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APPROVED
BY THE CITY COUNCIL

JUN 18 1991

OFFICE OF THE
CITY CLERK

DEPARTMENT OF
FINANCE

REVENUE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

June 18, 1991
RD910225:E/C:KS:lv

CITY HALL
ROOM 104
915 I STREET
SACRAMENTO, CA
95814-2696

916-449-5454

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: **SIDEWALK REPAIR LIENS**

SUMMARY

This report provides the City Council with the findings of fact and staff recommendations for protests received regarding property liens for unpaid costs of sidewalk repairs.

BACKGROUND

On June 4, 1991 the City Council held a protest hearing regarding property liens for unpaid costs of sidewalk repairs. At the hearing, City Council:

1. Received three protests regarding the proposed property liens;
2. Approved the placing of special assessment liens for the unprotested, unpaid costs; and
3. Directed staff to investigate and report back to the City Council on the protested liens.

Attachment I details the three protests received, staff's findings of fact and staff's recommendations. Total charges of \$3,099.88 were protested of the \$15,717.69 recommended for lien. As a result of the investigations, staff recommends that \$1,896.88 of the amount protested remain on the lien list for Council's approval.

FINANCIAL DATA

Upon approval of staff's recommendations, 17 accounts in an aggregate amount of \$13,439.49 remain unpaid for the cost of sidewalk repairs as shown on Attachment II.

June 18, 1991

For a six month period from November 1990 through April 1991, the City has billed sidewalk repairs for 47 properties for a total of \$37,465.94. Payments of \$11,615.41 have been received, which represents 31% of the total billed. Payment arrangements utilizing the sidewalk repair payment assistance program were accomplished for 12 properties for a total of \$12,411.06, which represents 33% of the total billed. The total delinquent costs of \$13,439.49 (attachment II) for sidewalk repairs for 17 properties represents 36% of the total amount billed during November 1990 through April 1991.

POLICY CONSIDERATIONS

The City Council adopted Resolution Number 90-913 on October 30, 1990 which established a no-interest payment plan policy for the cost of sidewalk repairs. All property owners on Attachment II were informed of the policy and either did not request or qualify for the payment plan. The lien process is in accordance with City Code.

MBE/WBE EFFORTS

Not applicable.

RECOMMENDATION

It is recommended that the City Council:

1. Close hearing for all protested, unpaid costs for sidewalk repair work performed, and approve staff's recommendations regarding the three protests to the proposed property liens.

June 18, 1991

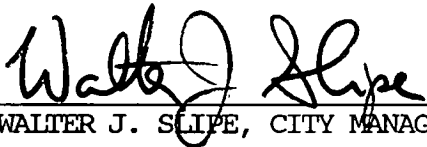
2. Adopt the attached resolution placing liens on the properties for the unpaid costs of sidewalk repairs performed and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against those properties.

Respectfully submitted,



Karen Shipley
Enforcement & Collections Supervisor

RECOMMENDATION APPROVED:



WALTER J. SLUPE, CITY MANAGER

Attachments

CONTACT PERSON: Karen Shipley, Enforcement & Collections Supervisor, 449-5527

June 18, 1991
All Districts

APPROVED
BY THE CITY COUNCIL

JUN 18 1991

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 91-450

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION DETERMINING THE REASONABLE COSTS
AND FINDINGS OF FACT FOR SIDEWALK REPAIRS
PERFORMED AS SHOWN ON ATTACHMENT II AND
PLACING LIENS ON THE PROPERTIES BY THE CITY
FOR THE COSTS THEREOF

WHEREAS, heretofore the City Council, by Resolution No. 91-365, set public hearings for June 4, 1991, in the City Council Chambers to hear and consider all protests, if any, and then affirm or reject the placing of the unpaid costs of sidewalk repairs performed upon the described real properties as liens; and

WHEREAS, notice of the time and place of said hearings was given in the manner provided by law; and

WHEREAS, the City Council held hearings thereon and it was established by competent evidence that in each case the work had been performed; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That the reasonable costs in the aggregate amount of \$13,439.49 for unpaid sidewalk repairs performed is the sum set forth on Attachment II hereby incorporated into this resolution.
2. That, as provided in Section 39577 of the California Government Code, the City of Sacramento is entitled to and hereby attaches special assessment liens upon the described properties upon recordation in the Office of the County Recorder of the County of Sacramento.
3. That such liens shall constitute a special assessment against the properties at which the services were rendered, and shall be collectible at the same time and in the same manner as secured property taxes are collected, and shall be subject to the same penalties, priorities, and procedures in the case of delinquency.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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4. That the City Clerk shall file a certified copy of the confirmed report with the Sacramento County Auditor/Controller for collection of said liens as hereinabove provided.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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ATTACHMENT I
Sidewalk Repair Lien Hearing Protests

Warner & Beverly Herndon - \$450.90
Parcel No. 047-0136-001-0000
Parcel Address: 7301 Stockdale Street

Protest:

Mr. Herndon's protest was that the damage to the sidewalk was caused by city trees. He also indicated that other sidewalks were repaired without cost to his neighbors.

Findings:

Sidewalk repairs were made in front of Mr. Herndon's neighbor on Stockdale in conjunction with repairs to the gutter as the result of a failed curb. A neighbor on 65th Avenue had his sidewalk repaired in conjunction with repairs needed to the gutter because of a defective storm drain.

