



# CITY OF SACRAMENTO

## DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION  
January 7, 1986

CITY MANAGER'S OFFICE  
**RECEIVED**  
JAN 9 1986

THOMAS M. FINLEY  
Engineering Division Manager

**APPROVED**  
BY THE CITY COUNCIL

JAN 14 1986

OFFICE OF THE  
CITY CLERK

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** Sunbeam Avenue Assessment District, Improvement Proceeding  
No. 5221, North 12th Street and Sunbeam Avenue

### SUMMARY

It is recommended that the Council close the hearing for the Sunbeam Avenue Assessment District and adopt the Resolution Approving Assessment.

### BACKGROUND

On December 30, 1985, the hearing on the assessment for Sunbeam Avenue Assessment District was held and continued until January 14, 1986. The hearing was continued because Richard Gordon, representing Time Oil Company, objected to the amount of assessment placed on Time Oil Company property. The basis of his objection was:

1. Time Oil Co. property is triangular in shape, therefore, he felt that being assessed on a front foot basis was not an equitable way for their property to be assessed.
2. The final amount assessed on their property, in the amount of \$27,192.27, is considerably higher than the amount of \$14,600 stated as a special benefit in an appraisal dated June, 1984, prepared by Howard Pearson, a private, independent appraiser. The assessed amount also exceeds our Engineer's estimate of \$23,000 stated in a letter to Time Oil Company from the City dated November 17, 1983.
3. Time Oil was led to believe that it was to be left out of the District because of a letter it received from the City dated March 21, 1984.
4. Time Oil had no knowledge of the pending assessment until they received the notice of the hearing on the assessment.

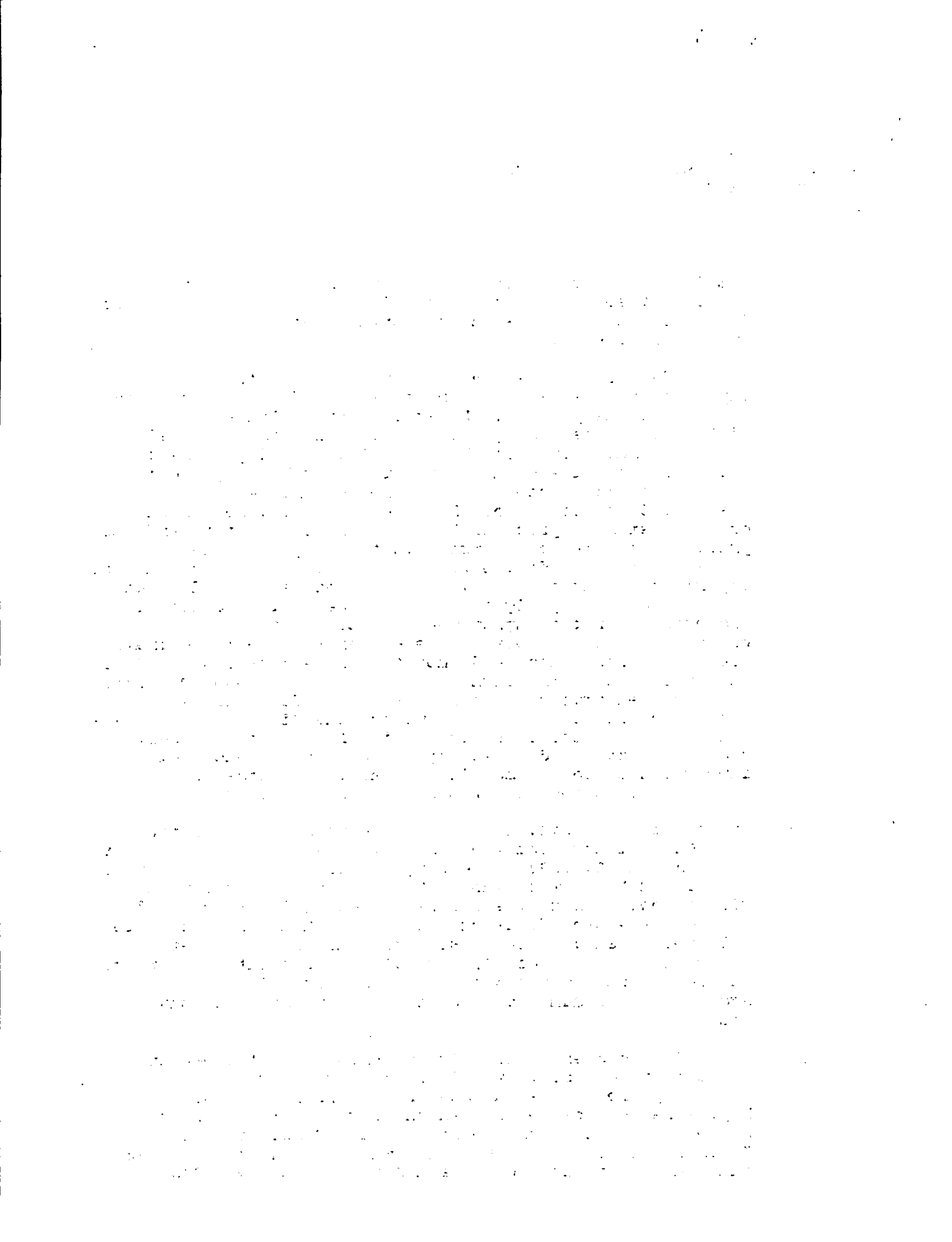
City staff responses to these objections are as follows:

1. Time Oil Company is being assessed in the same manner as all of the other properties within the Assessment District. The improvements the City placed along the frontage of the Time Oil property were necessary to

City Council  
Sunbeam Avenue Assessment District  
January 7, 1986  
Page 2

complete the improvement along the west side of North 12th Street between Richards Boulevard and North B Street. Time Oil would need to make these frontage improvements eventually anyway.

