



# MEMORANDUM

Office of the City Attorney

9 9 1 4 4 6

Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commissioners

DATE: May 22, 2000

FROM: City Attorney

## CONSENT

SUBJECT: JAMES W. KIMBROUGH v. THOMAS F. BARRY, JR., IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND CITY OF GAINESVILLE, FLORIDA

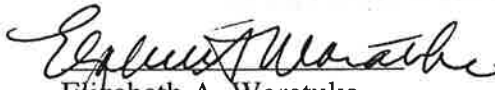
Alachua County Circuit Court; Case No.: 01-00-CC-1577

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Recommendation: The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled James W. Kimbrough v. Thomas F. Barry, Jr., in his Official capacity as Secretary of the Florida Department of Transportation, and City of Gainesville, Florida.

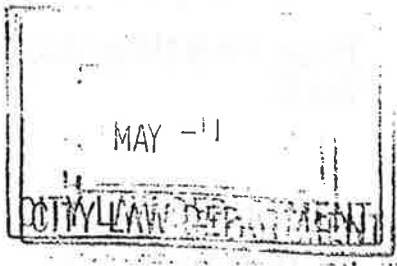
On May 1, 2000, a summons and complaint was served on the Mayor by James W. Kimbrough. Mr. Kimbrough has sued the City and the Florida Department of Transportation alleging that the City and DOT negligently maintained a section of the Hogtown Creek, which negligence caused flood damage to his home in July, 1996. Mr. Kimbrough seeks damages for that flooding and his costs in bringing the action.

Prepared by:

  
Elizabeth A. Waratuke,  
Litigation Attorney

Approved and  
submitted by:

  
Marion J. Radson,  
City Attorney



COPY

IN THE COUNTY COURT OF THE  
EIGHTH JUDICIAL CIRCUIT, IN AND  
FOR ALACHUA COUNTY, FLORIDA

CASE NO.: 01-00-CC-1577  
DIV: V

JAMES W. KIMBROUGH,

Plaintiff,

vs.

THOMAS F. BARRY, JR., in his  
Official capacity as Secretary of the  
FLORIDA DEPARTMENT OF  
TRANSPORTATION, and CITY OF  
GAINESVILLE, FLORIDA,

Defendants.

A TRUE COPY  
STEPHEN M. OELRICH, SHERIFF  
ALACHUA COUNTY, FLORIDA  
Served at 9:48 AM, on the 01 day  
of May 20 00  
By Sgt. Delaney Hill  
As Deputy Sheriff

SUMMONS

THE STATE OF FLORIDA  
TO ALL AND SINGULAR THE SHERIFFS OF SAID STATE:

GREETINGS:

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the AMENDED  
Complaint, Interrogatories and Request to Produce in the above-styled cause upon the Defendant:

CITY OF GAINESVILLE, FLORIDA

BY SERVING:

Paula Delaney, as Mayor  
200 E. University Avenue  
Gainesville, FL

Each Defendant is hereby required to serve written defenses to said <sup>AMENDED</sup> Complaint on Plaintiff,  
whose name and address is DAWN M. VALLEJOS-NICHOLS, ESQUIRE, P.O. BOX 2519,  
GAINESVILLE, FLORIDA, 32602, within thirty (30) days after service of this Summons upon the  
Defendant, exclusive of the date of service, and to file the original of the offenses with the clerk of

said court either before service on Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint.

WITNESS my hand and the seal of this Court on the 38 day of April, 2000.

(COURT SEAL)



J. K. "BUDDY" IRBY  
Clerk of Court

By: Bevera G. Thomas  
As Deputy Clerk

DAWN M. VALLEJOS-NICHOLS, ESQ.  
AVERA & AVERA, P.A.  
Florida Bar ID No: 0009891  
Post Office Box 2519  
305 S.E. 2nd Avenue  
Gainesville, Florida 32602  
(352) 372-9999/375-2526 FAX  
Counsel for Plaintiff

IN THE COUNTY COURT OF THE  
EIGHTH JUDICIAL CIRCUIT, IN  
AND FOR ALACHUA COUNTY,  
FLORIDA

CASE NO.: 01-00-CC-1577  
DIV: V

JAMES W. KIMBROUGH,

Plaintiff,

vs.

