



14

OFFICE OF THE  
CITY ATTORNEY

JAMES P. JACKSON  
CITY ATTORNEY

THEODORE H. KOBEY, JR.  
ASSISTANT CITY ATTORNEY

CITY OF SACRAMENTO  
CALIFORNIA

September 13, 1988

812 TENTH STREET  
SACRAMENTO, CA  
95814-2694

916-449-5346

DEPUTY CITY  
ATTORNEYS:  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
LAWRENCE M. LUNARDINI  
GARLAND E. BURRELL, JR.  
DIANE B. BALTER  
RICHARD F. ANTOINE  
TAMARA MILLIGAN-HARMON  
RICHARD E. ARCHIBALD  
KATHLEEN L. MCCORMICK

Confidential and Privileged

Honorable City Council  
City of Sacramento  
Sacramento, California

APPROVED  
BY THE CITY COUNCIL

SEP 13 1988

OFFICE OF THE  
CITY CLERK

Re: Hearing determining reasonable costs for abatement  
of dangerous building at 5430 Rio Linda Boulevard -  
Item 14

Dear Council Members:

This item was continued from the July 26, 1988 Council  
meeting. The issues before the Council are:

- 1) Whether the notice for the placement of the lien for  
the costs of abatement of the building was properly  
given;
- 2) Whether the bidding procedures for abatement of the  
building were followed;
- 3) Whether the costs for abatement of the building are  
reasonable.

We have attempted to communicate with the attorneys repre-  
senting the owner of this property. The original attorney was  
Mr. Stanley Lerner and he is the person who appeared at the  
Council meeting on July 26th. Subsequently, the owner hired  
another attorney, Mr. Kaufman. Tamie Milligan-Harmon, Deputy  
City Attorney, met with Mr. Kaufman and discussed the case with  
him. He decided that he did not want to represent the plaintiff  
at this hearing and the case was referred back to Mr. Lerner on  
September 9, 1988. Ms. Milligan-Harmon has made repeated  
attempts to reach Mr. Lerner, and was able to speak with Mr.  
Lerner at 11:50 A.M. today. He advised her that it was his  
intention to raise the following issues:

1944


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Honorable City Council (Cont'd.)  
September 13, 1988  
Page Two

- 1) Whether the City had a right to demolish the building;
- 2) Reasonableness of the costs incurred for demolition;
- 3) That the residence was properly secured so should not have been demolished;
- 4) That notice should have been given before actual demolition.

City staff will be prepared to address the issues at the hearing on this case.

Sincerely,

  
JAMES P. JACKSON  
City Attorney

JPJ:kes

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FILED  
CONT. TO 9-13-88

JUL 26 1988

BY THE CITY COUNCIL  
OFFICE OF THE  
CITY CLERK

712 TENTH STREET  
SACRAMENTO, CA  
95814-2694

RIO LINDA  
14

OFFICE OF THE  
CITY ATTORNEY

JAMES P. JACKSON  
CITY ATTORNEY

THEODORE H. KOBAY, JR.  
ASSISTANT CITY ATTORNEY

CITY OF SACRAMENTO  
CALIFORNIA

July 21, 1988

916-449-5346

DEPUTY CITY  
ATTORNEYS:  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
LAWRENCE M. LUNARDINI  
GARLAND E. BURRELL, JR.  
DIANE B. BALTER  
RICHARD F. ANTOINE  
TAMARA MILLIGAN-HARMON  
RICHARD E. ARCHIBALD  
KATHLEEN L. McCORMICK

Honorable City Council  
1231 "I" Street  
Sacramento, CA 95814

Re: Supplemental Report to Counsel on Hearing  
for Costs of Demolition of Dangerous  
Buildings Located at 5430 Rio Linda Blvd.

Dear Members in Session:

BACKGROUND

A hearing concerning the costs for demolition and securement of the buildings had been set for July 19, 1988 as Agenda Items #18 and #19, for determination of the costs of demolition and securement. The outbuildings and residence had been declared to be a public nuisance pursuant to the provisions of Chapter 50 of the Sacramento City Code (Dangerous Building Code). The City exercised its authority to abate such public nuisance by causing a partial demolition of outbuildings in December, 1987 and securement of the residence, by boarding it up. The demolition of the residence and clearing of the lot was done on March 25, 1988 after repeated failure by the owners to secure the residence and prevent continued deterioration of the structure by vandalism. All legal notices were properly executed and served upon the owners and beneficiaries.

