

**STROMBOTNE LAW FIRM**

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350 Cambridge Ave. #200  
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July 10, 2007

Via e-mail and U.S. Mail

Kimberly Kim  
Caltrans  
PO Box 7444  
San Francisco, CA 94120

Re: Brush Road drain culvert

Dear Kimberly:

If you recall, for some time now we have periodically discussed the problem with the failing drainage culvert on Brush Road in Los Gatos which, if not properly repaired, threatens to wash out Brush Road and Highway 17. I have contended that Caltrans is responsible to repair and maintain the culvert because the State originally constructed the culvert in 1937 and has maintained it for almost 70 years. Since you did not agree, and rather than resorting to litigation, our discussions resulted in a tentative agreement that if Brush Road Corporation accepted responsibility to repair and maintain the culvert, that Caltrans would contribute funds for the repair.

Obtaining reasonable bids from willing and qualified contractors has been a difficult and time consuming ordeal for my client. Finally we have received two bids which are summarized below and have been attached along with the plans:

- |  |           |
|--|-----------|
| 1. Pete Messa & Sons Inc.                | \$102,000 |
| 2. Up Grade Construction & Drilling Inc. | \$123,480 |

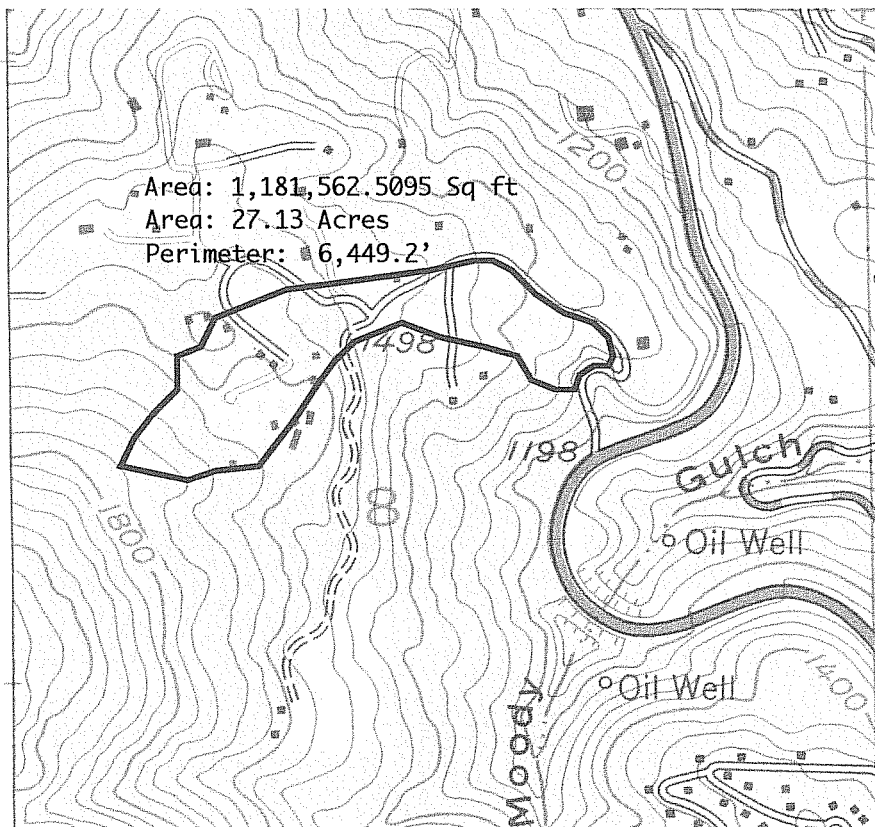
Please review and advise if Caltrans will pay the cost of repair and obtain all necessary approvals.

Thank you.

