe Working Practices-Excavating and Trenching" and "Construction Standards for Excavations-29 CFR Part 1926.650-652, Subpart P". If shoring is required due to deep cuts and/or high groundwater the trench should be shored in accordance with OSHA 2226 requirements.

Approximate costs for the excavation and replacement of the pipe overburden have been estimated and are included in **Table 1** below. These estimated costs are based on similar projects completed over the past 36 months and should be considered preliminary. For a more realistic idea of associated costs it is recommended that an estimate be obtained from a qualified contractor.

Table 1 - Estimated Costs for Over-excavation and Compaction of Pipe Overburden

Item	Qty	Unit Cost	Cost
Mobilization and Equipment Rental	1	\$5,000.00	\$5,000.00
Imported Fill (per cy)	50	\$15.00	\$750.00
Remove, Replace and Compact Soil (per cy)	125	\$15.00	\$1,875.00
Sod Disturbed Areas (per sf)	2,250	\$3.00	\$6,750.00
R&R pavers	300	\$8.00	\$2,400.00
TOTAL			\$16,775.00

FIGURES



REFERENCE:
 U.S.G.S. CLEARWATER, FLA.
 QUADRANGLE MAP
 DATED 2018
 SECTION 33
 TOWNSHIP 29 SOUTH
 RANGE 15 EAST



**Andreyev
 Engineering,
 Inc.**

GEOTECHNICAL INVESTIGATION
DOXSEY RESIDENCE
 35 VELMA DRIVE WEST
 LARGO, PINELLAS COUNTY, FL

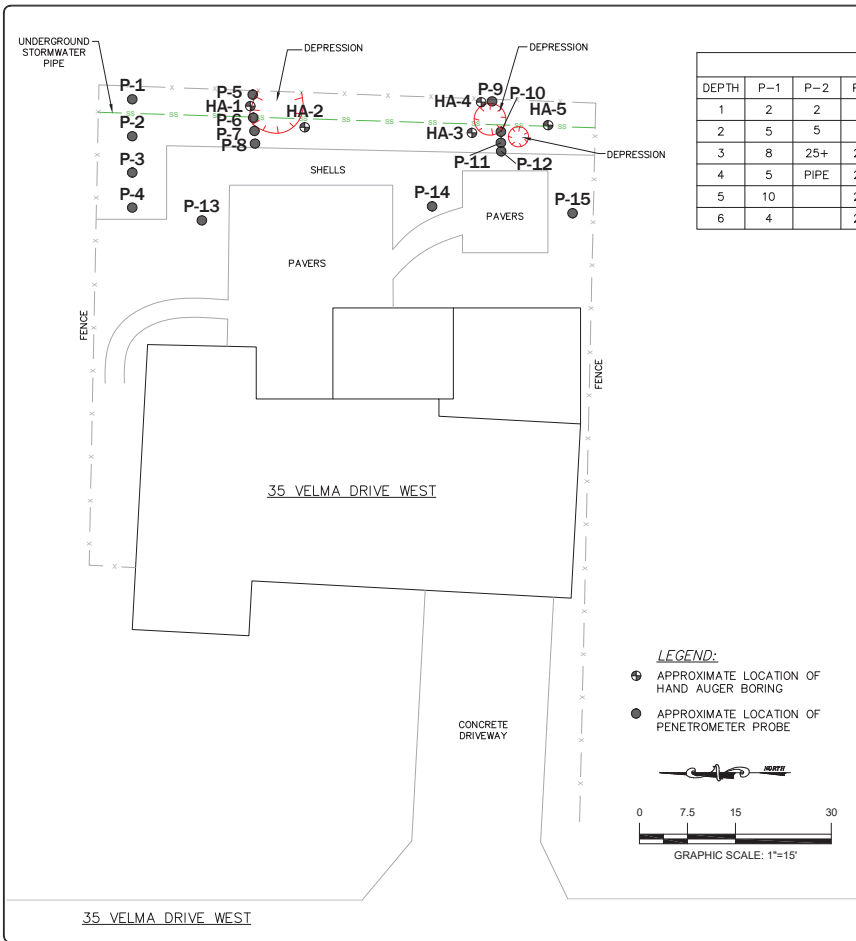
APPROXIMATE SCALE:
 1" = 2000'