SUMMARY

This matter was before you on July 19, 1988 and continued to July 26, 1988 for additional input. It would appear that the only matter continued for resolution by the Council was Item #18 on July 19, 1988 agenda. Item #19 on the July 19, 1988 agenda, also dealt with 5430 Rio Linda Blvd., however, it applied only to the securement lien that took place in December of 1987 for board-up of the residence. It

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CONT. TO  
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BY THE  
OFFICE  
OF THE  
ATTORNEY  
GENERAL

For Information Report to Council of Testing  
for Cases of Criminal in Progress  
Building located at 480 Rio Vista Blvd.

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Honorable City Council  
July 21, 1988  
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apparently was not challenged and was not continued and therefore the Resolution No. 88-536 was approved.

In May of 1987, tenants were residing at the residence located at 5430 Rio Linda Blvd. Because of police action, the tenants of that residence were arrested for the running of a methamphetamine lab. After their arrest, the residence was vacated and left vacant. Thereafter, the residence and outbuildings were taken over by transients and truants from the Rio Linda Jr. High School, which is located in close proximity to this property. Extensive vandalism was being done to the residence, both to the exterior and to the interior. The residence was open and there was evidence transients and students were using the structure. The Building Department became aware of the condition of these structures in November of 1987, due to complaints (see attached Bee article). A notice dated November 16, 1987 was sent to the owners to repair, secure or demolish the buildings. Due to the dangerous and unsound condition of the outbuildings, the notice required that the outbuildings be demolished within 48 hours. No appeal was filed with the Housing and Appeals Board within the required thirty (30) days. The time to appeal ran on December 17, 1987. Failure on the part of the owner to take action required action by the City.

Prior to the issuance of the notice, one of the Building Inspectors spoke with the property owners by telephone, informing them of the need to secure the property. An inadequate attempt was made to secure the structure by nailing up some plywood. However, such attempt did not meet City Code specifications, nor did the building remain secure, necessitating the City's action of securement in December.

The dangerous condition existing concerning the outbuildings were that they were unsound and likely to collapse. Students and transients were using these structures, necessitating City demolition of those buildings and City's securement of the residence, upon owners' failure to do so. The fees incurred for that demolition were in the amount of \$2,050 and securement of the residence in the amount of \$350.

On December 28, 1987, I spoke with the owners' attorney, Stanley G. Learner, by telephone. He asked for a thirty (30) day extension of the demolition of the remaining structure (residence). I advised him that I could not give him an extension, that he would have to contact David Hay for any extension.

The standard procedure for Housing and Dangerous Buildings is that if

Dear Mr. [Name]:

Reference is made to your letter of 11/10/87, regarding the matter mentioned therein. The information provided to you is as follows: [Detailed description of the matter and any relevant actions taken or to be taken.]

The above information is provided for your information and guidance. Should you have any further queries, please do not hesitate to contact me.

Very truly yours,  
[Signature]

Enclosed for you are copies of the documents mentioned in the above paragraphs.



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an extension had been requested, it would be noted in the file log. In checking the file log, there is no entry that Mr. Learner requested from or obtained an extension from David Hay. There is, however, an entry contained in the file that Mr. Learner spoke with another Housing Inspector and told that inspector that he had been granted a sixty (60) day extension.

During my telephone conversation with Mr. Learner on December 28, 1987, I advised him in no uncertain terms that the residence was still unsecured and had to be immediately secured, and that if it was not immediately secured, and kept secured, demolition would be approved. I followed that advisement with a confirming letter.

On February 16, 1988, the residence, not having been secured nor kept secured, and the continuing deterioration and use by transients and students, the demolition of the residence was approved. It was sent to bid and a contract was awarded and demolition occurred on March 25, 1988. The costs of this demolition was \$2,826.

From the initial involvement of the Building Department in November of 1987 through and including the final demolition of the residence, the property remained an attractive nuisance to students from Rio Linda Jr. High and posed a threat to all those going upon the property.

On or about May 11, 1988, the owners by and through counsel, Stanley Learner, filed a claim against the City of Sacramento as pertains to both the initial demolition occurring in December of 1987 and the final demolition of the residence on March 25, 1988. This claim was rejected by operation of law on July 6, 1988. A lawsuit has not as yet been filed.