- 2. Howard Pearson is the M.A.I. Appraiser that the City employed to determine the prices to pay for necessary right of way for the project. Regarding Howard Pearson's amount of \$14,600 stated as special benefits in his appraisal, he computed that figure on the basis that the improvements would increase the value of the property by 20 percent without regard to how much the improvements actually cost. The \$23,000 stated in our November 17, 1983, letter was only an estimate prepared by our Engineering staff and was prepared some 18 months prior to the City actually receiving bids to do the work. The \$23,000 did not include any right of way cost as it was not yet determined if we had to acquire any right of way. Because the contractor bid prices for the improvements to be constructed in front of the Time Oil property exceeded our Engineer's estimated cost, the actual assessed amount increased from \$23,000 to \$24,592.27, plus the right of way cost of \$2,600.00, which was assessed against Time Oil property, for a total assessment of \$27,192.27. However, the City is paying Time Oil \$1,980 for the right of way in front of its property that the City found necessary to acquire to construct the improvements along Time Oil frontage. The Time Oil's actual cost is reduced from \$27,192.27 to \$25,212.27.
  
- 3. At one time the City Engineer was considering excluding Time Oil Company from the district as stated in our letter dated March 21, 1984. The City Engineers' office informed Mr. Donald L. Schwendiman, a Seattle attorney for Time Oil, via telephone that Time Oil was indeed going to be included in the assessment district. This telephone call generated a letter dated July 10, 1984, from the City Engineers' office stating the City's estimated assessment to be placed on their property would be in the sum of \$22,339.49. Again, this estimate did not include any right of way costs.
  
- 4. Time Oil's statement that it was unaware of the pending assessment because they had not received any notice regarding the proceeding does not coincide with City Engineers' office records which show that Time Oil was mailed a notice on the hearing on the Resolution of Intention to do the work, which was held on June 4, 1985, and Time Oil responded to said notice with a written



City Council  
Sunbeam Avenue Assessment District  
January 7, 1986  
Page 3

protest to the City Clerk objecting to being included in the district prior to the Resolution of Intention hearing held on June 4, 1985. The City Engineers' office had communicated by telephone to Time Oil in Seattle the method of spread by which the City Engineer proposed to spread the assessment for the work. In the protest that Time Oil filed at the Resolution of Intention hearing on said June 4, 1985, Time Oil protested the method of spreading the assessment that the City had related to Time Oil over the telephone. The Council duly noted said protest and overruled it at its June 4, 1985, meeting.

In summary, the method of spread is correct as Time Oil is only being assessed for improvements that were placed along the frontage of their property plus their pro-rata share of the incidental expenses for the project.

If Time Oil, before this assessment proceeding was commenced, had elected to construct new improvements on the property, Time Oil would have been required to obtain a building permit and, under current City of Sacramento building permit requirements, Time Oil would have been required to install curbs, gutters, sidewalks, pavement and driveway improvements as a condition for being issued the building permit, and Time Oil at its sole expense would have been required to install these improvements which are substantially the same improvements the City installed fronting on the Time Oil property under the assessment proceedings.

The protest received from Time Oil Company represents 0.456 acres or 5.5 percent of the total acres within the District (8.217 acres). The Time Oil assessment of \$27,192.27 does not show the \$1,980 that the City paid Time Oil for the purchase of the right of way. The amount assessed on Time Oil property amounts to \$100.28 per front foot. The balance of the properties within the Assessment District are being assessed between \$102.65 to \$185.93 per front foot depending on the type of improvements provided them.

FINANCIAL

This project is being totally financed by the property owners within the District. A summary of the costs is as follows:

Construction Contract Cost	\$353,667.60
Incidental Expenses (Design and Construction Engineering, Right of Way Cost, Bond Counsel, etc.)	<u>73,005.01</u>
<b>TOTAL COST ASSESSED TO PROPERTY OWNERS</b>	<b>\$426,672.61</b>

City Council  
Sunbeam Avenue Assessment District  
January 7, 1986  
Page 4

RECOMMENDATION

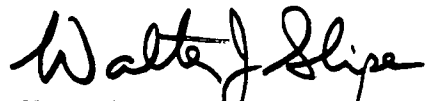
It is recommended that the hearing be closed and that the protest submitted by Time Oil Company be overruled by the Council adopting the attached Resolution Approving Assessment.

Respectfully submitted:



THOMAS M. FINLEY  
Engineering Division Manager

Recommendation Approved:



WALTER J. SLIPE  
City Manager

Approved:



MELVIN H. JOHNSON  
Director of Public Works

TMF:lw  
IM-05012

January 14, 1986  
District No. 1

attachment

CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of	)	
Improvement Proceeding	)	
No. 5221, SUNBEAM AVENUE	)	ENGINEER'S REPORT
ASSESSMENT DISTRICT	)	

A Public Hearing is scheduled for this date for hearing all appeals pertaining to the Assessment, Diagram, and Engineer's Certificate respecting the public improvement work for SUNBEAM AVENUE ASSESSMENT DISTRICT.