DATE: 03/04/21
 PN: APGT-21-013

ENGINEER: JE
 DRAWN BY: DLS

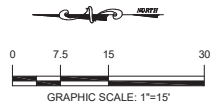
U.S.G.S. TOPOGRAPHIC MAP


FIGURE 1

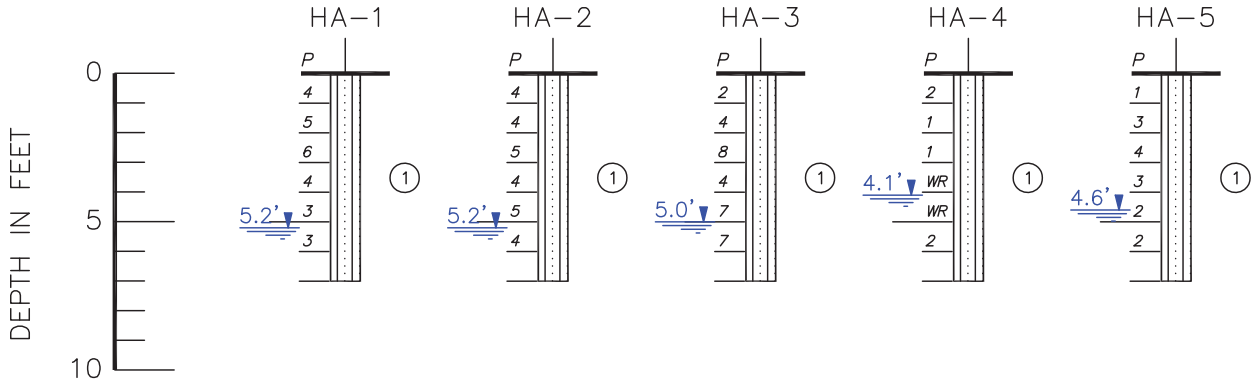


PENETROMETER PROBE READINGS															
DEPTH	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13	P-14	P-15
1	2	2	4	4	2	3	2	2	2	1	1	2	8	8	8
2	5	5	10	10	5	2	24	2	1	WR	WR	3	10	12	10
3	8	25+	25+	25+	3	PIPE	5	4	1	WR	WR	8	15	12	25
4	5	PIPE	25+	25+	4		PIPE	3	WR	3	2	25+	12	15	20
5	10		25+	52	3			2	WR	2	3	10	8	12	15
6	4		25+	52	2			3	1	2	2	6	6	12	12



- LEGEND:**
- ⊕ APPROXIMATE LOCATION OF HAND AUGER BORING
 - APPROXIMATE LOCATION OF PENETROMETER PROBE




 Andreyev Engineering, Inc.	GEOTECHNICAL INVESTIGATION DOXSEY RESIDENCE 35 VELMA DRIVE WEST LARGO, PINELLAS COUNTY, FL	
	BORING LOCATION PLAN FIGURE 2	
APPROXIMATE SCALE: 1"=15'	DATE: 03/04/21 PN: APGT-21-013	ENGINEER: JE DRAWN BY: DLS



LEGEND:

-  ① GRAY & DARK BROWN SLIGHTLY SILTY FINE SAND (SP-SM)
- (SP) UNIFIED SOIL CLASSIFICATION SYSTEM GROUP SYMBOL
-  1.0' DEPTH TO GROUNDWATER, FEBRUARY 16, 2021
- P HAND PENETROMER READING
- WR BORING ADVANCED UNDER STATIC WEIGHT OF HAND AUGER

