



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Objections or Protests to the Cost of Repairs Report for Sidewalk Repairs at 633 Holly Drive, Confirm Report as Submitted by the Superintendent of Streets, and Authorize the City Manager to File a Notice of Lien with the Assessor and Tax Collector if the Amount is Not Paid
MEETING DATE: June 1, 2005
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider objections or protests to the cost of repairs report for sidewalk repairs at 633 Holly Drive (APN 037-120-09). confirm report as submitted by the Superintendent of Streets, and authorize the City Manager to file a Notice of Lien with the Assessor and Tax Collector if the amount is not paid.

BACKGROUND INFORMATION: As part of the City's sidewalk upgrade program, the property owners at 633 Holly Drive were notified in October of 2003 of the dangerous condition of sidewalk fronting their property. They were given four notices over a five-month period. They did not make the repairs and the City's contractor repaired the sidewalk.

The City's costs to repair the sidewalk were:

Table with 2 columns: Description and Amount. Rows include Labor and equipment by City forces to remove concrete (\$257.46), Contracted services to install concrete plus 15 percent mark-up (\$258.75), Administration/Permit at 25 percent (\$129.05), and Total (\$645.26).

The Streets and Highway Code has several alternatives for collection of the cost of repairs if property owners do not pay. Council must first hear and pass upon the report by the Superintendent of Streets of the cost of repairs, together with any objections or protest (Streets and Highway Code Section 5616). There are several alternatives for collection of the cost of repairs if property owners do not pay. Those alternatives are:

- a) File a Notice of Lien which could take years to collect (Streets and Highway Code Section 5627);
b) Order the Notice of Lien be turned over to the Assessor and Tax Collector to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel. (Streets and Highway Code Section 5628);
c) Council may determine that the payment of assessments of one hundred dollars (\$100) or more may be made in annual installments, not to exceed five, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by Council, not to exceed the rate permitted for bonds by Section 53531 of the Government Code. (Streets and Highway Code Section 5628.1);

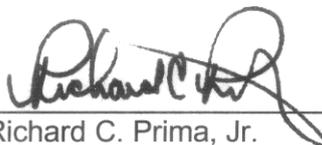
Previously (by Resolution No. 90-35), the Council determined that the collection method for cost of repairs to sidewalks would be Alternative b), to turn a Notice of Lien over to the Tax Collector.

APPROVED: [Signature]
Blair King, City Manager

After the public hearing, the Council should confirm the cost of repairs report and method of payment and assess the cost of repairs to the affected property. The property owner has expressed a willingness to pay the assessment over time at \$50 per month. This is acceptable to staff, and we recommend that the Council authorize the City Manager to file a Notice of Lien if the amount is not paid back in a timely manner.

FISCAL IMPACT: \$645.26 could be lost to the General Fund depending on Council's action.

FUNDING AVAILABLE: None required.



Richard C. Prima, Jr.
Public Works Director

Prepared by George M. Bradley, Street Superintendent

RCP/GMB/dsg

NOTICE OF CONTINUED PUBLIC HEARING

CITY COUNCIL

CITY OF LODI

NOTICE IS HEREBY GIVEN that the May 18, 2005 public hearing of the City Council of the City of Lodi to consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive and to confirm Report as submitted by the Superintendent of Streets has been continued to **June 1, 2005 at the hour of 7:00 p.m.** in the Council Chamber, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted May 19, 2005



SUSAN J. BLACKSTON
CITY CLERK
Of the City of Lodi

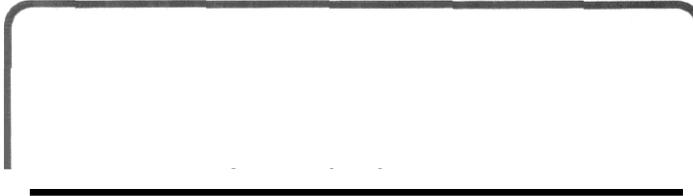


CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 18, 2005

Time: 7:00 p.m.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 18, 2005**, at the hour of 7:00 p.m., or as soon thereafter as **the** matter may be heard, the City Council will conduct a Public Hearing at **the** Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) objections or protests to **the** Cost of Repairs Report for sidewalk repairs at 633 Holly Drive and to confirm report as submitted by the Superintendent of Streets.

Information regarding this item may **be** obtained in the office of **the** Public Works Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may **be** filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone **else** raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: April 20, 2005

Approved as to form:

D. Stephen Schwabauer
City Attorney



DECLARATION OF POSTING

SET PUBLIC HEARING FOR MAY 18,2005, TO CONSIDER OBJECTIONS OR PROTESTS TO THE COST OF REPAIRS REPORT FOR SIDEWALK REPAIRS AT 633 HOLLY DRIVE AND TO CONFIRM REPORT AS SUBMITTED BY THE SUPERINTENDENT OF STREETS

On Friday, April 22, 2005, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive and to confirm report as submitted by the Superintendent of Streets, (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 22, 2005, at Lodi, California

