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## Rheem sinkhole property owner appeals abatement notice

By Vera Kochan



Contractor access for sinkhole inspections and repairs Photo Vera Kochan

repair is finalized; and that the sinkhole has been temporarily shored and appropriately fenced while all repairs are made.

Sternberg, the lead attorney, added an "Objection to Timeframe" given by the town to perform repairs. "The required timeframe is, in general, a good plan of action, but the times are too short because of the extensive problem and the necessary coordination in attempting to obtain funds to repair the sinkhole in the light of the fact that it may be the responsibility of the Town of Moraga, East Bay Municipal Utility District, the Up-Slope Owners who have directed the waters into the subject property, and others. The adjacent sinkhole took over two years to repair."

The town of Moraga provided testimony from three witnesses during the hearing to back up the claims behind the violations. Public Works Director Edric Kwan had stated that during a recent visit to the property with the shopping center's contractor he witnessed the ground "flexing" as the contractor jumped up and down to demonstrate the instability of the situation.

Senior Project Manager Robin Lee of Schaaf and Wheeler, Moraga's on-call civil engineering firm, testified about the temporary structural supports that are holding up the pipe. "We would recommend moving them. When the higher flows come through those supports are going to act like bridge piers, and they're going to collect debris, so you also have a potential of flooding upstream. If they collect too much debris and then the force of water is very strong, those pipes are likely going to get knocked out and wash away."

Kwan verified that the temporary bypass pipes were washed away during the May storms and their locations within the system are not known.

Moraga Police Chief Jon King explained that his day shift officers are "constantly moving people away" from the fence surrounding the sinkhole area. Adults and kids have taken selfies in front of the sinkhole or have climbed the fence surrounding it for a better picture.

Mayor Roger Wykle asked for clarification of easement regarding the stormwater pipe. Assistant Town Attorney Denise Bazzano replied, "The town's position is that the pipe belongs to the property owner, in this case Stars Holding Co., LLC. The town does not have any easement to enter onto the property. The town has not maintained that storm drain pipe. The town has not undertaken any repairs of the storm drain pipe in the past. The town's position is that this pipe belongs to the property owner."

Sternberg requested that the town council stay the abatement order so that his client may continue to raise funds and hire someone appropriate to fix the sinkhole.

The town council unanimously affirmed to adopt the resolution upholding the Notice and Order to Abate the Violations based upon all of the presented findings, but extended the effective date to begin after Nov. 13, the date of the next council meeting.

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