 Andreyev Engineering, Inc.	GEOTECHNICAL INVESTIGATION DOXSEY RESIDENCE 35 VELMA DRIVE WEST LARGO, PINELLAS COUNTY, FL	
	APPROXIMATE SCALE: 1" = 5'	DATE: 03/04/21 PN: APGT-21-013
SOIL PROFILES		FIGURE 3

APPENDIX A

Site Photographs



Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7

R.A.M. Excavating, Inc.
Richard A. Slack, President
2897 Oakridge CT
Palm Harbor, FL 34685

October 26, 2021

Derek B. Spilman
DBSPAlaw
4215 Miller Drive
St. Pete Beach FL 33706

Re: Response to Request for Remediation Assessment and
Estimate Property Address: 35 Velma Drive West, Largo FL 33770

Dear Mr. Spilman,

You have requested our assessment and estimate of remediation costs for observed soil subsidence within a Pinellas County drainage easement containing a 5' corrugated storm drain traversing properties owned by your client and adjacent neighbors.

Based on my physical walk through of the pipe, a cured in place concrete liner has been installed which appears in good condition. However, there are small pipes connected to the main line that should be investigated to determine if soils are being taken downstream from these locations, I suggest a sewer scope inspection for these. Even if some, or all, of these locations are allowing soils into the main drain line, they don't explain the depth of the hole at the Doxsey residence.

The existing subsidence visibly extends from the Doxsey property west into the adjacent mobile home park property, and likely to the adjacent property to the south of the Doxsey property as well, where the owner has reported visible interior structural cracks in the occupied improvements which are within 5' of the rear property line and located partially within the subject easement.

My assessment of the likely cause for the observed subsidence at the Doxsey residence and the surrounding neighbors is as follows: Prior to the cured in place pipe lining installation, the corrugated storm drain deteriorated allowing sand to infiltrate. Because there's a tree root system and established ground cover, the ground settlement was slow and "hidden" from view until the natural support from the ground cover and the root system was unable to support the weight above it and the larger depression was exposed.

I recommend you consider ground penetrating radar (GPR). It can be used to map out the extent of underground void(s). A GPR detection survey is a safer, and possibly more economical, method than bringing in an excavation machine and digging blindly. With the GPR survey, you would have a much better idea of the scope of work needed to stabilize the area. It should answer question like, how many lineal feet up and down the easement is the void(s), and what is the depth of the void(s).

Understanding that access to the area is challenging and that the cost to access the area is unknown currently. I have put together some estimated cost for your review.

ITEM	COST
GPR	Unknown
Sewer scope inspection	\$ 1,750
Mobilize	\$ 5,000
Access area	Unknown
Fence removal and replacement	\$ 55 per lineal foot
Excavate and remove spoils	\$ 100 per cubic yard
Import fill	\$ 50 per cubic yard
Compact fill	\$ 15 per cubic yard
Bahia Sod	\$ 1.50 per square foot

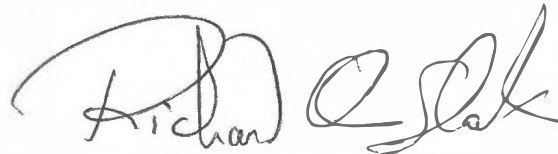
For a more precise cost estimate, a more defined scope of work would need to be established.

If the GPR survey is not done, or is inconclusive, you could use a time and materials (T&M) method to complete the project. With this method, the cost of labor, equipment and materials is set before work is started. Then the project is monitored to establish how much of each was used to reach a final cost.

It was a pleasure meeting both you and Ms. Doxsey, and I hope this information is helpful.

Sincerely,

R.A.M. Excavating, Inc.

A handwritten signature in black ink, appearing to read "Richard A. Slack". The signature is fluid and cursive, with a large initial "R" and "S".

Richard A. Slack, President

A Summary of Requests to and Responses from Pinellas County Staff for Investigation and Remediation of Damages to our Property Caused by the County's Easement and Drainpipe.