THOMAS F. BARRY, JR., in his  
official capacity as Secretary of the  
FLORIDA DEPARTMENT  
OF TRANSPORTATION and CITY  
OF GAINESVILLE, FLORIDA,

Defendants.

---

AMENDED COMPLAINT

COMES NOW the Plaintiff, JAMES W. KIMBROUGH, and sues the Defendants,  
THOMAS F. BARRY, JR., in his official capacity as Secretary of the FLORIDA  
DEPARTMENT OF TRANSPORTATION (hereinafter "DOT"), and CITY OF  
GAINESVILLE, FLORIDA (hereinafter "CITY"), and alleges:

1. This is an action that does not exceed the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00).
2. At all times material hereto, the Plaintiff was and is a resident of Alachua County, Florida and is sui juris in all respects.
3. At all times material hereto, the Florida Department of Transportation was and is a governmental entity as contemplated by Section 768.28, Florida Statutes.

4. At all times material hereto, the City of Gainesville was and is a governmental entity as contemplated by Section 768.28, Florida Statutes.

5. All conditions precedent to filing this action as required by Section 768.28 have been satisfied by the Plaintiff.

6. On or about July 6, 1996, the CITY and the DOT, or its subdivisions, were responsible for the dredging, maintenance and removal of debris from Hogtown Creek in the area from approximately 100 yards east of NW 34<sup>th</sup> Street (Hwy. 121) to approximately ¼ mile south of SW 2d Avenue (Hwy. 26A). At the time of its original dredging, the channel was approximately 25-30' wide and 18-24' deep.

7. Prior to 1990, Florida Department of Corrections prison crews were brought in annually to clear away plant growth within the area of Hogtown Creek noted above. However, while a minimum amount of silt removal was made in the late 1980's, prison crews left plant debris to build up within the creekbed.

8. In August, 1992, CITY began development of a citywide stormwater master plan and sponsored a workshop on a proposed stormwater project for the Loblolly area of Hogtown Creek. The initial plan called for construction of a berm and concrete structure, as well as plans for the containment and removal of sediment buildup in the creek.

9. On or about 9/8/92, a letter of petition with 78 signatures of property owners along the Creek, including Plaintiff's, was sent to the DOT and CITY requesting immediate measures to be taken to remove silt and debris from Hogtown Creek. No response was received from either party and no action was taken by either party. (Attached hereto and incorporated herein by reference as Exhibit A.)

10. On or about June 13, 1995, a letter was sent by Dr. Peter Prugh, acting on behalf of the property owners along Hogtown Creek, to CITY and DOT voicing increased alarm of property owners due to the tremendous accumulation of silt and plant debris. Again, DOT and CITY failed to respond or act to clear the creekbed. (Attached hereto and incorporated herein by reference as Exhibit B.)

11. No vegetation was removed from the creekbed in 1995 or prior to July, 1996.

12. On or about July 6, 1996, following heavy rainfall, Hogtown Creek flooded in the 3400-3500 block of NW 1<sup>st</sup> Court in Gainesville, Alachua County, Florida, damaging several homes, including that of Plaintiff.

#### COUNT I

##### NEGLIGENCE OF DEPARTMENT OF TRANSPORTATION

Plaintiff incorporates and realleges paragraphs 1-12 above and further alleges that:

13. Defendant, DOT, negligently maintained the aforesaid portion of Hogtown Creek by permitting silt and plant debris to accumulate in the creekbed to such an extent that very little clearance remained beneath the bridges on NW 34<sup>th</sup> Street, University Avenue or SW 2d Avenue and there was severely restricted water flow within the creek.