**FINANCIAL DATA**

The work of both demolitions was performed by responsible private contractors who had submitted the lowest acceptable bids for the work done. The total costs for the work of demolition includes the amounts of private contract; an engineering fee of twelve percent (12%) of the amount of the private contract to defray administrative costs incurred by the City in abating the dangerous buildings, and title search fees.

**RECOMMENDATION**

It is recommended that the Council adopt the previously submitted

GENERAL DATA

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Honorable City Council  
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Resolution to place the costs of the demolitions performed by Sacramento Metal Co. and Valley Construction Co. as a lien upon the property. It is also recommended that the Director of Finance, the Revenue and Collection Officer, the Manager of Building Inspections Division, the County Auditor, and the property owners so be notified.

Respectfully submitted,

JAMES P. JACKSON  
City Attorney



TAMARA L. MILLIGAN-HARMON  
Deputy City Attorney  
Attorney for Housing and Dangerous  
Buildings

RECOMMENDATION APPROVED:



WALTER J. SLIPE  
City Manager

DECEMBER 3, 1987

# Grant district seeks closure of abandoned house

By Barbara Wilcox  
Neighbors staff writer

Grant school district officials concerned about truancy called last week for the demolition of an abandoned Robla house they say lures students from classes.

School officials also said they would begin patrolling nearby neighborhoods for truant students in a program similar to those in the San Juan and Sacramento city school districts.

Truant students picked up by Grant security officers would be held in a house the district owns on the grounds of Rio Linda Senior

High School. They would be counseled by Grant district counselors on weeklong loans from their home schools, then sent home or to a parent's workplace.

Trustee Merric O'Brien said she was unsure whether the patrols would cover the entire district or just the eastern portion, or when they would begin.

"I know that if we make it known truancy is unacceptable, it will soon diminish," O'Brien said.

The anti-truancy actions came as a result of a meeting called late in October by Bob Edwards, principal of Rio Linda Junior High School. Edwards said he was

concerned about the house on Rio Linda Boulevard because it is near his school.

Owners of the home at 5430 Rio Linda Blvd. were ordered Nov. 16 by the city of Sacramento to board up the old house and destroy outbuildings. Grant officials said were used by transients and truant students.

Edwards described the house as sort of derelict, like a ship sailing with no crew.

"The students have taken bricks from an old wall and made a neat little barbecue," he said.

He said demolishing the house and patrolling the neighborhood would greatly help curb truancy.

The house is owned by

Mohammed and Ahmad Shehedeh of Carmichael, said Greg Johnson, city building inspector.

The city inspected the site on the request of county Supervisor Grandland Johnson, who in a Nov. 4 letter to the city planning department called the house a dangerous attractive nuisance.



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CITY OF SACRAMENTO  
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JUL 13 1988

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

BUILDING INSPECTIONS  
916-449-5716

PLANNING  
916-449-5604

June 28, 1988

City Council  
Sacramento, California

Honorable Members in Session

Subject: Hearing for Costs of Demolition of Dangerous Building Located at  
5430 - Rio Linda Boulevard

SUMMARY:

A hearing has been set for this date JULY 19, 1988, to determine the costs of demolition for the building which was located at the above address. The buildings had been declared to be a public nuisance pursuant to the provisions of Chapter 50 of the Sacramento City Code (Dangerous Building Code). The City has exercised its authority to abate such public nuisance by causing the demolition of the building and the clearing of the respective lot. Demolition notices were properly executed and the property has been cleared of the structure in a satisfactory manner.

FINANCIAL DATA:

The work of demolition was performed by a responsible private contractor who had submitted the lowest acceptable contractor bid for the work project. The total costs for the work of demolition includes the amount of the private contract; an engineering fee of 12% of the amount of the private contract to defray administrative costs incurred by the City in abating the dangerous building; title search fees; and, where necessary other charges which reflect any additional costs or portions of such costs incurred by the City in abating the building.

APPROVED  
BY THE CITY COUNCIL

JUL 19 1988

OFFICE OF THE  
CITY CLERK

*Cont to 7-26-88 for  
report from City Attorney*

The following information was obtained from the records of the  
 Department of the Interior, Bureau of Land Management, regarding  
 the land parcels described herein.

The land parcels described herein are situated in the  
 County of [County Name], State of [State Name].

The land parcels described herein are situated in the  
 County of [County Name], State of [State Name].

