

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 JUL 11 PM 4:57

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 11, 2006

RE: Resolution Confirming The Report Of Assessment For The Abatement Of Dangerous
And Insanitary Building Sewer Conditions Throughout The City of Oakland

SUMMARY

Overflows from private sanitary sewer laterals present a threat to public health and safety. The Public Works Agency is responsible for assuring the respective owners of these laterals abate these conditions. When the City incurs costs to abate these overflows, the property owners are responsible for reimbursement of these costs to the City. 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). Staff recommends that the resolution be approved.

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 \$55,821.25 and will be collected with the 2006-07 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 the abating of these private building sewers, and the recoveries will be placed back into the Fund.

BACKGROUND

Nine (9) properties are delinquent in payments totaling \$55,821.25 (see Attachment A). Three (3) properties were done under mandatory abatement totaling \$28,122.25. The owners of the remaining six (6) properties signed a voluntary agreement totaling \$27,699.00. 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' cost, administrative fees, and interest accrued.

Item: _____
Finance and Management Committee
July 11, 2006

KEY ISSUES AND IMPACTS

The combined total to be assessed, including fees and interest, is \$55,821.25. The assessment will be collected with the 2006-07 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 2006-07 property taxes.

SUSTAINABLE OPPORTUNITIES

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

Environmental: The program will help improve water quality in the Bay and connecting waterways, and prevent contamination of streets, sidewalks, and the environment.

Social Equity: 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.

Item: _____
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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolution.

Respectfully submitted,



RAUL GODINEZ II, P.E.

Director, Public Works Agency

Reviewed by:

Michael Neary, P.E.,

Assistant Director, Public Works Agency

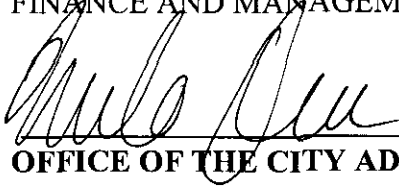
Design & Construction Services Department

Prepared by:

Joseph Levine, R.O.W. Supervisor

Right of Way Management

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

CITY OF OAKLAND REPORT OF ASSESSMENTS
 FOR THE ABATEMENT OF INSANITARY SEWER CONDITION
 TAX YEAR 2006-2007
 July 11, 2006

Attachment A

Name	Property Address	Assessor's #	Total Amount Transferred
Warren A. Megrian	6939 Chambers Drive	48E-7332-011-00	\$140.06
Russel & Selesstine D Winton	3427 Salisbury Street	027-0897-03	\$9,102.99
Melvin G Hill	1620 Seminary Avenue	038-3219-005	\$11,523.83
Schuyler N. Ingle	5436 Wadean Place	035-2398-018	\$6,642.59
Andre Leung & Judy Chun	1100 E 17 th Street	020-0215-01400	\$12,653.08
Maxine Lyons	452 61 st Street	016-1393-024-00	\$3,945.34
James & Sandra Lee	2812 13 th Avenue	023-0388-010	\$1,065.96
Clara B Nelson	1500 40 th Avenue	033-2144-020	\$6,002.94
Silvano & Olegaria Rodriguez	1962 62 nd Avenue	038-3213-3	\$4,744.46
		Total Amount	\$55,821.25
5/30/06REVMMT			

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2006 JUN 28 PM 4:01

RESOLUTION NO. _____ C.M.S.

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 18, 2006, 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 Finance and Management Agency Revenue Liens Division 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 2006.

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

CITY OF OAKLAND REPORT OF ASSESSMENTS
 FOR THE ABATEMENT OF INSANITARY SEWER CONDITION
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