14. The negligent condition was known to DOT or had existed for a sufficient length of time so that, through the use of reasonable diligence, DOT should have known of the danger posed to the resident population in the area described above.

15. That as a direct and proximate result of the foregoing negligence, Plaintiff, JAMES W. KIMBROUGH, sustained flood damage to his home at 3465 NW 1<sup>st</sup> Court, Gainesville, Florida in an amount in excess of \$10,000 (ServPro of Gainesville West

estimate of costs for flood damage repair attached hereto and incorporated herein by reference as Exhibit C).

WHEREFORE, Plaintiff sues the Defendant, DOT, for compensatory damages, costs and demands a trial by jury of all issues so triable.

## COUNT II

### NEGLIGENCE OF CITY OF GAINESVILLE

Plaintiff incorporates and realleges paragraphs 1-12 above and further alleges that:

16. Defendant, CITY, negligently maintained the aforesaid portion of Hogtown Creek by permitting silt and plant debris to accumulate in the creekbed to such an extent that very little clearance remained beneath the bridges on NW 34<sup>th</sup> Street, University Avenue or SW 2d Avenue and there was severely restricted water flow within the creek.

17. The negligent condition was known to CITY or had existed for a sufficient length of time so that, through the use of reasonable diligence, CITY should have known of the danger posed to the resident population in the area described above.

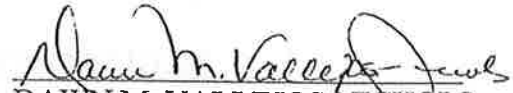
18. That as a direct and proximate result of the foregoing negligence, Plaintiff, JAMES W. KIMBROUGH, sustained flood damage to his home at 3465 NW 1<sup>st</sup> Court, Gainesville, Florida in an amount in excess of \$10,000 (ServPro of Gainesville West estimate of costs for flood damage repair attached hereto and incorporated herein by reference as Exhibit C).

WHEREFORE, Plaintiff sues the Defendant, CITY OF GAINESVILLE, for compensatory damages, costs and demands a trial by jury of all issues so triable.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U. S. mail, postage prepaid, to THOMAS F. BARRY, JR., in his official capacity as Secretary of

FLORIDA DEPARTMENT OF TRANSPORTATION, 605 Suwannee Street, Tallahassee,  
FL 32399, this 26 day of April, 2000 and by service of process on Defendant, CITY OF  
GAINESVILLE, FLORIDA.

AVERA & AVERA, P.A.



DAWN M. VALLEJOS-NICHOLS  
Florida Bar No: 0009891  
305 Southeast Second Avenue  
P.O. Box 2519  
Gainesville, FL 32602-2519  
(352) 372-9999/FAX 375-2526  
Attorneys for Plaintiff



AH. 3-1

September 8th, 1992

John Collins  
Maintenance Engineer  
Florida Department of Transportation  
5301 NE 39th Avenue  
Gainesville, FL 32609

RE: Maintenance of Hogtown Creek in west Gainesville near SR 121 and SR 26A

Dear Mr. Collins:

We are writing in regard to the current conditions in Hogtown Creek in the area between the SR 26A bridge and the concrete weir located several hundred feet east of the SR 121 bridge (NW 34th Street). As residents of the area which abuts the creek in this vicinity we are very concerned about the accumulation of silt deposits in the creekbed over the last several years and the buildup of debris and silt at the three road bridges which cross the creek in our neighborhood (SR 121, SR 26, & SR 26A). The silt deposits have substantially reduced the creek depth and debris trapped at the bridges is impeding the flow of water in the creek.

Many of us who are long time residents and have watched the creek over the years are concerned that silting of the creek and the blockage at the bridges will cause flooding in our area if we experience a significant rainfall. Recent rainfalls, which have not even approached a five or ten year storm incident, have brought the water levels to the top of the banks and close to the bottom of the bridge structures on several occasions causing a great deal of consternation among residents near the creek.