[Pinellas County Claim # 20-24998]

Our initial request to Pinellas County for investigation and remediation of damages to our property within the Easement was submitted by phone to the Public Works Department in March 2020. We were referred to advised by Dan Vincent, that the County is under no legal obligation to maintain the Easement or repair any damage to our property, and that our requests were being closed without further action.

At that same time County emails reveal that the County Public Works Department was soliciting the City of Largo to accept a proposed transfer of the Easement to the City, or to consent to the County's abandonment of the Easement (See attached Pinellas/Largo email chain). In that same email chain, a Largo Stormwater Administrator claimed to have identified a 1986 permit issued by the City which he asserted 'confirmed' a prior suggestion by Pinellas County Public Works that the issue of soil subsidence in the Easement was a 'private matter'. In fact, as documented on the attached site plan approved 8/26/1986 by the City, that project (Development Order D3-24-86) involved the installation of new water supply and sanitary sewer lines unrelated to the Pinellas County Easement and Drainpipe which were reflected as existing improvements on that site plan.

In the face of the County's continued failure to further respond, our attorney recommended, and we directed that a formal Notice of Claim Pursuant § 768.28, Florida Statutes, be provided to the County. The attached (Notice of Claim was transmitted to the County on September 3, 2021. Although we have received no direct response to date from the County Attorney's office, our attorney was contacted by Keith Bentley with the County Claims Adjuster's office on September 10, 2020, who advised he had been assigned to resolve our claim.

Several days later, Mr. Bentley proposed to conduct an inspection of the Easement and Drainpipe, but only upon the execution of a full and unconditional release by the owner of the adjacent mobile home park, which that owner refused to provide (See attached Pinellas Release Demand & Inspection Refusal email chain. Mr. Bentley did, however, subsequently agree to meet with us at and our attorney at our property to view the visible soil subsidence damages which he did on September 24, 2020. At that meeting, Mr. Bentley viewed the visible depressions and subsidence within the Easement and was shown by our attorney the approved 1986 Largo site plan refuting the City's specious claim that the damage caused by the Drainage was the responsibility of the adjacent property owner. At that meeting, Mr. Bentley repeatedly assured us that the County would resolve the problem and remediate our property.

In December of 2020, the County conducted a remote video inspection of the Drainpipe, and Mr. Bentley offered subsequently offered us a lump sum settlement of \$3,500.00 for the damage to our property asserting that the video inspection showed no leaks or other defects in the Drainpipe. Mr. Bentley further advised our attorney that the Drainpipe appeared to have been

lined with concrete within the last several years although that lining was not installed by the County and the County was unaware who had installed that lining. While rejecting the County's settlement offer, we requested the County agree to reimburse us for the costs of a geotechnical soils examination of the visible subsidence in the Easement by a qualified contractor and presented a proposal for the same from Andreyev Engineering Services (AES) which was approved by Mr. Bentley on 2/4/21. Mr. Bentley also agreed to provide AES with all data and video from the December 2020 video inspection of the Drainpipe conducted by the County. In reliance on the County promise of reimbursement, we executed the AES proposal and scheduled their site assessment.

Although the AES on-site soils investigation and testing was completed on 2/16/21, the County continued to refuse production of data and information from its December 2020 video inspection despite repeated specific requests by our attorney. In response to a Public Record Acts requests for all records relating to that inspection the County declined to produce any records claim exemption from production under work-product exemption pursuant to 119.071(d) and the Florida Statutes claims file exemption under 768.28(16)(b). The only data ultimately produced by the County was a usb delivered in April 2021 containing a single .mp4 video file with no supporting data or documentation and no identification or contact information for County staff who had conducted that video inspection. The physical starting location for that video was not identified and confirmed by Mr. Bentley until May 4, 2021.

