

CITY OF KINGSTON
Office of the City Clerk
Registrar of Vital Statistics
cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

July 9, 2021

Ms. Ruth Morris
420 E. Main St.
Middletown, New York 10940

Dear Ms. Morris:

Enclosed please find a claim (#21-17) a claim for property damage. Mr. Edward O'Shea, attorney for claimant Raymond J. Iaia, vs City of Kingston.

If you have any questions, please contact me at (845) 334-3919.

Very truly yours,

Deidre M. Sills
Deputy City Clerk

cc: Corporation Counsel
Common Council
Andrea Shaut
KPD

#21-17

received
7/8/21

Cert. Mail

cc
Shant
Covance
JFW

NOTICE OF CLAIM

In the Matter of the Claim of

EDWARD O'SHEA

TO: Honorable Steven T. Noble
420 Broadway
Kingston, New York 12401
Via Certified Mail
Return Receipt Requested
7019 1640 0000 6717 9035

City Hall - City Clerk/Registrar's Office
420 Broadway
Kingston, New York 12401
Via Certified Mail
Return Receipt Requested
7019 1640 0000 9042

PLEASE TAKE NOTICE that, EDWARD O'SHEA, pursuant to the statutes in such cases made and provided, does hereby make claim against the City of Kingston and in support of such claim, does state the following:

1. **Claimant's name and post office address is as follows:** Edward O'Shea, 430 Pearl Street, Kingston New York 12401. The name of Claimant's attorneys is Raymond J. Iaia, whose address is, 42 Catharine Street, Suite 108, Poughkeepsie New York 12601.

2. **The nature of the claim:** This claim is one against the City of Kingston, for property damage to the home and its foundation erected on 104 West Pierpont Street, City of Kingston, State of New York as well as the adjacent sidewalk and property between the home and the sidewalk as well as other ground surrounding the subject home. Said damage is owing to and caused by improper road construction and maintenance, as well as improper sidewalk construction and maintenance. Specifically, run off from upland properties and road networks

directly discharge onto West Pierpont where the runoff water collects causing further damage thereby.

3. The time when, the place where and the manner in which the claim arose: That the time when the claim arose and the time when the damages hereinafter alleged were sustained, was last on the 21st day of June, 2021, from approximately 9:00 PM and throughout the evening.

That the place where the claim arose and damages occurred was 104 West Pierpont Street, City of Kingston, State of New York owned by claimant Edward O'Shea.

That the manner in which the claim arose was the aforesaid property and structures thereon sustained damage proximately caused by runoff due to the aforesaid negligent and improper road construction and maintenance, as well as improper sidewalk construction and maintenance. As the curb height at 104 West Pierpont is essentially the same height as the road the runoff seeks its natural path directly to the sidewalk and ground in front of and adjacent to 104 West Pierpont.

4. **The items of damage or injuries claimed to have been sustained:** That the aforesaid property located at 104 West Pierpont Street, City of Kingston, State of New York owned by claimant Edward O'Shea sustained damage to the foundation of the house located thereon and upon information and belief other parts of the house as well as to the adjacent grounds and sidewalk. Said damage, includes but is not limited to degradation of the foundation wall as well as impacts at the northeast corner of the house, deterioration and erosion to the sidewalk and ground between the home and the sidewalk. That as a result of the damage sustained to the foregoing property, same has been rendered uninhabitable, thereby resulting the loss of use of the property as well as income derived therefrom.

Upon information and belief said damage and new damage will keep occurring until and unless the road and sidewalk are repaired as well as repairs and remedies made to the adjoining properties and sidewalk(s) adjacent thereto.

5. The claim and demand are hereby presented for adjustment and payment.

PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, in default of the City of Kingston remedying the damages to the house, sidewalk and road as described and set forth above as well as and incidentally thereto remunerate claimant for damages sustained to his home all within the time limited for compliance with this demand to the City of Kingston by the applicable statutes, claimant intends to commence an action against the City of Kingston its agents, servants and employees, to have a court order the City of Kingston, its agents, servants and employees remedy the aforesaid conditions and damages as well as remunerate claimant for damages suffered.

Dated: Poughkeepsie, New York
July 2, 2021

Yours, etc.,

Law Office of Raymond J. Iaia



By:
Raymond J. Iaia
42 Catherine Street, Suite 108
Poughkeepsie, New York 12601
Tel. (845) 379-1917



Edward O'Shea, Claimant[†]

VERIFICATION

STATE OF NEW YORK)
): ss
COUNTY OF ULSTER)

EDWARD O'SHEA, being duly sworn says; I am the Claimant in the matter herein; I have read the annexed Notice of Claim, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true.


EDWARD O'SHEA

Sworn to before me on the
21st day of July, 2021.


Notary Public

RAYMOND J. IAIA
Notary Public, State of New York
Registration No. 021A6020818
Qualified in Ulster County
Commission Expires: March 8, 2023