Sincerely,

Mark L. Strombotne  
cc: Client

**MARK L. STROMBOTNE, ESQ.**  
Real Estate and Public Agency Law  
MLS@StrombotneLaw.com



L for time of concentration:  
 $(6449-449)/2 = 3000'$

Use 5 fps flow rate

$T_c = (3000/5)$   
 $T_c = 600 \text{ sec or } 10 \text{ min.}$

Intensity for 100 yr storm,  
 $I = 2.80 \text{ in/hr}$

$Q = CIA$

Assume strong storm, saturated ground as has happened occasionally in last 20 yrs.

$C = .85$

$I = 2.80$

$A = 27.2 \text{ Acres}$

$Q = .85 \times 2.80 \times 27.2$

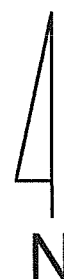
$Q = 64.75 \text{ CFS @ Brush Road culvert.}$

Use 48" HDPE culvert for smooth walls and to pass any debris that gets through debris rack.

Per Figure 120, Capacity - Velocity Curves for Outlets Unsubmerged, p 234 of Handbook of Culvert and Drainage Practice, Henry D. Gilbert, 1947:

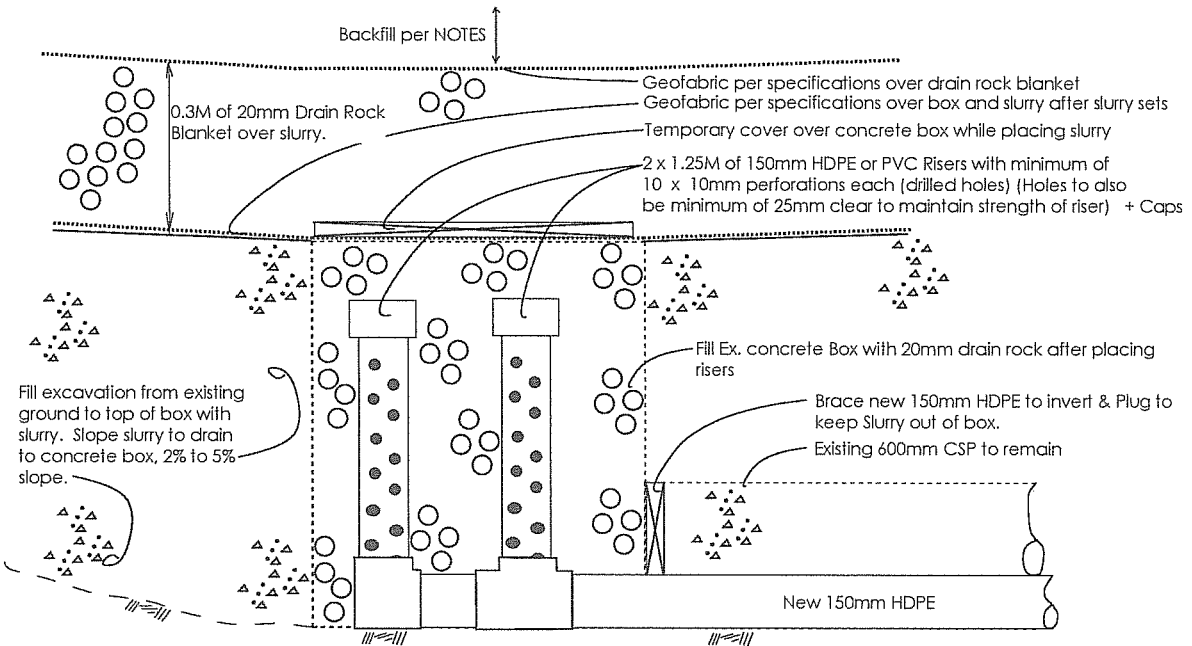
A 48" pipe (1200mm) @ 0.50% carries 80 cfs,  
 $v = 8 \text{ fps}$