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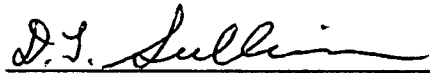
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Honorable Members in Session

**RECOMMENDATION:**

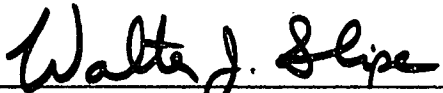
It is recommended that the Council adopt the attached Resolution to place the costs of the demolition performed by North Sacramento Metal Company for the demolition of 1 milk storage shed, 1 gazebo and 1 barn and also the demolition performed by Valley Construction Company for the demolition of 1 single family dwelling and 1 storage barn; as a lien upon the property, and that the Director of Finance, the Revenues and Collections Officer, the Manager of Building Inspections Division, the County Auditor, and the property owners be so notified.

Respectfully submitted,



D. T. Sullivan, Manager  
Building Inspections Division

Recommendation Approved:



Walter J. Slive, City Manager

Attachments

cc: Michael Davis

July 19, 1988  
District: 2

GENERAL INSTRUCTIONS

The following instructions are to be read and understood by all personnel before commencing work. It is the responsibility of the supervisor to ensure that all personnel are familiar with these instructions and to enforce compliance with them. Failure to follow these instructions may result in disciplinary action.

1. All personnel must arrive at work on time and in uniform. Absence without notice will be considered a violation of company policy.

2. Safety is the top priority. All personnel must wear safety glasses and hard hats at all times while working. No horseplay or other dangerous activities are permitted on the premises.

3. All equipment and tools must be used properly and maintained in good working order. Damaged or unsafe equipment should be reported to the supervisor immediately.

4. All personnel must follow the established safety procedures for handling hazardous materials. Proper disposal of waste materials is also required.

5. All personnel must adhere to the company's code of conduct and maintain a professional appearance and demeanor at all times.

6. All personnel must be punctual and efficient in their work. Delays and inefficiencies will not be tolerated.

7. All personnel must follow the established procedures for reporting accidents and incidents. Failure to report an accident or incident may result in disciplinary action.

8. All personnel must be cooperative and team-oriented. It is the responsibility of all personnel to ensure the safety and well-being of their colleagues.

9. All personnel must be diligent in their work and maintain high standards of quality. Defective work will be reworked at the expense of the employee.

10. All personnel must be respectful and courteous to customers and clients. Any complaints or concerns should be reported to the supervisor immediately.

SAFETY PROCEDURES

The following safety procedures are to be followed at all times while working. It is the responsibility of the supervisor to ensure that all personnel are familiar with these procedures and to enforce compliance with them. Failure to follow these procedures may result in disciplinary action.

1. All personnel must wear safety glasses and hard hats at all times while working. Safety glasses should be worn at all times, even when not working.

2. All personnel must follow the established safety procedures for handling hazardous materials. Proper disposal of waste materials is also required.

3. All personnel must be familiar with the location and use of fire extinguishers and first aid kits. In the event of an emergency, all personnel must remain calm and follow the established emergency procedures.

4. All personnel must be familiar with the established safety procedures for working at heights. Proper use of ladders and scaffolding is required.

5. All personnel must be familiar with the established safety procedures for working with machinery and equipment. Proper use and maintenance of equipment is required.

6. All personnel must be familiar with the established safety procedures for working in confined spaces. Proper ventilation and monitoring of air quality is required.

7. All personnel must be familiar with the established safety procedures for working in the presence of electrical equipment. Proper use and maintenance of electrical equipment is required.

8. All personnel must be familiar with the established safety procedures for working in the presence of moving vehicles. Proper use and maintenance of vehicles is required.

9. All personnel must be familiar with the established safety procedures for working in the presence of falling objects. Proper use and maintenance of equipment is required.

10. All personnel must be familiar with the established safety procedures for working in the presence of fire. Proper use and maintenance of fire extinguishers is required.



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# RESOLUTION No. 88-788

Adopted by The Sacramento City Council on date of

JULY 19, 1988

RESOLUTION DETERMINING THE REASONABLE COSTS AND FINDINGS OF FACT FOR THE ABATEMENT OF DANGEROUS BUILDING LOCATED AT:

5430 - RIO LINDA BLVD.