On December 9, 1985, acting as the Superintendent of Streets, I caused to be prepared and filed with the City Clerk, the Assessment, Diagram and Engineer's Certificate respecting the public improvement work for SUNBEAM AVENUE ASSESSMENT DISTRICT.

In my opinion, I have correctly estimated upon the now existing lots or parcels of land within said Assessment District, which said Lots and parcels are the lots and parcels shown on the Diagram attached to said Assessment, the benefits arising from said work, and I therefore report to you that said Assessment, Diagram and Engineer's Certificate are true and correct in all respects.

The work has been completed under my supervision, and to my satisfaction, and the Assessment is ready to be turned over to the Contractor, TEICHERT CONSTRUCTION, for collection.

At the hearing held on December 30, 1985 a representative from Time Oil Company protested their assessment. Said protest represents 0.456 acres or 5.5% of the total area (8.291 acres) that are within the district. I recommend that the protest be overruled and that said Assessment, Diagram and Engineer's Certificate be approved.

EXECUTED THIS 30th DAY OF DECEMBER, 1985

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MELVIN H. JOHNSON  
CITY ENGINEER

THE STATE OF TEXAS, COUNTY OF DALLAS.

Know all men by these presents, that I, the undersigned, do hereby certify that the following is a true and correct copy of the original of the same as the same appears from the records of the County of Dallas, State of Texas, to-wit:

THE STATE OF TEXAS, COUNTY OF DALLAS.

Know all men by these presents, that I, the undersigned, do hereby certify that the following is a true and correct copy of the original of the same as the same appears from the records of the County of Dallas, State of Texas, to-wit:

...

# RESOLUTION NO. 86-029

Adopted by The Sacramento City Council on date of

## RESOLUTION APPROVING ASSESSMENT FOR IMPROVEMENT PROCEEDING NO. 5221

### SUNBEAM AVENUE ASSESSMENT DISTRICT

APPROVED  
BY THE CITY COUNCIL  
JAN 14 1986  
OFFICE OF THE  
CITY CLERK

WHEREAS, the Superintendent of Streets of the City of Sacramento has heretofore made and issued and filed with the City Clerk an Assessment, together with a Diagram and Engineer's Certificate, to represent the costs and expenses of the public improvement work described in the following Resolutions adopted by the City Council of the City of Sacramento for Improvement Proceeding No. 5221 :

Resolution No. 85-368, entitled  
Resolution of Intention for Improvement  
Proceeding No. 5221, adopted  
May 14, 1985

Resolution No. 85-421, entitled  
Resolution Ordering Work for Improvement  
Proceeding No. 5221, adopted  
June 4, 1985

WHEREAS, the City Clerk set December 30, 1985 as the date for the hearing protest upon said Assessment; and

WHEREAS, on December 30, 1985 this Council duly continued said hearing to January 14, 1986 and this is the time fixed by this Council for the hearing upon said Assessment, and it is also the time fixed for the hearing of any appeal to this Council by any person interested in said work or in said Assessment, and

WHEREAS, this Council finds and determines that the City Clerk has given notice of the time and place of this hearing all in accordance with the terms and provisions of the Improvement Act of 1911; and

Whereas, on hearing said appeal and other evidence relating to this Assessment, this Council desires to overrule all said protests and appeals.

NOW, THEREFORE, IT IS HEREBY RESOLVED that all protests and appeals relating to the proceedings and to said Assessment are hereby overruled and that said Assessment, together with the Diagram and Engineer's Certificate attached hereto, be, and the same are hereby confirmed and approved in all respects as filed.



IT IS HEREBY RESOLVED that this Council has heretofore adopted it's Engineer's Report and the same is attached hereto and marked Exhibit "A" and incorporated by reference herein; and that said Assessment, together with the Diagram and Engineer's Certificate attached thereto, be, and the same are hereby confirmed and approved in all respects as filed.

IT IS HEREBY FURTHER RESOLVED that this Council finds that each parcel of land within the assessment district receives a special benefit from the improvements constructed in this proceeding and that each parcel of land within the district is increased in value by reason of said improvements.

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MAYOR

---

CITY CLERK

# RESOLUTION NO.

Adopted by The Sacramento City Council on date of

## RESOLUTION APPROVING ASSESSMENT

FOR IMPROVEMENT PROCEEDING NO. 5221

SUNBEAM AVENUE  
ASSESSMENT DISTRICT

WHEREAS, the Superintendent of Streets of the City of Sacramento has heretofore made and issued and filed with the City Clerk an Assessment, together with a Diagram and Engineer's Certificate, to represent the costs and expenses of the public improvement work described in the following Resolutions adopted by the City Council of the City of Sacramento for Improvement Proceeding No. 5221 :

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Proceeding No. 5221 , adopted  
June 4, 1985