A 60" pipe (1500mm) @ 0.50% Carries 140 cfs  
 $v = 9 \text{ fps}$

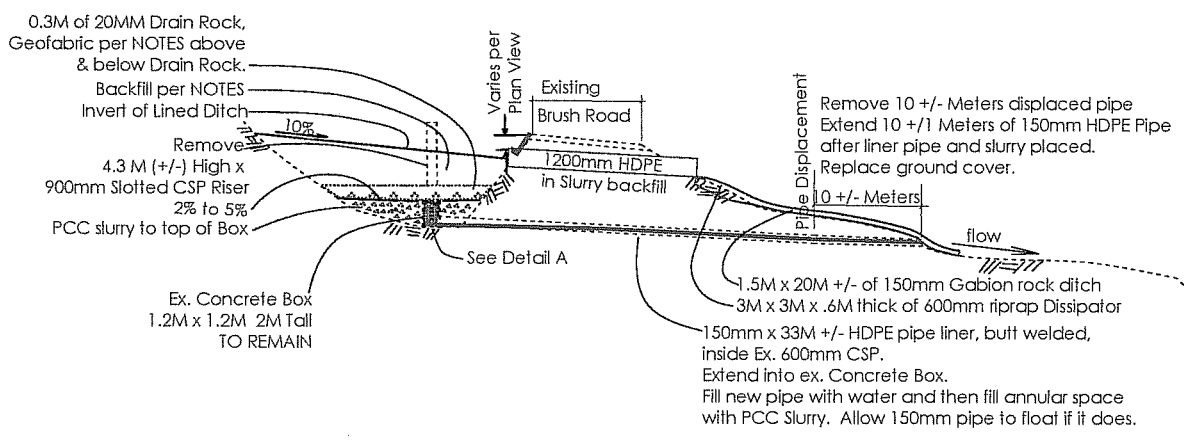


1" = 1,000'

