

APPROVED AS TO FORM AND LEGALITY

2021 OCT 17 AM 9:31

Res 90944
CITY ATTORNEY'S OFFICE

FILED
CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 90944 C.M.S.

RESOLUTION CONFIRMING ESTABLISHMENT OF THE RIGHT OF WAY REPAIR FUND (FUND 2425), AUTHORIZING THE ONGOING APPROPRIATION OF FUND REVENUES GENERATED THROUGH THE CITY OF OAKLAND'S NOTICE TO REPAIR PROGRAM FOR PRIVATE SIDEWALK REPAIR PROJECTS, AND TRANSFERRING ALL FUND 2415 BALANCE IN PROJECT 1001011 TO FUND 2425 PROJECT 1001011 FOR PRIVATE SIDEWALK REPAIR PROJECTS

WHEREAS, the City of Oakland's sidewalk infrastructure is a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, areas of sidewalk damage present accessibility challenges for Oaklanders who use wheelchairs, strollers, or other mobility devices; and

WHEREAS, areas of sidewalk damage can lead to injuries which can result in claims and lawsuits; and

WHEREAS, the majority of sidewalk damage in Oakland is the responsibility of a private property owner to repair; and

WHEREAS, Oakland Municipal Code 12.04.020-060 provides a process for the abatement of dangerous conditions on private property owners' behalf through voluntary and mandatory agreements and for the City to invoice owners for the cost of abatement; and

WHEREAS, Resolution No. 81165 C.M.S. established an initial cost-recovery project for enforcement of repairs of sidewalk damage adjacent to private properties; and

WHEREAS, establishment is needed of a distinct fund to track these revenues and expenditures, and specific authority is needed enable ongoing appropriation of these revenues to fully enable a self-sustaining and cost-recovery fund for private sidewalk enforcement; and

WHEREAS, a cost-recovery fund may be used in the future to facilitate repair of other assets in the public Right-of-Way in addition to sidewalks; now, therefore be it

RESOLVED: That the City Council hereby confirms establishment of Fund 2425 (Right of Way Repair Fund) to serve as the revolving fund for private sidewalk enforcement and other cost-recovery repairs in the public Right-of-Way; and be it

FURTHER RESOLVED: That the City Administrator is authorized on an ongoing basis to accept and appropriate program revenues generated through the Notice to Repair Program (O.M.C. 12.04.020) to Fund 2425 to implement further private property sidewalk repairs; and be it

FURTHER RESOLVED: That revenues generated from private sidewalk repair will be used to support similar projects as those through which the revenues were generated; and be it

FURTHER RESOLVED: That this authority includes the transfer of all funds in Fund 2415 Project 1001011 (Private Sidewalk Repair) to Fund 2425 Project 1001011 for the same purpose; and be it

FURTHER RESOLVED: That the City Administrator or their designee is authorized to allocate said revenues received from private property owners as appropriate and to take action necessary with respect to said revenues consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, November 16, 2025

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND PRESIDENT JENKINS

NOES -

ABSENT -

ABSTENTION -

ATTEST:



ASHA REED

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


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

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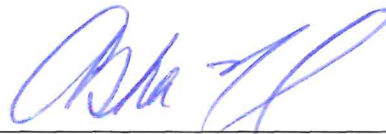
NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused: Jenkins

ATTEST:



ASHA REED

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