The City of Gainesville Engineering Department indicated to us that maintenance of this portion of Hogtown Creek is the responsibility of the Florida Department of Transportation (DOT). It is also the recollection of some residents that the DOT has performed maintenance and silt removal from the creek in the past. We feel the conditions in the creek, if uncorrected, will contribute to potential flooding of our homes, nearby businesses, and the adjacent roadways. Some of us still remember the flooding this area experienced in 1964 due to hurricane Dora and wish to avoid a similar catastrophe today. The recent events in south Florida involving hurricane Andrew have reinforced the adage that an ounce of prevention is far preferable to a pound of cure.

We the undersigned request that appropriate measures be taken to remove silt deposits from the creekbed and debris accumulated at the bridges from the Hogtown Creek area identified above as quickly as possible to decrease the potential of a flood situation.

copy to: Stewart Pearson, City Engineer  
Tom McKnew, Mayor and City Commissioner for West Gainesville

EXHIBIT A

DOT: Hogtown Creek maintenance letter dated 09-08-92

NAME	ADDRESS
James Kincaugh	3465 NW 1st Ct
Jane T. Kimbrough	3465 NW 1st Court
John A. Neely	3433 N.W. 1st Court
Dorinda Niles	3423 NW 1st COURT
Donald R. Smith	3415 NW 1st Ct
Dorison Dick	3415 NW 1st Ct
Deane R. Edrbridge	3405 NW 1st Ct
Marty R. Estuid	3405 NW 1st Ct
Kathryn Stancher	401 NW 34th Terr
Mary F. O'Neal	401 NW 34th Terr
Imogene H. Freeman	414 NW 34th Terrace
J. C. Freeman	"
Virginia Strozien	320 NW 34th Terr
Glen Schreiner	300 NW 34 Terr
Barbara M. Bunn	208 NW 34th Terrace
Chas T. Hill	217 NW 34 DR
Sandra Clements	303 NW 34th DR
Samuel Sanabria	313 NW 34th Dr
Bradley H. Hopenbrud	401 NW 34 DR
Sun L. Brown	402 N W 34th Dr
Sharon G. Leggett	3443 NW 1st Court.
Veronica R. Joku	205 NW 34th DR.
Alan B. Pate	300 N.W. 34TH DRIVE

DOT: Hogtown Creek maintenance letter dated 09-08-92

NAME

ADDRESS

Vernice Pate

300 N.W. 34th Dr

Carol Cochran

310 NW 34th Dr.

Lynn Harris-Cera

414 NW. 34th Drive

John Sider

413 N.W. 34th DRIVE.

Mike Schutt

" " " "

Lynnea Constant

413 NW 34th Terrace

Bisa Fisher

313 NW 34th Terr

Michael E. Thomas

310 N.W. 34th TERRACE.

Tom Anast

213 NW 34th Ave.

Thomas J. Tedka

234 NW 34th St.

J. Spilarsky

302 NW 34th St.

J. Johnson

" " "

[Signature]

-11 " 11

James M. Ho

414 S.W. 34 ST.

Pat Wagoner

" "