In the absence of further of any further response from the County, AES completed its assessment report based on the limited information provided by the County and requested payment of its invoice as a condition of delivery of the final report, that invoice was forwarded to Mr. Bentley on May 13, 2021, with our request for reimbursement consistent with the County's prior assurances. Mr. Bentley responded on May 17, 2021, requesting that "the engineering investigation and repair costs and provide all documentation for review, providing reimbursement despite the fact that the provision of remediation cost estimates was never included as part of the scope of work to be performed by AES as approved by the County. Mr. Bentley continued to withhold payment until AES was compelled to agree to deliver a revised final report including a limited and qualified cost estimate at no additional charge and without payment on July 14, 2021. Even at that point, Mr. Bentley continued to withhold payment while debating the cost estimate of the AES report until Oct 4, 2021, shortly before his departure from Pinellas County employment, when he confirmed by email that the previously agreed reimbursement would be issued.

Copies of referenced email communications which not attached are available upon request.

Cothron, Tyler

Subject: FW: West Bay Oaks MHP Mystery Pipe

-----Original Message-----

From: Hauser, Amber L
Sent: Thursday, March 12, 2020 11:18 AM
To: Christopher Benigni <cbenigni@largo.com>
Subject: RE: West Bay Oaks MHP Mystery Pipe

Great! Would you like to see if Largo would like the easements transferred to them or would they object if we released them (since creek has been piped in). Just to clear up any future questions, thank you! Have a great day.

Amber Hauser
Project Management Specialist 1
Pinellas County Public Works
Stormwater & Vegetation Division
22211 US Highway 19N., Bldg 1
Clearwater, FL 33765
Phone: 727/464-5659
Fax: 727/464-4403
ahauser@pinellascounty.org

-----Original Message-----

From: Christopher Benigni <cbenigni@largo.com>
Sent: Wednesday, March 11, 2020 3:26 PM
To: Hauser, Amber L <ahauser@co.pinellas.fl.us>
Subject: Re: West Bay Oaks MHP Mystery Pipe

Thanks so much for your research, Amber! I found out that the MHP annexed into Largo in 1984. Then there was a Largo permit from 1986 in which the MHP provided plans to install the pipe in order to add space to the park. Case closed. I really appreciate you sending me the aerals and plat.

Chris

----- Original Message -----

From: "ahauser" <ahauser@co.pinellas.fl.us>
To: "Christopher Benigni" <cbenigni@largo.com>
Sent: Wednesday, March 11, 2020 9:39:16 AM
Subject: RE: West Bay Oaks MHP Mystery Pipe

Amber Hauser
Project Management Specialist 1
Pinellas County Public Works
Stormwater & Vegetation Division
22211 US Highway 19N., Bldg 1
Clearwater, FL 33765
Phone: 727/464-5659

Fax: 727/464-4403
ahauser@pinellascounty.org

-----Original Message-----

From: Christopher Benigni <cbenigni@largo.com>
Sent: Thursday, March 5, 2020 4:15 PM
To: Hauser, Amber L <ahauser@co.pinellas.fl.us>
Subject: West Bay Oaks MHP Mystery Pipe

Hi Amber,

The address of the West Bay Oaks MHP is 1610 West Bay Drive. Please see the screenshot I've attached (the grey polygon with the hash marks are an easement where the pipe is located). The easement over the pipe is OR Book 1013 - Page 30. There is a hole that's developed behind 35 Velma Drive o the border between that property and the MHP. I suspect you are right and this is private, but the easement made me wonder if I am missing something.

I'd greatly appreciate it if you can see if there are any records of this MHP. I've come up empty so far.

Thanks so much!
Chris

Christopher Benigni
Stormwater Program Administrator
Engineering Services Department | City of Largo
201 Highland Avenue, P.O. Box 296, Largo, FL 33779-0296
727-587-6713 ext. 4419

<https://gcc01.safelinks.protection.outlook.com/?url=www.largo.com%2Fstormwater&data=02%7C01%7Ctcothron%40co.pinellas.fl.us%7Ca4ba3a42ab814b5e316608d82380af30%7Cc32ee18fa4c746ffaf408ed605642745%7C0%7C0%7C637298382883765980&sdata=JFZgYgAKI2S6TKYHveQdQ1b00MzCsexL%2FyMvN2RLP0M%3D&reserved=0>