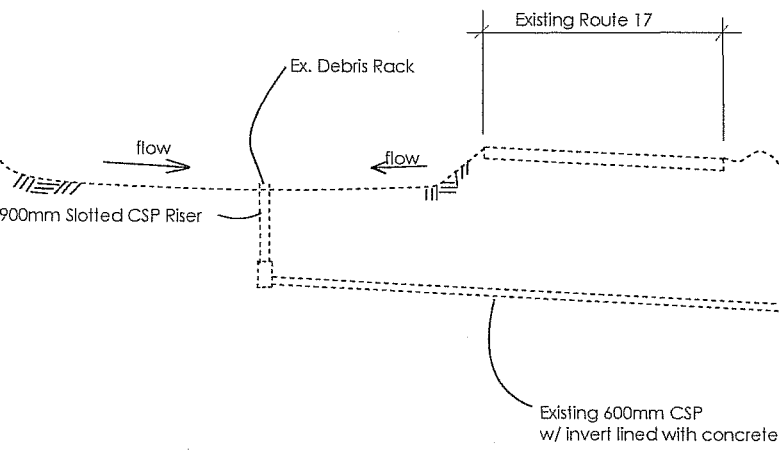
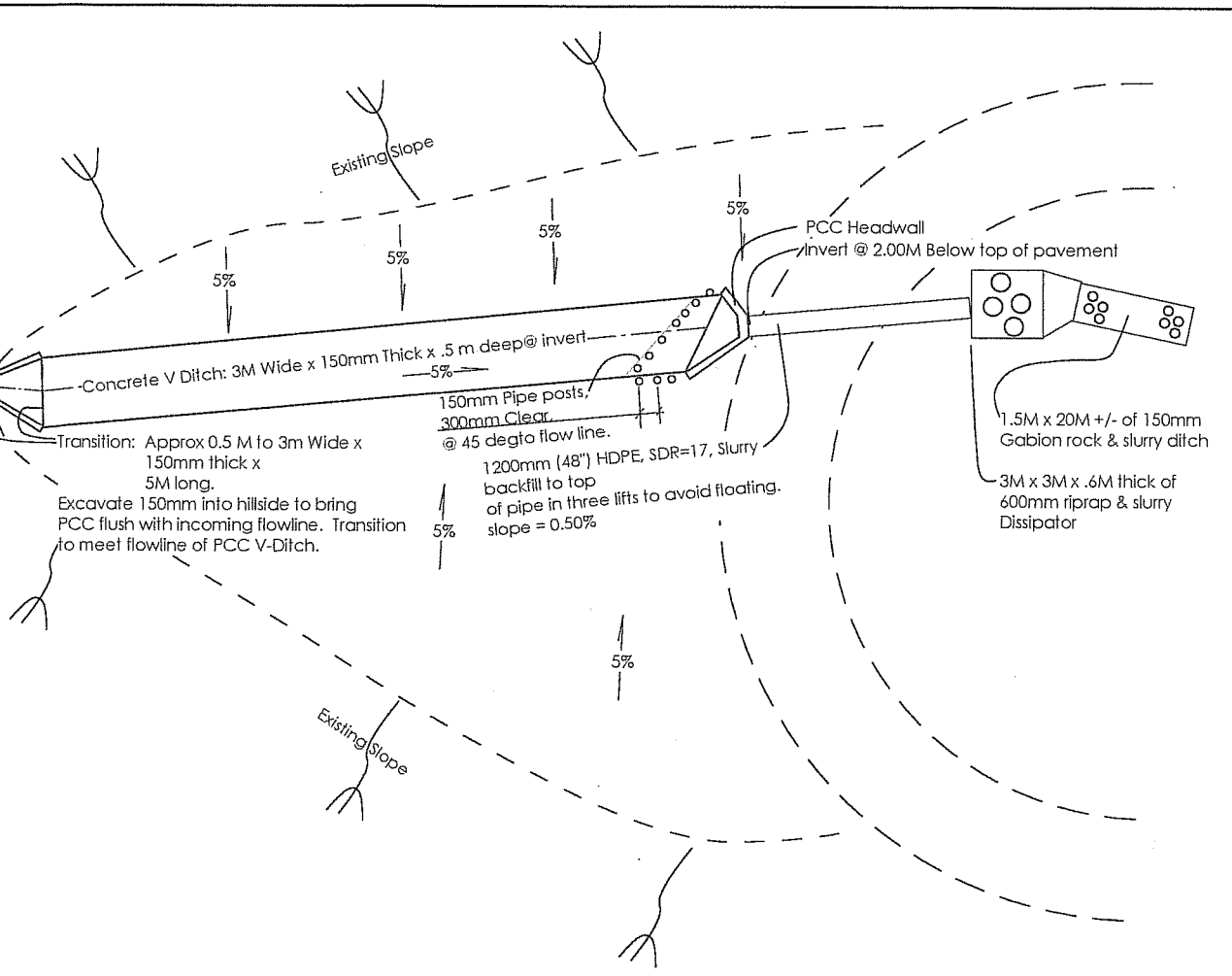
Brush Road Culvert  
 Hydrological Study  
 Roy A. Nelson, CE  
 408-353-4303  
 October 3, 2006