Paula Rambo

411 SW 34th St.

Francis J. White

401 NW 34 St

J. White Jr

401 N.W 34 St

DOT: Hogtown Creek maintenance letter dated 09-08-92

Att. 3-4

NAME	ADDRESS
<del>John E. Prugh</del>	207 NW 35TH STREET 32607
Anne S Prugh	207 NW 35th street 32607
Mary W. Cox	115 N. W. 35 ST. 32607
<del>Paul R. Boush</del>	304 NW 35 <sup>th</sup> St 32607
Michael K. Holt	314 NW 35 <sup>th</sup> ST 32607
Sally Rogers	401 N.W. 35 <sup>th</sup> St. 32607
Clarence J. Boyer	401 N.W. 35 <sup>th</sup> ST 32607
B. F. Boush	303 NW 35 St. 32607
Andrew Boush	303 NW 35 St. 32607
Deborah S. Scott	314 NW 35 <sup>th</sup> ST. 32607
Hilton S. Gustafson	218 NW 35 <sup>th</sup> St 32607
<del>Colman G. Olden</del>	3502 W Union Ave
Roy P. Olden	118 NW 35 <sup>th</sup> ST 32607
Brian Keith	108 N.W. 35 ST 32607
Beth Katz	108 NW 35 <sup>th</sup> St 32607
L. Gwen Cote	313 N.W. 35 St 32607
James E. Bingham	414 NW 35 <sup>th</sup> ST. 32607
<del>Nelvin B. Bingham</del>	" " "
Mr. T. D. Duffey	208 NW 35 <sup>th</sup> ST 32607
<del>Kenneth D. Dan</del>	3453 NW 1 <sup>st</sup> Ct 32607
Nelvin B. Dan	3453 N.W. 1 <sup>st</sup> Ct. 32607
Marjorie R. Phillips	3453 N.W. 1 <sup>st</sup> COURT 32607
Sally Stipp	8 N.W. 35 <sup>th</sup> TERR. 32607

DOT: Hogtown Creek maintenance letter dated 09-08-92

NAME

ADDRESS

~~Ray J. ...~~  
Laron Martin

~~8 NW 35th Terrace, Fla~~  
25 N.W. 35 Terrace

Alyn A. Rosendo

28 NW 35<sup>th</sup> Terrace

~~Jean ...~~

117. N.W. 35<sup>th</sup> Terrace.

~~Kris D. ...~~

118 N.W. 35 Terrace Avilla Fl.

~~Manuel ...~~

217 N.W. 35th Terr. Gville 32607

~~Lark Smadbeck~~

601 N.W. 35<sup>th</sup> St. Gville 32607

~~Loret Smadbeck~~

601 NW 35<sup>th</sup> St Gville Fla 3260

~~Debbie Hoyle~~

313 NW 35<sup>th</sup> Terr Avilla Fla 3260

~~James Costello~~

313 NW 35<sup>th</sup> Terr Avilla Fla 3260

~~Frank ...~~

402 NW 35<sup>th</sup> Terr.

Mrs John A. Coker

414 N.W. 35th Terr. 372-1169

~~Jack ...~~

" " "

~~Carlene ...~~

413 N.W. 35<sup>th</sup> St



PETER E. PRUGH, AIA  
ARCHITECTS AND PLANNERS  
MEMBER:  
AMERICAN INSTITUTE OF ARCHITECTS  
AMERICAN PLANNING ASSOCIATION

September 18, 1992

Tom McKnew  
Mayor and City Commissioner for West Gainesville  
City Hall  
200 E. University Avenue  
Gainesville, Florida 32601

RE: Concerns about flood threats from Hogtown Creek in the area near 34th Street and University Avenue due to lack of creekbed maintenance

Dear Mayor McKnew:

Attached is a copy of a letter to the Florida Department of Transportation (DOT) with over 75 signatures expressing concerns about the current condition of Hogtown Creek in our area and the need for maintenance of the creekbed to avoid a flood situation. We directed our efforts to the DOT after Stewart Pearson, the City Engineer, inspected the area and met with members of our neighborhood to determine the appropriate agencies that should be involved.

We are grateful to the city for Mr. Pearson's time and very helpful assistance, and we would appreciate any additional assistance the city could provide in securing the creekbed maintenance by the DOT which we feel is essential to protect homes and businesses in this area.

Thank you for consideration of our concerns.