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor, CMC
Deputy City Clerk


Kari J. Chadwick
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk



DECLARATION OF MAILING

SET PUBLIC HEARING FOR MAY 18, 2005, TO CONSIDER OBJECTIONS OR PROTESTS TO THE COST OF REPAIRS REPORT FOR SIDEWALK REPAIRS AT 633 HOLLY DRIVE AND TO CONFIRM REPORT AS SUBMITTED BY THE SUPERINTENDENT OF STREETS

On April 22, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, an envelope with certified postage prepaid thereon, containing a notice to set public hearing for May 18, 2005, to consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive and to confirm report as submitted by the Superintendent of Streets, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "A" Attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 22, 2005, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK


KARI J. CHADWICK
ADMINISTRATIVE CLERK

NOTICE OF PUBLIC HEARING
LODI CITY COUNCIL
221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

DATE: Wednesday, **May 18, 2005**

TIME: 7:00 p.m., or as soon thereafter as the matter can be heard

PLACE: **Carnegie Forum, 305 West Pine Street, Lodi**

SUBJECT: To consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive and to confirm report as submitted by the Superintendent of Streets.

(For additional information SEE ATTACHED COUNCIL COMMUNICATION dated 04/20/05)

INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF THE PUBLIC WORKS DEPARTMENT, 221 W. PINE ST., LODI.

WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2ND FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: April 21, 2005
Certified Mail & Regular Delivery
TO: Larry and Andra Thompson
633 Holly Drive
Lodi, CA 95240



SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI



AGENDA ITEM



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for May 18,2005, to Consider Objections or Protests to the Cost of Repairs Report for Sidewalk Repairs at 633 Holly Drive and to Confirm Report as Submitted by the Superintendent of Streets
MEETING DATE: April 20,2005
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council set a public hearing for May 18,2005, to consider objections or protests to the cost of repairs report for sidewalk repairs at 633 Holly Drive and to confirm report as submitted by the Superintendent of Streets.

BACKGROUND INFORMATION: As part of the City's sidewalk upgrade program, the property owners at 633 Holly Drive were notified in October of 2003 of the dangerous condition of sidewalk fronting their property. They were given four notices over a five-month period. They did not make the repairs and the City's contractor repaired the sidewalk. Street and Highways Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by property owners.

The City's costs to repair the sidewalk were:

Table with 2 columns: Description and Amount. Rows include Labor and equipment by City forces to remove concrete (\$257.46), Contracted Services to install concrete plus 15 percent mark-up (\$258.75), Administration/Permit at 25 percent (\$129.05), and Total (\$645.26).

The Streets and Highways Code has several alternatives for collection of the cost of repairs if property owners do not pay. Those are: a) file a notice of lien which could take years to collect (Streets and Highways Code Section 5627); b) order the notice of lien be turned over to the Tax Collector to be collected with the next year's property taxes (Streets and Highways Code Section 5628); c) collect the cost in annual payments not to exceed five years. These payments would include interest, with the rate being set by the legislative body.

Previously (by Resolution No. 90-35), the Council determined that the collection method for cost of repairs to sidewalks would be to turn a notice of lien over to the Tax Collector. Staff will follow this process unless changed by the Council.

After the public hearing, the Council confirm the cost of repairs report and method of payment, assess the cost of repairs to the affected property and order the preparation of a notice of lien to be filed with the Tax Collector if, after being billed, the property owner does not pay the bill within five (5) days.

FISCAL IMPACT: \$645.26 could be lost to the General Fund depending on Council's action.

FUNDING AVAILABLE: None required.

Signature of Richard C. Prima, Jr.
Richard C. Prima, Jr.
Public Works Director

Prepared by George M. Bradley, Street Superintendent
Attachment
RCP/GMB/dsg

APPROVED: [Signature]
Blair King, City Manager

RESOLUTION NO. 90-35

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A RESOLUTION OF THE LODI CITY COUNCIL
DETERMINING THE METHOD OF COLLECTION OF SIDEWALK REPAIR COSTS
TO BE PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 5628

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WHEREAS, the City of Lodi has an ongoing program of sidewalk maintenance which **may** necessitate that repairs or replacement of sidewalks be made, which costs must be borne by the individual property owners;

NOW THEREFORE BE IT RESOLVED, by the Lodi City Council that the method of collection of costs for sidewalk replacement or repairs for the maintenance of sidewalks **if** that bill is not paid within five days of the billing **shall** be pursuant to Streets and Highways Code Section 5628, as follows:

THE LODI CITY COUNCIL HEREBY ORDERS that the Notices of Lien shall be turned over to the San Joaquin County Tax Collector. The Tax Collector shall collect the costs of the sidewalk replacement or repairs with the next year's property tax, and **if** the costs are not paid with the next year's property taxes, **it** shall become delinquent and shall be handled in the same manner as other delinquent property taxes.

Dated: March 7, 1990

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I hereby certify that Resolution No. 90-35 was passed and adopted by the Lodi City Council in a regular meeting held March 7, 1990 by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton, Reid and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
Alice M. Reimche
City Clerk

90-35

RES9035/TXTA.01V