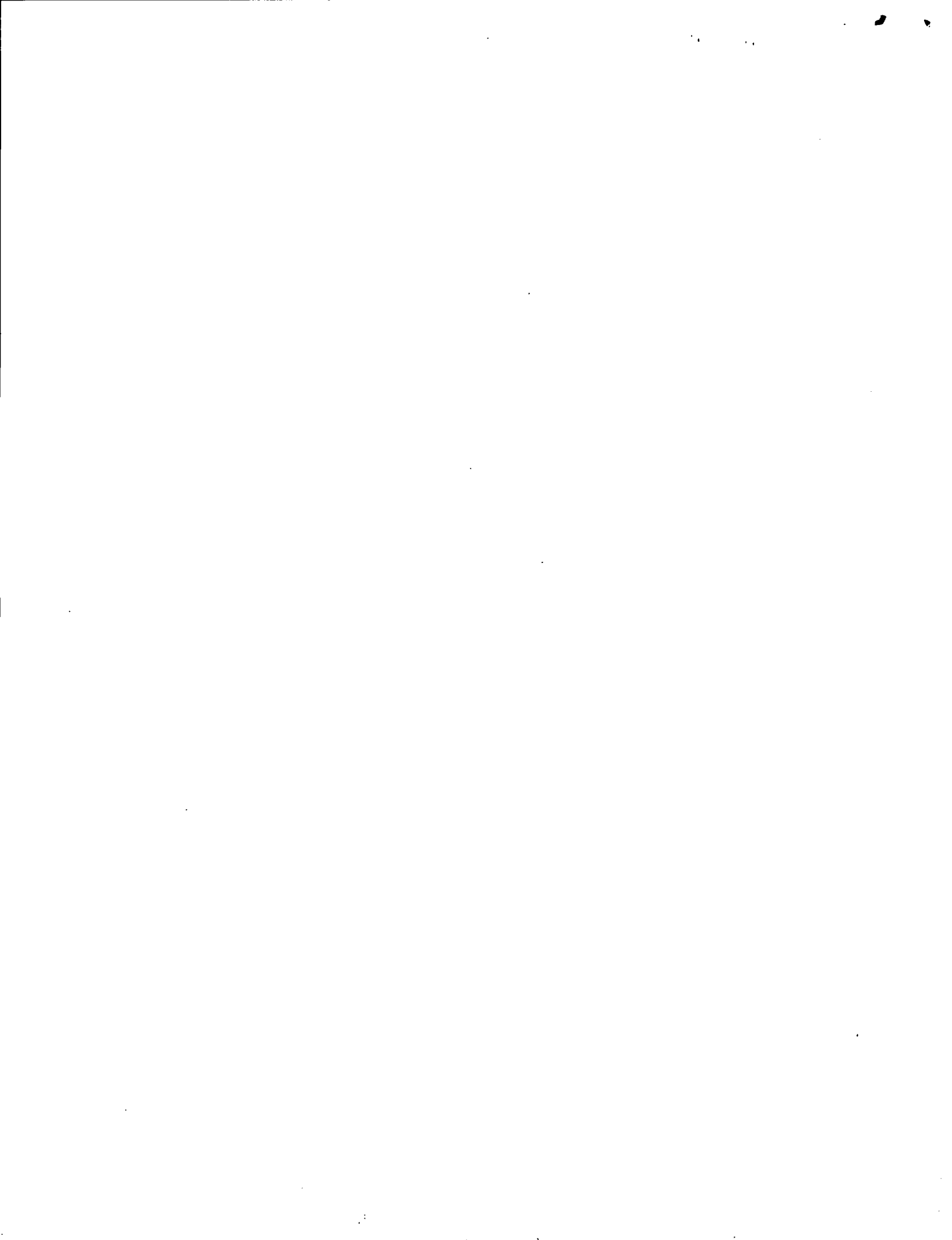
WHEREAS, this is the time fixed by the City Clerk for the hearing by this Council upon said Assessment, and it is also the time fixed for the hearing of any appeal to this Council by any person interested in said work or in said Assessment; and

WHEREAS, this Council finds and determines that the City Clerk has given notice of the time and place of this hearing all in accordance with the terms and provisions of the Improvement Act of 1911; and

WHEREAS, this Council finds and determines that no person has appealed to this Council respecting any matter contained in said Assessment, Diagram and Engineer's Certificate; and

WHEREAS, this Council, upon the recommendation of the Superintendent of Streets, being satisfied with the correctness of said Assessment, Diagram and Engineer's Certificate, hereby finds and determines that said Assessment, Diagram and Engineer's Certificate are true and correct in all respects as filed.

IT IS HEREBY RESOLVED that this Council has heretofore adopted it's Engineer's Report and the same is attached hereto and marked Exhibit "A" and incorporated by reference herein; and that said Assessment, together with the Diagram and Engineer's Certificate attached thereto, be, and the same are hereby confirmed and approved in all respects as filed.



IT IS HEREBY FURTHER RESOLVED that this Council finds that each parcel of land within the assessment district receives a special benefit from the improvements constructed in this proceeding and that each parcel of land within the district is increased in value by reason of said improvements.