Sincerely,

Peter E. Prugh, AIA, APA  
Associate Professor of Architecture  
Resident of Woodland Terrace subdivision adjacent to Hogtown Creek

copies to: Commissioners: Collier  
Delaney  
Long  
Painter

S. Pearson, City Engineer



AH. 4

PETER E. PRUGH, AIA  
ARCHITECTS AND PLANNERS  
MEMBER:  
AMERICAN INSTITUTE OF ARCHITECTS  
AMERICAN PLANNING ASSOCIATION

September 18, 1992

Tom McKnew  
Mayor and City Commissioner for West Gainesville  
City Hall  
200 E. University Avenue  
Gainesville, Florida 32601

RE: Support for flood control measures in the Hogtown Creek basin in the area near  
34th Street and University Avenue

Dear Mayor McKnew:

When the city revised the flood plain ordinance and the flood plain boundaries several years ago over 100 homes in our area (see attached map) were designated as being relocated into the 100 year flood plain or into the flood channel (10 year flood plain). As a result we have faced flood insurance costs, diminished property values and marketability, and severe building restrictions that limit our ability to invest in and expand our homes. Many of us purchased our homes originally in the Woodland Terrace subdivision with the explicit understanding that we were outside the 100 year flood plain defined by the city.

Because our area was "grandfathered" into the flood plain more than 35 years after the subdivision was developed, the city indicated during the ordinance revision hearings that flood control measures to limit the flood plain in our area would be investigated and implemented if a feasible plan could be developed. I was very encouraged recently when the City Engineering Department held a flood control workshop at Westwood Middle School and explained a proposal to develop a series of flood control berms in the area between NW 8th Avenue and West University Avenue (near the Loblolly Nature Center) which may reduce the flood plain impact on our area.

Residents of other adjoining neighborhoods expressed concerns at the workshop about aesthetics and possible water impact on their properties which certainly need to be addressed in developing the specific design of this project. However, I wish to express my unreserved and wholehearted support for the project concept. Because of the availability of a large city-owned tract of land and available project funding the city now has the opportunity to relieve to some extent the financial burden our neighborhood has had to bear due to the recent flood plain realignment.

I strongly urge the City Commission to support the continued development of flood control measures for the Hogtown Creek basin and particularly for the proposed project near the Loblolly Nature Center. The City Commission pledged to pursue flood control measures when our area was placed in the flood plain because it was clear at that time that placing a flood plain designation with all the related restrictions and concerns on an existing developed neighborhood would eventually cause the neighborhood to deteriorate.

Att. 4-2

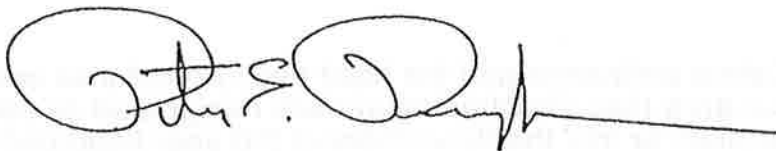
McKnew: flood control measures (09-18-92)

page 2

Historically Woodland Terrace has been a very stable neighborhood and provides one of the few remaining affordable housing options in the city near the University and the downtown. Implementation of flood control strategies that reduce the impact of the existing flood plain on our area will alleviate somewhat the financial burdens and investment restrictions we now are struggling with and will allow positive development of our area.

I would like to express my appreciation for the City Engineering Department's assistance recently in helping to resolve ongoing maintenance problems with the portions of the creek that run near University Avenue which had caused potential flood anxieties for many of us in the area near the creek, and for your support of flood control measures in the Hogtown Creek basin.

Sincerely,



Peter E. Prugh, AIA, APA  
Associate Professor of Architecture  
Resident of Woodland Terrace Subdivision

attachment: map of area showing flood plain location

copies to: Commissioners: Collier  
Delaney  
Long  
Painter

S. Pearson, City Engineer  
E. Swearingen, Director of Public Works



AH. 5-1



PETER E. PRUGH, AIA  
ARCHITECTS AND PLANNERS

MEMBER:  
AMERICAN INSTITUTE OF ARCHITECTS  
AMERICAN PLANNING ASSOCIATION

June 13, 1995

The Mayor and City Commissioners of Gainesville  
City Hall  
200 E. University Avenue  
Gainesville, Florida 32601