APPROVED  
BY THE CITY COUNCIL

SEP 13 1988

OFFICE OF THE  
CITY CLERK

IN ACCORDANCE WITH THE CITY DANGEROUS BUILDING CODE AND PLACING A LIEN ON THE PROPERTY BY THE CITY FOR THE COSTS THEREOF

WHEREAS, heretofore the City Council has set a public hearing for this date, JULY 19, 1988, to determine the costs for the abatement of dangerous buildings on said premises described below, pursuant to the provisions of the Dangerous Building Code; and

WHEREAS, a public notice of the time and place of said hearing was given and published for the time and in the manner provided by law; and

WHEREAS, the City Council held a hearing thereon and it was established by competent evidence that in each case the abatement work had been performed by private contract awarded to the lowest responsible bidder; and that the total cost for such abatement work was determined to be the sum of the following: the amount of the private contract; an administrative fee of 12% of the amount of the private contract to defray costs incurred by the City in abating the dangerous building; title search fees; and where necessary, other charges which reflect any actual additional costs or portion thereof incurred by the City in abating the dangerous building; and

WHEREAS, the City Council has found the total costs for the demolition to be a reasonable cost, and any protests made were overruled:

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

1. That the reasonable costs for the abatement of the dangerous building was and is the sum set forth below:

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THE NATIONAL BUREAU OF STANDARDS & METROLOGY DEPARTMENT OF COMMERCE  
WASHINGTON, D. C. 20548

1961 08 10 08 08

TO: DIRECTOR, NATIONAL BUREAU OF STANDARDS & METROLOGY  
FROM: SAC, [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

RE: [illegible]

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**ADDRESS OF BUILDING:**

(1) 5430 - Rio Linda Blvd.

**OWNER:**

(1) Mohammad & Ahmad Shehadeh

**TOTAL COSTS:**

(1) \$4,876.08

**ASSESSOR'S PARCEL NO.:**

(1) 226-0062-002-0000

**LEGAL DESCRIPTION:**

(1) All that certain real property situate, lying and being in the City of Sacramento, County of Sacramento, State of California, described as follows:

All that portion of the North one-half of the Northwest one-quarter of Section 10 of Rancho Del Paso, according to the official plat thereof, recorded March 4, 1911 in Book A of Surveys, Map No. 94, records of said County, which lies East of the Center line of a County Road known as Rio Linda Blvd., said center line being further described as:

BEGINNING at a point North 89 degree 02' 30" East 1044.40 feet from the Northwest corner of said Section 10 and running thence South 35 06'30" East to a point on the South line of said North one-half.

EXCEPTING THEREFROM the following described three parcels:

PARCEL NO. A:

BEGINNING at a point on the center line of a County Road known as Rio Linda Blvd., from which point the Northwest corner of said Section 10 bears North 16 degree 06'30" West 25.38 feet and South 89 degree 02'30" West 1044.40 feet; North 89 degree 02'30" East 220 feet, thence parallel to said North line of Section 10, South 89 degree 02'30" West 220 feet to a point on the center line of said Rio Linda Blvd.; thence along the center line of said Rio Linda Blvd., North 35 degree 06'30" West 200 feet to the point of beginning.

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PARCEL NO. B:

BEGINNING at a point on the center line of a County road known as Rio Linda Blvd., from which point the Northwest corner of said Section 10 bears North 35 degree 06'30" West 225.38 feet and South 89 degree 02'30" West 1044.40 feet; thence from said point of beginning, parallel to the North line of Section 10, North 89 degree 02'30" East 220 feet; thence parallel to the center line of said Rio Linda Blvd.; South 35 degree 06'30" East 200 feet; thence parallel to said north line of Section 10, South 89 degree 02'30" West 220 feet to a point on the center line of said Rio Linda Blvd.; thence along the center line of said Rio Linda Blvd.; North 35 degree 06'30" West 200 feet to the point of beginning.

Also known as: 5430 - Rio Linda Blvd.

2. That the City of Sacramento is entitled to and hereby attaches a lien upon above described real property and such lien, in the amount of the Total Cost of abatement listed in the preceding paragraph, and shall be collectible at the time and in the same manner as general municipal taxes are collected, and shall be subject to the same penalties and procedure in the case of delinquency, all as provided in Chapter 50 of the Sacramento City Code.

3. That the owner of the property described herein may paid said lien at the office of the Revenue Division, Room 104, City Hall, 915 I Street, Sacramento, California, at any time prior to July 15, 1989 and that, in the event of such payment, the lien described in paragraph 2 hereof shall be satisfied and shall not be added to the next succeeding tax bill against the property.

4. That the City Clerk shall transmit a certified copy of this resolution to the Revenue and Collections Officer, the Manager of Building Inspections Division, the County Auditor, the City Controller and the property owners.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

JULY 19, 1988  
District: 2