

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 JUL -1 PM 1:59

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 13, 2004

**RE: RESOLUTION CONFIRMING THE REPORT OF ASSESSMENT
FOR THE ABATEMENT OF DANGEROUS AND INSANITARY
BUILDING SEWER CONDITIONS THROUGHOUT THE
CITY OF OAKLAND**

SUMMARY

The procedure for mandatory sewer abatement provides for the Council to confirm or overrule the findings of the Director of the Public Works Agency after an administrative hearing on each abatement.

Accordingly, a resolution has been prepared to confirm the Report of Assessment for the Abatement of Dangerous and Insanitary Building Sewers pursuant to Section 13.08.280 of the Oakland Municipal Code (OMC).

FISCAL IMPACT

Pending Council approval of this resolution, a special assessment will be placed on the properties to recover all construction and administrative costs incurred by the City. The combined total to be assessed against the properties that are the subject of this report, including fees and interest, is \$89,503.98 and will be collected with the 2004-05 property taxes. The cost of all work to date has been paid by the City from the Sewer Service Fund (3100). The assessment will reimburse the City for costs incurred in abating these private building sewers, and the recoveries will be placed back into the Fund.

BACKGROUND

Twelve (12) properties are delinquent in payments totaling \$89,503.98 (see Attachment A). Ten (10) properties were done under mandatory abatement totaling \$72,044.63. The owners of the remaining two (2) properties signed a voluntary agreement totaling \$17,459.35. In accordance with Section 13.08.280, and 13.08.320 of the OMC, this shall constitute a special assessment against the real property abated. The current amount due includes all contractors' costs, administrative fees, and interest accrued.

Item: 8
Finance and Management Committee
July 13, 2004

KEY ISSUES AND IMPACTS

The combined total to be assessed, including fees and interest, is \$89,503.98. The assessment will be collected with the 2004-05 property taxes. All work to date has been paid for by the City. The assessment will reimburse the City for costs incurred in abating these private building sewers. Since an extensive hearing process has already occurred, it is not necessary for the Council to conduct an additional formal hearing. The report has been posted in the City Clerk's Office and a copy sent to the affected property owners specifying the cost of abatement for each parcel to be assessed. The OMC requires the Council to confirm or overrule the decision of the Director of the Public Works Agency. If protest arises on any particular property, staff will meet with the property owner to resolve the matter.

The resolution confirms the report and directs the assessments to be filed with the County Auditor. The cost of this work will constitute a special assessment with the 2004-05 property taxes.

SUSTAINABLE OPPORTUNITIES

Economic: This program will provide maintenance opportunities for local businesses and workers.

Economic: This program will help improve water quality in the Bay and connecting waterways, and prevent contamination of streets, sidewalks, and other apparatus.

Property owners throughout the City, who have defective sewer lines, will benefit from this program.

DISABILITY AND SENIOR CITIZEN ACCESS

This section is non-applicable. This resolution pertains to the assessment of monies due to the City and does not have any concerns dealing with disability and senior citizen accessibility.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution in order to recover funds expended to abate defective sewer laterals.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolution.

Respectfully submitted,

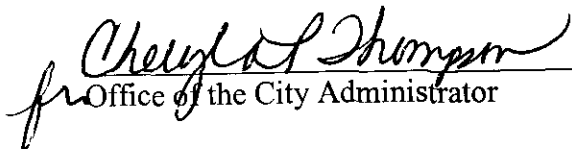


RAUL GODINEZ II, P.E.
Director, Public Works Agency

Prepared by:
Joseph Levine
Construction Inspection Supervisor
Sewer and Utility Inspection Division

Reviewed by:
David Ferguson
Operations Manager
Sewer & Utility Inspection Division

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



Office of the City Administrator

Item: 8
Finance and Management Committee
July 13, 2004

CITY OF OAKLAND REPORT OF ASSESSMENTS
 FOR THE ABATEMENT OF INSANITARY SEWER CONDITION
 TAX YEAR 2003-2004

July 13, 2004

Attachment A

Parcel Number			Property Address	Proposed Assessment Amount
Map	Block	Parcel		
015	1282	068	826 Aileen Street	\$10,940.70
012	0929	018	88 Bayo Vista Avenue	\$10,550.61
048	7672	012	7351 Claremont Avenue	\$14,646.48
007	0594	007	2538 Hollis Street	\$6,162.40
020	0135	010	632 International Boulevard	\$7,841.94
030	1980	036	3629 Redding Street	\$3,813.15
026	0771	011 08	2538 26 th Avenue	\$5,465.70
015	1362	044	627 62 nd Street	\$4,764.30
016	1424	003	557 66 th Street	\$6,258.00
040	3321	016	1531 77 th Avenue	\$5,637.15
043	4588	007	1733 90 th Avenue	\$6,904.90
022	0350	012	2122 E. 25 th Street	\$6,518.65
			Total:	\$89,503.98


 FINANCE & MANAGEMENT CMTE

JUL 13 2004

OAKLAND CITY COUNCIL
RESOLUTION No. _____

FILED
OFFICE OF THE CITY CLERK
C.M.S. OAKLAND
2004 JUL 13 PM 1:59

INTRODUCED BY COUNCILMEMBER _____

**RESOLUTION CONFIRMING THE REPORT OF ASSESSMENT FOR THE
ABATEMENT OF DANGEROUS AND INSANITARY BUILDING SEWER
CONDITIONS THROUGHOUT THE CITY OF OAKLAND**

WHEREAS, pursuant to the provisions of Chapter 13.08 of the Oakland Municipal Code, (OMC) the Director of Public Works Agency of the City of Oakland identified dangerous and insanitary sewer conditions located upon the properties listed in the REPORT OF ASSESSMENT to be abated; and

WHEREAS, said cost of abatement as shown in the REPORT OF ASSESSMENT, which is attached hereto and is incorporated as an integral part hereof, is to be paid by the owners of said properties; and

WHEREAS, the owners of said properties have been notified of said cost pursuant to Section 13.08.280 of the Oakland Municipal Code; and

WHEREAS, a copy of the REPORT OF ASSESSMENT has been posted in the Office of the City Clerk for at least three (3) days with a notice of the time and date when said report would be submitted to the City Council for confirmation; and

WHEREAS, the hour of 6:00p.m. July 20, 2004, was fixed as the hour and date for the Council to confirm said report, together with any objection(s) or protest(s) which may be raised by any of the property owner(s) liable to be assessed for the work of abating said dangerous and insanitary condition(s); and

WHEREAS, the Council has heard and considered all such objection(s) and protest(s); now, therefore, be it

RESOLVED: That said REPORT OF ASSESSMENT of the Director of Public Works Agency on the cost of abating said dangerous and insanitary conditions is hereby confirmed; and be it

FURTHER RESOLVED: That the Director of 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 the revenue from the assessment shall be credited to the Sewer Service Fund (3100); and be it

FURTHER RESOLVED: That the Director of Public Works Agency is hereby directed to file a certified copy of said REPORT OF ASSESSMENT with the County Auditor of the County of Alameda on or before the 10th day of August 2004.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD

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

FINANCE & MANAGEMENT CMTE.

JUL 13 2004