RE: Concerns about flood threats from Hogtown Creek in the area near 34th Street and University Avenue and DOT maintenance responsibilities

Dear Mayor and Commissioners:

As city residents in the area between 34th Street and University Avenue near the Westgate Shopping Center (see attached map) we are becoming increasingly concerned about potential flooding of Hogtown Creek in our neighborhood due to creekbed silting and negligent maintenance by the Florida Department of Transportation (FDOT). As it runs under 34th Street and University Avenue the creek is no longer a natural stream but was channelized to allow development of this area in the 1950's and 60's. Periodic maintenance is required in this artificial waterway as silt deposits over time decrease the cross sectional area and negatively impact storm water capacity.

In 1992 when we first became concerned with high creek levels we worked with city engineer Stewart Pearson who confirmed that creekbed maintenance in this area was the responsibility of FDOT. Attached are copies of letters from 1992 to FDOT and our petition with over 75 signatures requesting that the creekbed be properly maintained. FDOT refused to even acknowledge our petition (which was sent by registered mail), and maintenance efforts since then have been limited to cutting of vegetation in the creekbed. Discussions by city engineers with FDOT have also been to no avail.

Our concern is the silting in of the creekbed which is demonstrated in the attached picture taken during FDOT maintenance dredging of the creekbed in the late 1970's (note FDOT equipment in the picture). On the left side of the picture can clearly be seen the outfall pipe from the neighborhood storm sewers several feet above the water level in the creek. A site visit today will show that the current creekbed floor is up to the invert of the outflow pipe, and in some areas localized silt deposits are higher than the storm water invert. These silt deposits have raised the creek floor by a number of feet, have decreased the creek channel cross sectional area and now threaten to block the storm water outlets from our neighborhood into the creek.

We are particularly concerned because recent storms far less intensive than a "10 year storm event" have brought water levels perilously close to the top of the banks. With hurricane season upon us once again we feel the potential for catastrophic flooding of area homes and businesses similar to 1964's Hurricane Dora is a reality. We are asking the Commission to use its lobbying influence with the FDOT to insure that the channelized section of Hogtown Creek is maintained to accommodate anticipated storm water flows.

**EXHIBIT** β

AH. 5-2

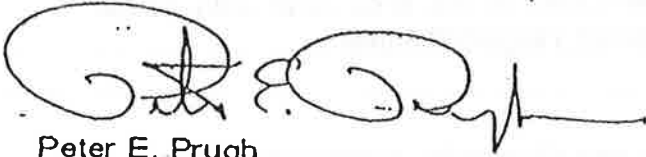
City Commission Letter: 06-13-95

page 2

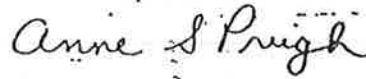
As we indicated in 1992 this is clearly a situation where an ounce of prevention is far preferable to a pound of cure. Flooding of the main circulation artery into the university and the downtown, damage to homes and businesses, and the attendant emergency services would cause a serious economic loss for the whole community. It would benefit the whole community for the Commission to help facilitate a satisfactory resolution avoiding this potential disaster. There may come a 100 year storm event in the future that would overwhelm all our collective flood control measures. However, it is absurd for a lack of maintenance to cause a catastrophe which could have been avoided.

Thank you for consideration of our concerns.

Sincerely,



Peter E. Prugh



Anne S. Prugh

Residents of Woodland Terrace subdivision adjacent to Hogtown Creek

Attachments:

1. Map of Hogtown Creek area of concern
2. Photograph of Hogtown Creek
3. Copy of letter to then Mayor Tom McKnew dated 09-18-92
4. Copy of letter to John Collins, FDOT Maintenance Engineer, dated 09-18-92
5. Copy of petition and letter to FDOT dated 09-08-92



AH. 6-2

SERVPRO OF GAINESVILLE WEST  
4609-A NW 6TH STREET  
GAINESVILLE, FLORIDA 32609

904-372-9787 FAX 904-378-7175 FEIN#59-3170179

RE: NAME : JAMES KIMBROUGH PAGE # 2

RESTORATION SERVICES (Continued)

NECESSARY TO RETURN HOME TO PRE-FLOOD CONDITIONS.