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MAYOR

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CITY CLERK

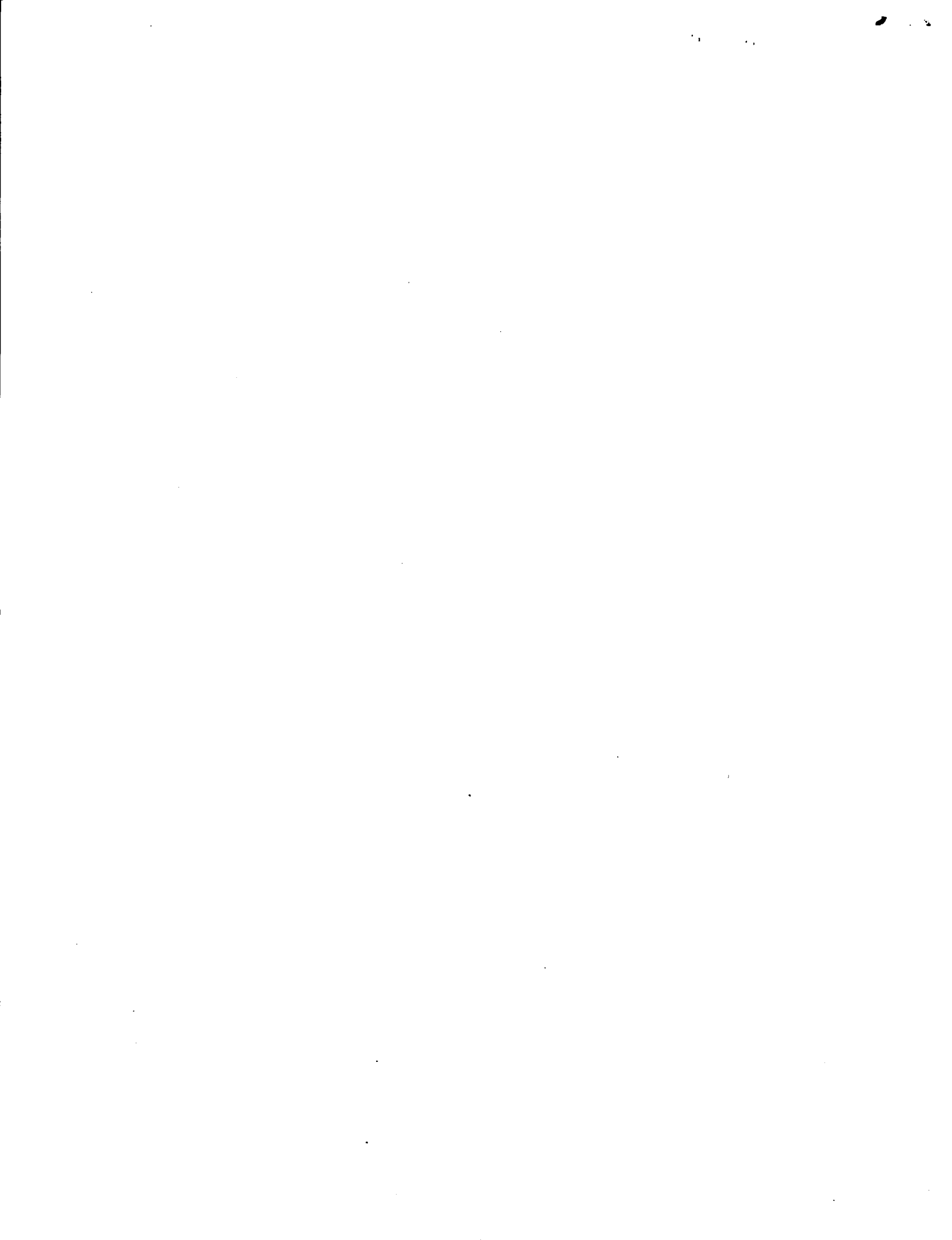


EXHIBIT A

CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of )  
Improvement Proceeding )  
No. 5221, SUNBEAM AVENUE )  
ASSESSMENT DISTRICT )

ENGINEER'S REPORT

A Public Hearing is scheduled for this date for hearing all appeals pertaining to the Assessment, Diagram, and Engineer's Certificate respecting the public improvement work for SUNBEAM AVENUE ASSESSMENT DISTRICT.

On December 9, 1985, acting as the Superintendent of Streets, I caused to be prepared and filed with the City Clerk, the Assessment, Diagram and Engineer's Certificate respecting the public improvement work for SUNBEAM AVENUE ASSESSMENT DISTRICT.

In my opinion, I have correctly estimated upon the now existing lots or parcels of land within said Assessment District, which said Lots and parcels are the lots and parcels shown on the Diagram attached to said Assessment, the benefits arising from said work, and I therefore report to you that said Assessment, Diagram and Engineer's Certificate are true and correct in all respects.