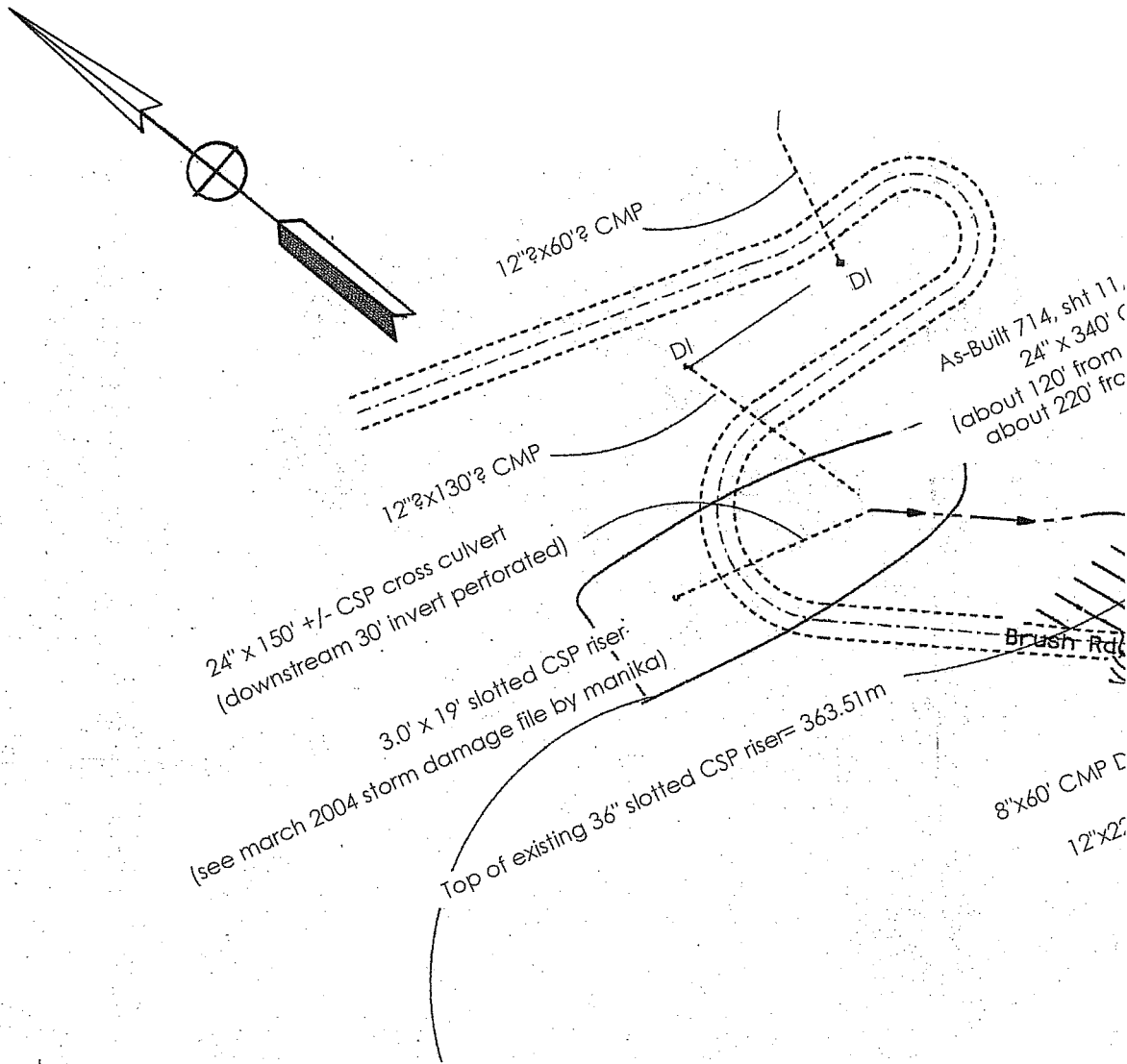
DETAIL A  
NOT TO SCALE



Section View  
Proposed Repair Plan  
Brush Rd. near Route 17 PM 2.02



<b>Brush Road Improvement Plans</b>	
ROY A. NELSON, CE 24665 GLENWOOD DR. LOS GATOS, CA 95025 408-353-4500	8/18/06