NOTE: ODOR IN HOME AFTER DRYING INDICATES DAMPNESS BEING HELD UNDER VINYL FLOORING--WILL HAVE TO BE REMOVED TO TREAT MILDEW GROWTH.

NOTE: H2O WICKIED UP WALLS THROUGHOUT -- NEED TO BE SEALED AND PAINTED.

45B	REMOVE VINYL FLOORING IN DINING & BATHROOMS.	KITCHEN,	305	SF	@	0.45	137.
47B	TREAT ABOVE AREAS WITH ODOR TREATMENT.	MILDEW	305	SF	@	0.15	45.
49B	SEAL & PAINT WALLS ONLY INCLUDES GARAGE.	THRU-OUT	2628	SF	@	0.36	946.
51B	SEAL & PAINT BASE MOLDING	THRU-OUT	375	LF	@	0.55	206.
52B	SEAL & PAINT DOORS & CASINGS	THRU-OUT	8	UNS	@	28.50	228.
53B	REMOVE&REPLACE VANITY & TOP IN BATH. INCLUDES REMOVAL & RESETTING OF SINK.	MASTER	3	LF	@	110.00	330.
55B	REMOVE & RESET COMMODE FOR NEW BATHS.	VINYL IN	2	UNS	@	47.50	95.
57B	PURCHASE & IN-STALL VINYL IN DINING & BATHS.	KITCHEN,	37.33	YDS	@	20.00	746.
59B	PURCHASE & IN-STALL SHOE MOLDING IN AREAS WHERE NEW VINYL INSTALLED. INCLUDES SEALING & PAINTING OF SAME.		74	LF	@	1.45	107.
62B	PURCHASE & IN-STALL CARPET OF QUALITY. GOOD GRADE.	LIKE	124	YDS	@	22.50	2790.

CONTENTS

67B	CLEAN & DEO-CHAIRS.	DERIZE SOFA AND 2 EASY	1	GRP	@	125.00	125.
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GENERAL ITEMS

72B	OZONE HOME & ODOR REMOVAL.	HVAC SYSTEM TO AID IN	1	GRP	@	175.00	175
74B	DEBRIS REMOVAL AND GENERAL	CLEAN UP	1	GRP	@	150.00	150

AH. 6-3

SERVPRO OF GAINESVILLE WEST  
4609-A NW 6TH STREET  
GAINESVILLE, FLORIDA 32609  
904-372-9787 FAX 904-378-7175 FEIN#59-3170179

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=====
NAME      :JAMES KIMBROUGH          INSURED BY  :
ADDRESS   :3465 NW 1 CT            ADJUSTER   :
CITY,ST   :GAINESVILLE FL       PHONE      :
PHONE     :                          FAX         :
LOSS DATE :7/6/96                 AGENT      :
CALLED IN :                          PHONE      :
INSPECTED:TIM                    10/10      :
TODAY DTE :                          (File:KIMBROUG)
=====

```

<<< TRADE TOTALS >>>

<<< CONTENTS GROUPS >>>

B-STRUCTURE CLEANING 7761.31

-----  
SUMMARY OF ESTIMATE TOTALS

<u>STRUCTURE:</u>	
Total Trades	7,761.31
Overhead & Profit	1,629.87
STRUCTURE TOTAL	\$ 9,391.18
	=====
<u>CONTENTS</u>	
GROUP TOTAL	0.00
CONTENTS TOTAL	\$ 0.00
	=====
<u>AND TOTAL</u>	\$ 9,391.18
	=====
**CONTENTS: 67B	
Reuphostering necessary	=====700.00
<u>REVISED TOTAL</u>	\$ 10,091.00
	=====

