

CITY OF OAKLAND

2007 JUL 29 PM 1:41 AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 10, 2007

RE: **Resolutions Confirming Administrative Hearings That Dangerous And Insanitary Conditions Exist At The Buildings Serving The Properties Known As 4511 Market Street, 4100 Terrace Street, 2963 Morcom Avenue, 3843 Martin Luther King Jr. Way, 2969 Morcom Avenue, 2110 47th Avenue, And 1518 89th Avenue**

SUMMARY

A resolution has been prepared pursuant to section 13.08.270 of the Oakland Municipal Code (OMC) confirming the findings of the Director of the Public Works Agency after administrative hearing on the abatement, and directing the abatement of dangerous and insanitary conditions at the building sewers serving the properties shown in Attachment A.

City Maintenance staff has determined that dangerous and insanitary conditions exist at the subject locations. Staff conducted hearings with the property owners and directed them to abate the dangerous and insanitary conditions. The property owners failed to promptly abate said dangerous and insanitary conditions as ordered.

Staff requests adoption of the resolution confirming the administrative hearing finding that dangerous and insanitary conditions exist at the building sewers indicated.

FISCAL IMPACT

The costs to abate the dangerous and insanitary conditions at these properties are estimated between \$6,000.00 and \$12,000.00. Funds are available in the Sewer Service Fund (fund 3100), Right of Way Management Unit (org 30243), Building Sewer Revolving Project (code C08400) and the Safety and Liability program (IP40). Upon completion of the work, a lien will be assessed on the property for the actual construction contract plus an administrative fee of \$525.00 for voluntary abatement or \$1,300.00 for mandatory abatement done on the sewer lateral.

Item: _____
Public Works Committee
July 10, 2007

BACKGROUND

Oakland Municipal Code Section 13.08.120 requires property owners to take responsibility for building sewer maintenance. The owners of the subject properties were notified that a dangerous and insanitary condition existed and were directed to make repairs. The owners have failed to make the necessary repairs, which resulted in dangerous and insanitary conditions.

City maintenance staff tests confirmed that the defective building sewer has undermined the property and/or street in front of the above mentioned locations. This condition presents a significant health and safety hazard. City maintenance staff and Alameda County health staff have been working unsuccessfully with the owner to resolve this condition.

The findings of the Director of the Public Works Agency indicate that this dangerous and insanitary condition should be abated by the City to protect public health and safety. The owner had the right to appeal the decision of the Director to the City Council, but no appeals were received.

KEY ISSUES AND IMPACTS

City maintenance staff has confirmed that the condition of the building sewer is defective and presents a significant health and safety hazard.

SUSTAINABLE OPPORTUNITIES

Economic: Repairs will create job opportunities for Oakland contractors and residents.

Environmental: A repair to the building sewer eliminates a potential source of ground water into the sanitary sewer, and potential fines imposed on the City by the Regional Water Quality Control Board.

Social Equity: The repair creates and maintains a healthy and safe environment for citizens of Oakland to live and work.

DISABILITY AND SENIOR CITIZEN ACCESS

This section is not applicable to this resolution. This resolution pertains to the construction of an underground facility and does not have any concerns dealing with disability and senior citizen accessibility.

Item: _____
Public Works Committee
July 10, 2007

RECOMMENDATION AND RATIONALE

Staff recommends that the resolution be approved to protect the public's health.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the adoption of the resolution ordering abatement.

Respectfully submitted,

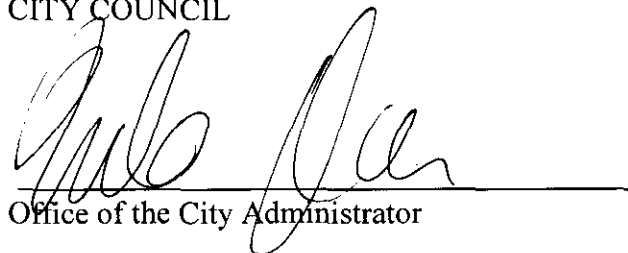


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency

Prepared by:
Marcel Uzegbu, Supervising Civil Engineer
Engineering Design and Right-of-Way