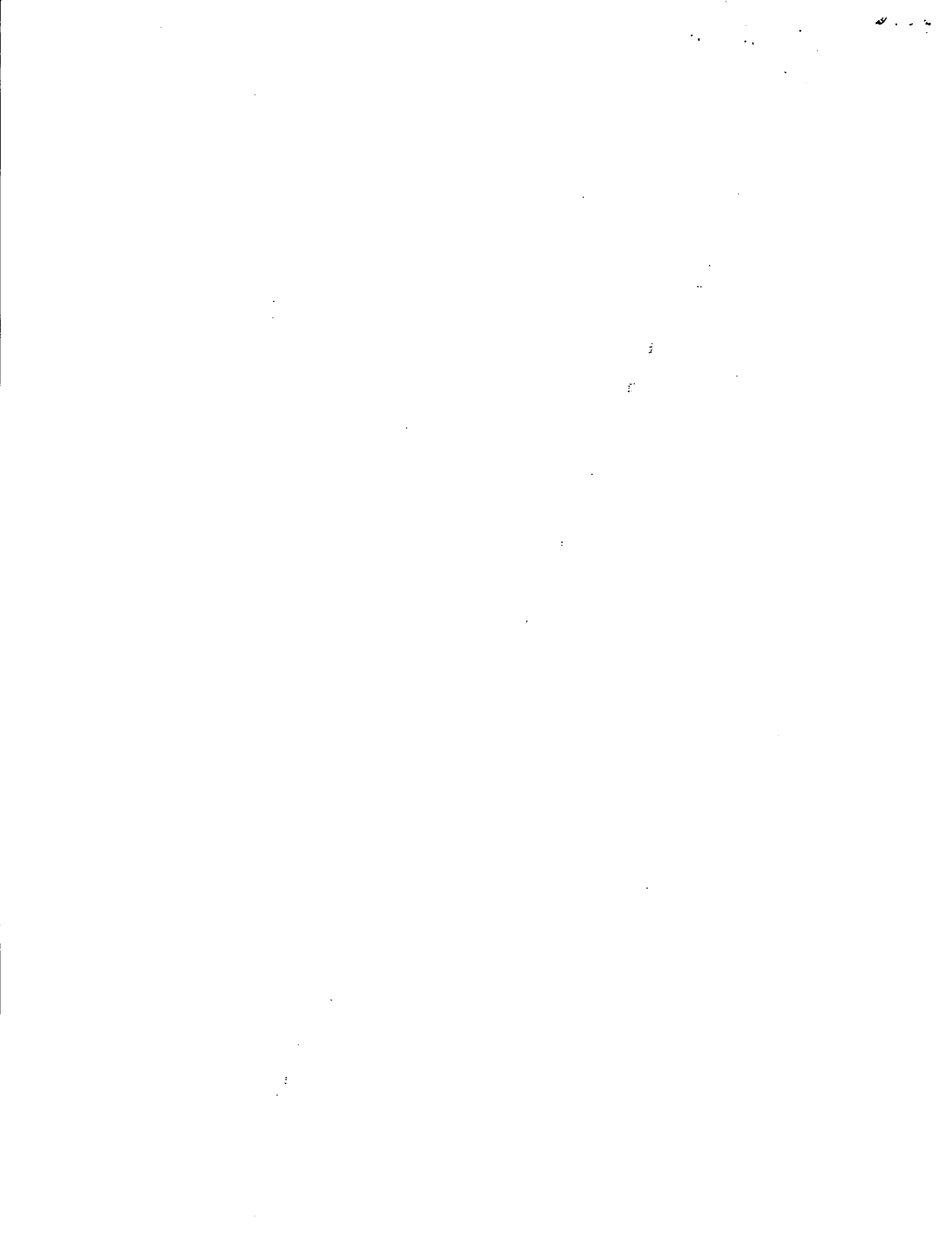
The work has been completed under my supervision, and to my satisfaction, and the Assessment is ready to be turned over to the Contractor, TEICHERT CONSTRUCTION, for collection.

I am advised by the City Clerk that no protests have been received, and I recommend the approval of said Assessment, Diagram and Engineer's Certificate.

EXECUTED THIS 30th DAY OF DECEMBER, 1985

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MELVIN H. JOHNSON  
CITY ENGINEER



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# CITY OF SACRAMENTO

## DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

THOMAS M. FINLEY  
Engineering Division Manager

December 17, 1985

City Council  
Sacramento, California

**FILED**  
 DEC 30 1985  
*ROUT TO 1-14-86*  
 BY THE CITY COUNCIL CITY MANAGER'S OFFICE  
 OFFICE OF THE CITY CLERK  
**RECEIVED**  
 DEC 23 1985

Honorable Members In Session:

SUBJECT: Sunbeam Avenue Assessment District, Improvement Proceeding No. 5221 (Sunbeam Avenue)

### SUMMARY

The Assessment District hearing is set for December 30, 1985, and it is requested that the City Council approve the assessment by adopting the resolution approving the assessments.

### BACKGROUND

This Assessment District was formed under the Improvement Act of 1911, whereby all of the improvement work is completed prior to placing any assessment on the property within the District. All of the improvements have been installed and accepted by the City Engineer and the cost for the work assessed against the property benefited by the improvements.

The assessment was filed with the City Clerk on December 9, 1985, and notices sent to the property owners informing them of the December 30, 1985 assessment hearing date.

The City Clerk has informed us that she has not received any written protests to the assessment as of this date.

### FINANCIAL

This project is being totally financed by the property owners within the District. A summary of the costs is as follows:

Contract Cost	\$353,667.60
Incidental Expenses	<u>73,005.01</u>
Total Cost Assessed to Property Owners	\$426,672.61



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City Council  
Sunbeam Avenue Assessment District  
Improvement Proceeding No. 5221  
December 17, 1985  
Page 2

RECOMMENDATION

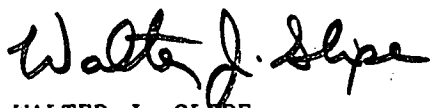
It is recommended that the hearing be closed and the attached resolution be adopted approving the Assessment District.

Respectfully submitted,



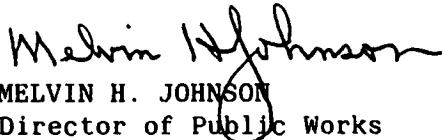
THOMAS M. FINLEY  
Engineering Division Manager

Recommendation Approved:



WALTER J. SLIPE  
City Manager

Approved:



MELVIN H. JOHNSON  
Director of Public Works

IEM:vr  
IM228Cd3

December 30, 1985  
District No. 1

December 1971  
The Department of the Interior  
Washington, D.C. 20248

COMMISSION

It is the policy of the Department of the Interior to provide for the protection and management of the public lands and resources.