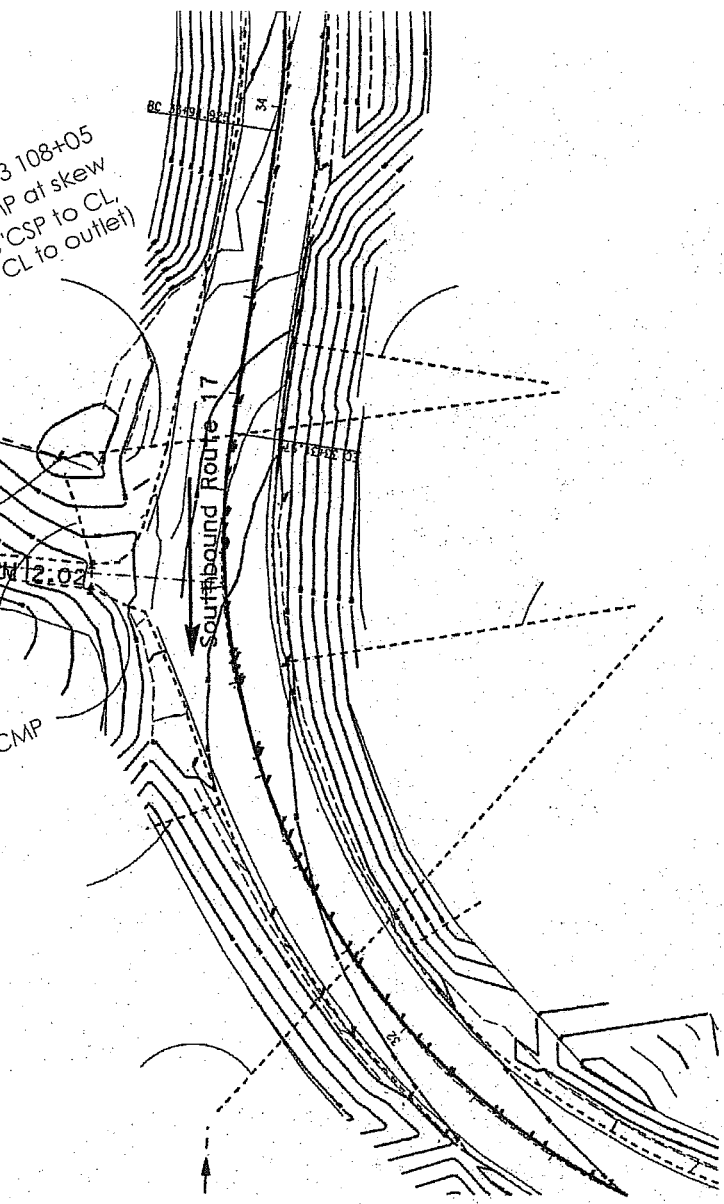


Plan

Brush Rd Damaged Culvert

Near SCI 17 PM 2.02

3 108+05  
IP at skew  
(CSP to CL,  
CL to outlet)



Brush Road  
Improvement Plans

ROY A. NELSON, CE  
24665 GLENWOOD DR  
LOS GATOS, CA 95025  
408-355-4305

8/18/06

**Pete Messa & Sons Inc.**

26690 San Jose-Soquel Rd.

Los Gatos, CA. 95033

License # 403017

Telephone: (831)476-8221

Fax: (831)476-5947

**BID PROPOSAL**

**DATE:** 11/11/06

**CUSTOMER NAME & ADDRESS:**

Brush Road Association  
Los Gatos, Ca.

**PROJECT NAME & ADDRESS:**

Brush Rd. Culvert Repair  
Brush Rd., Los Gatos, Ca.

**PLANS & SPECIFICATIONS:**

1. Roy A. Nelson, C.E., Brush Road Improvement Plan, dated 8/18/06, preliminary proposed repair set.

**PLEASE REVIEW THE FOLLOWING BID ITEMS FOR SITE WORK ON THE ABOVE REFERENCED PROJECT. WE PROPOSE TO PROVIDE LABOR, EQUIPMENT, AND MATERIALS TO COMPLETE THE FOLLOWING WORK:**

**ONSITE SCOPE OF WORK:**

1. Install improvements for culvert repair as per proposed repair plan. Some plan details to be confirmed prior to construction.

