

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**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, \_\_\_\_\_

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