The City has the responsibility of repairing all curbs and gutters as well as the areas of sidewalk that are affected by those repairs.

The sidewalk at 7301 Stockdale Street was damaged by tree roots, whereby the repairs are the responsibility of the property owner per Section 38.72 of the City Code and Section 5600 of the California Streets and Highways code.

Recommendation:

Lien the property for the unpaid cost of sidewalk repairs.

Marilynn Mackey - \$1,445.98
Parcel No: 007-0242-001-0000
Parcel Address: 1513 18th Street

Protest:

Ms. Mackey explained that when she took ownership of the property in April 1989 she was unaware that the prior owner had been notified that sidewalk repairs were needed. She also stated that the city had put asphalt on the sidewalk twice which left a "botchy" job. As a result, the sidewalk needed to be repaired by a professional contractor. She also stated that the sidewalk was damaged by city tree roots.

Findings:

There were four notices mailed to the prior owner of the property indicating sidewalk repairs were needed. In August 1989, it was discovered that the property had been sold to Ms. Mackey. She was then given notification of the needed sidewalk repairs. Ms. Mackey informed the City that she would complete the repairs. However, when they were not completed, a second letter was mailed in August 1990. Ms. Mackey returned the letter stating she would complete the repairs by May 1990. A letter was sent to Ms. Mackey stating that it was assumed she meant the repairs would be completed in May 1991 which was unacceptable to the City. Without further communication from Ms. Mackey, the sidewalk repair job was given to a contractor in January 1991 and the repairs were completed.

The City did put asphalt on the sidewalk twice, only as a temporary measure to make the sidewalk safe until the sidewalk could be removed and replaced. Ms. Mackey was not billed for these costs.

Repairs to damaged sidewalk resulting from tree roots is the responsibility of the property owner per Section 38.72 of the City Code and Section 5600 of the California Streets and Highways Code.

Recommendation:

Lien the property for the unpaid cost of sidewalk repairs.

Rose Yasbek \$1,203.00
Parcel No.: 275-0095-006-0000
Parcel Address: 591 Calvados Av.

Protest:

Rose Yasbek is 92 years old and is living in a care facility. Her son Gene Yasbek represented Rose at the protest hearing. Mr. Yasbek was protesting the cost of sidewalk repairs due to the fact that the damage was caused by roots from a city tree. He also inquired about the payment arrangement program and the property tax postponement program.

Findings:

The cost of sidewalk repairs resulting from damage caused by tree roots is the responsibility of the property owner as stated in Section 38.72 of the City Code and Section 5600 of the California States and Highways Code. Mr. Yasbek qualifies for the City payment arrangement program and has accepted a payment arrangement plan.

Recommendation:

Remove the property at 591 Calvados Avenue from the lien list for unpaid sidewalk repair costs.

ATTACHMENT II

Delinquent Sidewalk Repairs

<u>Owner</u>	<u>Parcel No.</u>	<u>Address</u>	<u>Amount</u>
Thomas & Leslie Barnes	013-0283-035-0000	3252 6th Av.	\$ 855.10
Stephen & Ruth Beede	002-0125-005-0000	1404 D St.	425.00
John & Joane Capra	010-0375-001-0000	3409 Broadway	3,861.73
Clifton Curry	024-0282-002-0000	6221 S. Land Pk. Dr.	529.80
R C & Kathleen Duncan	006-0054-019-0000	1300 I St.	1,609.41
Wesley & Gladys Fong	011-0306-020-0000	2917 59th St.	205.54
Paul & Phyllis Griggs	047-0132-013-0000	2202 63rd Av.	267.75
Richard Hedge	014-0052-011-0000	2364 39th Ave.	621.78
Warner & Beverly Herndon	047-0136-001-0000	7301 Stockdale St.	450.90
John Jordan	011-0135-028-0000	5017 U St.	256.20
Jewel Krebs	023-0264-007-0000	5440 Emerson	48.00
Dale LaFranchi	024-0173-008-0000	1370 35th Av.	956.00
Marilynn Mackey	007-0242-001-0000	1513 18th St.	1,445.98
Ervin McCormick	275-0041-003-0000	622 El Camino	363.50
Paul Jr. & Joanne Palmer	027-0107-014-0000	5705 61st St.	650.60
Dennis/Georgia Schmucker	007-0264-020-0000	2507 P St.	590.90
William & Jean Simmons	023-0091-032-0000	4821 76th St.	301.30
			<u>\$13,439.49</u>



J.C.

OFFICE OF THE
CITY CLERK

VALERIE A. BURROWES, CMC/AAE
CITY CLERK

OPERATIONAL SERVICES

August 7, 1991

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 304
915 I STREET
SACRAMENTO, CA
95814-2671

PH 916-449-5426
FAX 916-449-8672

Sacramento County
Auditors/Comptrollers Office
700 H Street, Room 4650
Attn: Tax Accounting Bureau
Sacramento, CA 95814

On June 18, 1991, the City Council adopted **Resolution No. 91-450** relative to unpaid costs of sidewalk repair performed for the address(es) shown on the attached certified copy of said resolution.

If we can be of any further assistance to you, please feel free to call us at 449-5426.

Sincerely,

Valerie Burrowes
City Clerk

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Enclosure

cc: Revenue Officer
Public Works Department