APPROVED AND FORWARDED TO THE
CITY COUNCIL



Office of the City Administrator

Item: _____
Public Works Committee
July 10, 2007

Attachment A

Property Location

Administrative Hearing Date

4511 Market Street

March 28, 2007

3843 MLK Jr. Way

April 4, 2007

2963 Morcom Avenue

April 3, 2007

2969 Morcom Avenue

April 3, 2007

4100 Terrace Street

April 6, 2007

2110 47th Avenue

May 14, 2007

1518 89th Avenue

May 15, 2007


City Attorney

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK

2007 JUN 29 PM 1:47

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXIST AT THE BUILDING SERVING THE PROPERTY KNOWN AS 4100 TERRACE AVENUE

WHEREAS, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code, (OMC) the Director of the Public Works Agency, on September 8, 2006, ordered the abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 4100 Terrace Avenue; and

WHEREAS, the owner of record, K. V. Hoffman, of said property failed or neglected to comply with the order to abate; and

WHEREAS, on March 21, 2007, the Director of the Public Works Agency duly notified the owner or person in possession of said property of an Administrative Hearing scheduled for April 6, 2007; and

WHEREAS, on April 6, 2007, an Administrative Hearing was held; and

WHEREAS, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore, be it

RESOLVED: That the findings and reports of the Director of the Public Works Agency that a dangerous and insanitary condition exists at the building sewer serving the property known as 4100 Terrace Street are hereby confirmed; and be it

FURTHER RESOLVED: That the Director of the Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of the Public Works Agency shall, at the owners' expense, cause the same to be abated. All sums which may be necessarily expended by the Director of the Public Works Agency in abating said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

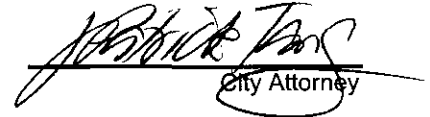
NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL


City Attorney

OFFICE 1

RESOLUTION No. _____ C.M.S.

2007 JUN 20 10:11 AM

Introduced by Councilmember _____

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 3843 MARTIN LUTHER KING JR. WAY

WHEREAS, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code, (OMC) the Director of the Public Works Agency, on March 20, 2007, ordered the abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 3843 Martin Luther King Jr. Way; and

WHEREAS, the owner of record, Peter P. Consos Jr., of said property failed or neglected to comply with the order to abate; and

WHEREAS, on March 21, 2007, the Director of the Public Works Agency duly notified the owner or person in possession of said property of an Administrative Hearing scheduled for April 4, 2007; and

WHEREAS, on April 4, 2007, an Administrative Hearing was held; and

WHEREAS, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore, be it

RESOLVED: That the findings and reports of the Director of the Public Works Agency that a dangerous and insanitary condition exists at the building sewer serving the property known as 2110 47th Avenue are hereby confirmed; and be it

FURTHER RESOLVED: That the Director of the Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of the Public Works Agency shall, at the owners' expense, cause the same abated. All sums, which may be necessarily expended by the Director of the Public Works Agency in abating, said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 2969 MORCOM AVENUE

WHEREAS, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code, (OMC) the Director of the Public Works Agency, on October 25, 2006, ordered the abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 2969 Morcom Avenue; and

WHEREAS, the owner of record, Ronald L. Starr, of said property failed or neglected to comply with the order to abate; and

WHEREAS, on March 16, 2007, the Director of the Public Works Agency duly notified the owner or person in possession of said property of an Administrative Hearing scheduled for April 3, 2007; and

WHEREAS, on April 3, 2007, an Administrative Hearing was held; and

WHEREAS, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore, be it

RESOLVED: That the findings and reports of the Director of the Public Works Agency that a dangerous and insanitary condition exists at the building sewer serving the property known as 12969 Morcom Avenue are hereby confirmed; and be it

FURTHER RESOLVED: That the Director of the Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of the Public Works Agency shall, at the owners' expense, cause the same abated. All sums, which may be necessarily expended by the Director of the Public Works Agency in abating, said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 2963 MORCOM AVENUE