Department of the Interior  
Bureau of Land Management  
Washington, D.C. 20248

Re: [Illegible]

1. [Illegible]  
2. [Illegible]  
3. [Illegible]  
4. [Illegible]  
5. [Illegible]

DATE: [Illegible]  
BY: [Illegible]  
TITLE: [Illegible]

# RESOLUTION NO.

Adopted by The Sacramento City Council on date of

## RESOLUTION APPROVING ASSESSMENT

FOR IMPROVEMENT PROCEEDING NO. 5221

SUNBEAM AVENUE

ASSESSMENT DISTRICT

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Resolution of Intention for Improvement  
Proceeding No. 5221, adopted  
May 14, 1985

Resolution No. 85-421, entitled  
Resolution Ordering Work for Improvement  
Proceeding No. 5221, adopted  
June 4, 1985

WHEREAS, this is the time fixed by the City Clerk for the hearing by this Council upon said Assessment, and it is also the time fixed for the hearing of any appeal to this Council by any person interested in said work or in said Assessment; and

WHEREAS, this Council finds and determines that the City Clerk has given notice of the time and place of this hearing all in accordance with the terms and provisions of the Improvement Act of 1911; and

Whereas, on hearing said appeal and other evidence relating to this Assessment, this Council desires to overrule all said protests and appeals.

NOW, THEREFORE, IT IS HEREBY RESOLVED that all protests and appeals relating to the proceedings and to said Assessment are hereby overruled and that said Assessment, together with the Diagram and Engineer's Certificate attached hereto, be, and the same are hereby confirmed and approved in all respects as filed.

IT IS HEREBY RESOLVED that this Council has heretofore adopted it's Engineer's Report and the same is attached hereto and marked Exhibit "A" and incorporated by reference herein; and that said Assessment, together with the Diagram and Engineer's Certificate attached thereto, be, and the same are hereby confirmed and approved in all respects as filed.

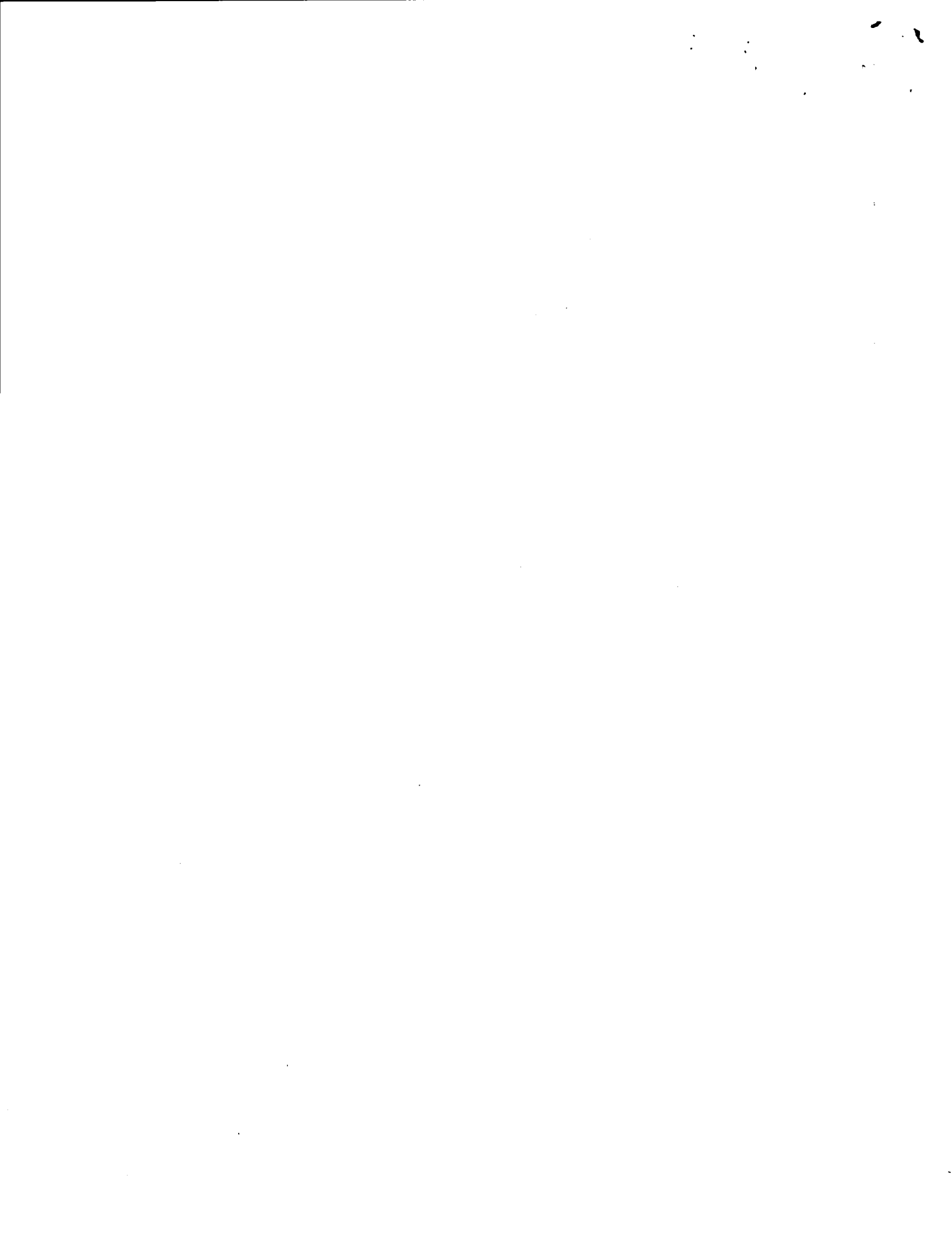
IT IS HEREBY FURTHER RESOLVED that this Council finds that each parcel of land within the assessment district receives a special benefit from the improvements constructed in this proceeding and that each parcel of land within the district is increased in value by reason of said improvements.