**Item Budget: \$102,000.00**

**OFFSITE SCOPE OF WORK: NONE.**

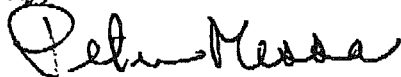
**EXCLUSIONS:**

- 1) Engineering and staking.
- 2) Cost and provision of any required site specific permits, right of ways, inspections, and material tests, unless otherwise noted herein.
- 3) All costs relating to the discovery of contaminated materials or toxins on this project site.
- 4) Installation, relocation, and/or removal of utilities and undisclosed underground objects such as tanks and utilities.
- 5) Cost for Bonding, if required.

- 6) Protective fencing, if required, unless otherwise noted herein.
- 7) Erosion control measures such as seeding, mulching, netting, silt fencing, etc., unless otherwise noted herein.
- 8) Sub-excavation below lines and grades shown on plans. No Soils Report was provided.

**THANK YOU FOR THE OPPORTUNITY TO PROVIDE INPUT ON THIS PROJECT. IF YOU HAVE ANY QUESTIONS REGARDING THIS BID AND PROPOSAL, PLEASE CONTACT ME AT (831)476-8221. PAYMENT TERMS: PROGRESS PAYMENTS DUE MONTHLY AND/OR ANY UNPAID BALANCE DUE UPON SATISFACTORY COMPLETION OF SCOPE OF WORK. CONTRACT PROVIDED UPON REQUEST.**

Sincerely,



**PETER G. MESSA, PRESIDENT  
PETE MESSA & SONS, INC.**

**ACCEPTANCE OF TERMS OF THIS PROPOSAL:**

**BY:**

**PRINT NAME:**

**TITLE:**

**DATE:**

*phone / fax  
3534677*



Up Grade Construction & Drilling, Inc.

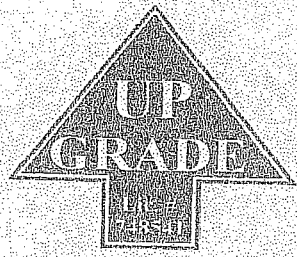
P.O. Box 13069  
Coyote, Ca 95013

California Certified Small Business #26582  
408-690-8640 Tax # 408-608-1800

# PROPOSAL / CONTRACT

Proposal #		Date
3120	upgradc@calcom.us	2/4/2007

<b>NAME / ADDRESS</b>
Brush Road Improvement Los Gatos, Ca



<b>RE: DRAINAGE.</b>	<b>Terms</b>
<b>PROJECT SITE:</b>	Due on receipt

UP GRADE CONSTRUCTION & DRILLING, INC. WILL SUPPLY ALL LABOR AND MATERIALS NECESSARY TO COMPLETE THE FOLLOWING:

PROPOSED REPAIR AND DRAINAGE MODIFICATION TO EXISTING DRAINAGE UNDER BRUSH ROAD.	123,480.00
-SCOPE OF WORK BASED ON PLANS DESIGNED BY ROY A. NELSON, CE 8-18-06	
-NEED STRUCTURAL PLANS ON CONCRETE HEAD WALL	
-RECOMMEND SOIL ENGINEER TO REVIEW DRAINAGE PLAN	
<b>TOTAL COST OF WORK</b>	
	<b>\$123,480.00</b>

### ACCEPTANCE

YOU ARE HEREBY AUTHORIZED TO FURNISH ALL LABOR AND MATERIALS REQUIRED TO COMPLETE THE WORK MENTIONED IN THE ABOVE PROPOSAL AND AGREE TO PAY THE AMOUNT IN SAID PROPOSAL ACCORDING TO THE TERMS AND CONDITIONS ON THE REVERSE SIDE OF THIS CONTRACT TO UP-GRADE CONSTRUCTION & DRILLING, INC.

UP-GRADE CONST. & DRILLING, INC.	DATE	AUTHORIZED SIGNATURE	DATE
BY: <i>[Signature]</i>	2/4/07	BY: <i>[Signature]</i>	