WHEREAS, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code, (OMC) the Director of the Public Works Agency, on October 25, 2006, ordered the abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 2963 Morcom Avenue; and

WHEREAS, the owner of record, Ledisi A. Young, of said property failed or neglected to comply with the order to abate; and

WHEREAS, on March 21, 2007, the Director of the Public Works Agency duly notified the owner or person in possession of said property of an Administrative Hearing scheduled for April 3, 2007; and

WHEREAS, on April 3, 2007, an Administrative Hearing was held; and

WHEREAS, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore, be it

RESOLVED: That the findings and reports of the Director of the Public Works Agency that a dangerous and insanitary condition exists at the building sewer serving the property known as 2963 Morcom Avenue are hereby confirmed; and be it

FURTHER RESOLVED: That the Director of the Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of the Public Works Agency shall, at the owners' expense, cause the same abated. All sums, which may be necessarily expended by the Director of the Public Works Agency in abating, said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL


City Attorney

OFFICE OF THE CITY CLERK
2007 JUL 20 PM 1:47

RESOLUTION No. _____ **C.M.S.**

Introduced by Councilmember _____

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 2110 47TH AVENUE

WHEREAS, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code, (OMC) the Director of the Public Works Agency, on March 20, 2007, ordered the abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 2110 47th Avenue; and

WHEREAS, the owner of record, Countney Nance, of said property failed or neglected to comply with the order to abate; and

WHEREAS, on May 3, 2007, the Director of the Public Works Agency duly notified the owner or person in possession of said property of an Administrative Hearing scheduled for May 14, 2007; and

WHEREAS, on May 14, 2007, an Administrative Hearing was held; and

WHEREAS, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore, be it

RESOLVED: That the findings and reports of the Director of the Public Works Agency that a dangerous and insanitary condition exists at the building sewer serving the property known as 2110 47th Avenue are hereby confirmed; and be it

FURTHER RESOLVED: That the Director of the Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of the Public Works Agency shall, at the owners' expense, cause the same abated. All sums, which may be necessarily expended by the Director of the Public Works Agency in abating, said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 ____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL


City Attorney

1411

2007 JUN 27 10:11:57

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 1518 89TH AVENUE

WHEREAS, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code, (OMC) the Director of the Public Works Agency, on November 17, 2006, ordered the abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 1518 89th Avenue; and

WHEREAS, the owners of record, Juan Rosendo & Cecilia Lara, of said property failed or neglected to comply with the order to abate; and

WHEREAS, on May 3, 2007, the Director of the Public Works Agency duly notified the owners or person in possession of said property of an Administrative Hearing scheduled for May 15, 2007; and

WHEREAS, on May 15, 2007, an Administrative Hearing was held; and

WHEREAS, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore, be it

RESOLVED: That the findings and reports of the Director of the Public Works Agency that a dangerous and insanitary condition exists at the building sewer serving the property known as 1518 89th Avenue are hereby confirmed; and be it

FURTHER RESOLVED: That the Director of the Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of the Public Works Agency shall, at the owners' expense, cause the same abated. All sums, which may be necessarily expended by the Director of the Public Works Agency in abating, said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL

Patrick Taro
City Attorney

FILE

2007 JUL 27 PM 1:47

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 4511 MARKET STREET

WHEREAS, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code, (OMC) the Director of the Public Works Agency, on December 5, 2006, ordered the abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 4511 Market Street; and

WHEREAS, the owner of record, Maurice Shabazz, of said property failed or neglected to comply with the order to abate; and

WHEREAS, on March 16, 2007, the Director of the Public Works Agency duly notified the owner or person in possession of said property of an Administrative Hearing scheduled for March 28, 2007; and

WHEREAS, on March 28, 2007, an Administrative Hearing was held; and

WHEREAS, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore, be it

RESOLVED: That the findings and reports of the Director of the Public Works Agency that a dangerous and insanitary condition exists at the building sewer serving the property known as 4511 Market Street are hereby confirmed; and be it

FURTHER RESOLVED: That the Director of the Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of the Public Works Agency shall, at the owners' expense, cause the same abated. All sums, which may be necessarily expended by the Director of the Public Works Agency in abating, said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California