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MAYOR

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CITY CLERK



CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of )  
Improvement Proceeding )  
No. 5221, SUNBEAM AVENUE )  
ASSESSMENT DISTRICT )

ENGINEER'S REPORT

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In my opinion, I have correctly estimated upon the now existing lots or parcels of land within said Assessment District, which said Lots and parcels are the lots and parcels shown on the Diagram attached to said Assessment, the benefits arising from said work, and I therefore report to you that said Assessment, Diagram and Engineer's Certificate are true and correct in all respects.

The work has been completed under my supervision, and to my satisfaction, and the Assessment is ready to be turned over to the Contractor, TEICHERT CONSTRUCTION, for collection.

I am advised by the City Clerk that only one protest has been received by the Time Oil Company. Said protest represents 0.456 acres or 5.5% of the total area (8.291 acres) that are within the district. I recommend that the protest be overruled and that said Assessment, Diagram and Engineer's Certificate be approved.

EXECUTED THIS 30th DAY OF DECEMBER, 1985

  
MELVIN H. JOHNSON  
CITY ENGINEER

# RESOLUTION NO.

Adopted by The Sacramento City Council on date of

RESOLUTION APPROVING ASSESSMENT  
FOR IMPROVEMENT PROCEEDING NO. 5221

SUNBEAM AVENUE  
ASSESSMENT DISTRICT

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May 14, 1985

Resolution No. 85-421 , entitled  
Resolution Ordering Work for Improvement  
Proceeding No. 5221 , adopted  
June 4, 1985

WHEREAS, this is the time fixed by the City Clerk for the hearing by this Council upon said Assessment, and it is also the time fixed for the hearing of any appeal to this Council by any person interested in said work or in said Assessment; and

WHEREAS, this Council finds and determines that the City Clerk has given notice of the time and place of this hearing all in accordance with the terms and provisions of the Improvement Act of 1911; and

WHEREAS, this Council finds and determines that no person has appealed to this Council respecting any matter contained in said Assessment, Diagram and Engineer's Certificate; and

WHEREAS, this Council, upon the recommendation of the Superintendent of Streets, being satisfied with the correctness of said Assessment, Diagram and Engineer's Certificate, hereby finds and determines that said Assessment, Diagram and Engineer's Certificate are true and correct in all respects as filed.

IT IS HEREBY RESOLVED that this Council has heretofore adopted its Engineer's Report and the same is attached hereto and marked Exhibit "A" and incorporated by reference herein; and that said Assessment, together with the Diagram and Engineer's Certificate attached thereto, be, and the same are hereby confirmed and approved in all respects as filed.



IT IS HEREBY FURTHER RESOLVED that this Council finds that each parcel of land within the assessment district receives a special benefit from the improvements constructed in this proceeding and that each parcel of land within the district is increased in value by reason of said improvements.

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MAYOR

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CITY CLERK

CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of	)	
Improvement Proceeding	)	
No. 5221, SUNBEAM AVENUE	)	ENGINEER'S REPORT
ASSESSMENT DISTRICT	)	

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The work has been completed under my supervision, and to my satisfaction, and the Assessment is ready to be turned over to the Contractor, TEICHERT CONSTRUCTION, for collection.

I am advised by the City Clerk that no protests have been received, and I recommend the approval of said Assessment, Diagram and Engineer's Certificate.

EXECUTED THIS 30th DAY OF DECEMBER, 1985

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MELVIN H. JOHNSON  
CITY ENGINEER

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SEATTLE  
TACOMA  
PORTLAND  
STOCKTON  
RENO  
RICHMOND  
SAN PEDRO  
LOS ANGELES



# TIME OIL COMPANY

PHONE 285-2400  
CABLE ADDRESS: TIME OIL

CITY CLERKS OFFICE  
CITY OF SACRAMENTO

DEC 27 10 07 AM '85

2737 W. COMMODORE WAY, P.O. BOX 24447, TERMINAL ANNEX, SEATTLE, WA 98124

December 26, 1985

Clerk of the City Council  
City of Sacramento  
915 "I" Street, Room 203  
Sacramento, CA 95814

Re: Notice of Appeal - Improvement Proceeding #5221 - Sunbeam Ave.  
Assessment District - Assessment #6

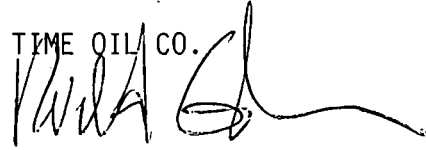
Gentlemen:

In response to the Notice of Filing Assessment in the above referenced matter, which notice was dated December 9, 1985 and corrected by letter dated December 19, 1985, Time Oil Co., as the affected property owner of assessment parcel #6, hereby appeals its assessment and requests the opportunity to appear before and be heard by the City Council on December 30, 1985 at 7:30 p.m., to present its argument in opposition to confirmation of the assessment.

This appeal is being taken upon the grounds and for the reasons that the front foot method of assessment apportions assessment district expenses unfairly against the Time Oil Co. property, which property is triangular in shape, and upon the further grounds that the amount of the assessment against Time Oil Co.'s property grossly exceeds any special benefit which may arguably be conferred upon the subject property, all as to be more fully set forth at hearing.

Very truly yours,

TIME OIL CO.

  
Richard Gordon  
Corporate Counsel

RG:m