

# Kittitas County Prosecutor

## Agenda Staff Report

**AGENDA DATE:**

1/23/2013

**ACTION REQUESTED:**

Deny Claim For Damages by Mr.. Bell.

**BACKGROUND:**

Kittitas County cleaned out a ditch along Bettas road. Mr. Bell backed into it with his truck and damaged the truck. He filed a claim for damages against the County claiming that we created this ditch, failed to mark it, and that resulted in his harm.

**INTERACTION:**

Mr. Bell filed a damage claim with the Auditor. The Prosecutpr's Office inquired of Public Works regarding the matter. Public Works recommended denying the claim. The Prosecutor's Offoce agrees with Public Works' recommendation.

**RECOMMENDATION:**

Deny claim for damages by Mr. Bell. The County cleaned an existing ditch. This is normal mainetnance and there is no obligation to advertise or give notice of such cleaning. Nor is there anything wrongful about it that would create liability for damages. Even if the County created a new ditch, it is the County's right of way and we can create ditches if we want to and have no obligation to give notice of such creation. Again, there would be nothing wrongful about building a ditch along side a road that would give rise to liability. Simply speaking, his not seeing the ditch, backing into it, and damaging his truck is not the fault of Kittitas County.

**HANDLING:**

None.

**LEAD STAFF:**

Neil Caulkins