



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Scott P. Johnson

**SUBJECT:** SEE BELOW

**DATE:** April 21, 2008

Approved

Date

5-1-08

**SUBJECT: RECORDING LIENS ON PROPERTY FOR THE REIMBURSEMENT OF COST FOR SIDEWALK REPAIRS.**

## RECOMMENDATION

Adoption of a resolution setting a public hearing for June 24, 2008 at 1:30 p.m. for the approval of the report of the Director of Finance on the cost of sidewalk repairs.

## OUTCOME

To recover funds spent on sidewalk repairs from property owners.

## BACKGROUND

The provisions of Part 17 of Chapter 14.16 of Title 14 of the San Jose Municipal Code and Sections 5625 through 5630 of the California Streets and Highways Code make it the duty of each property owner to maintain the sidewalk fronting their property in a safe condition.

Sidewalk repair in the City of San Jose is a complaint-driven program. Residents who contact the Department of Transportation (DOT) regarding a sidewalk in need of repair may request an inspection of the property from DOT staff. If it is determined that the sidewalk needs repair, DOT sends a repair notice to the property owner. DOT works with property owners to facilitate the repairs. In some cases, DOT completes the repairs and attempts to recover the cost of the repairs from the property owner. These repairs are currently funded by the City's General Fund.

The Finance Department invoices property owners for sidewalk repairs undertaken by DOT. Finance staffs work diligently to recover expended funds; however, in some cases, property

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owners neglect to pay the outstanding obligations. To recover the costs of these unpaid invoices, the City Council can levy assessments against the defaulting properties at the conclusion of a public hearing process.

Property owners who are affected by this process may satisfy the lien recorded against their property at any time prior to July 25, 2008 by making full payment to the City, in addition to a \$13.00 lien-release fee charged by the County Recorder's Office. Any unpaid lien amounts after this date will be added to the property owners' annual property tax bill. Recording liens against delinquent property owners for outstanding sidewalk repair costs will help ensure eventual collection of the past due amounts if the property is sold, transferred or refinanced. This process will be conducted periodically to help protect the City from these types of events.

### **ANALYSIS**

A Report from the Director of Finance will be issued for the cost of sidewalk repairs (Director's Report). The Director's Report will include properties currently in default in which the City incurred costs for the sidewalk repairs on behalf of the property owners. At the present time, there are 43 properties that are subject to a potential lien for a total lien amount, including administrative fees, of \$114,825.02. Individual lien amounts vary from \$309.00 to \$8,160.00. These amounts have been paid by the City to concrete contractors to complete sidewalk repairs at the affected properties.

In an effort to resolve potential protests prior to the City Council public hearing, DOT invites property owners to attend administrative conferences. These conferences do not affect the property owners' right to protest the proposed lien at the City Council public hearing.

Results of the administrative conferences and staff recommendations will be included in the Director's Report submitted to the Council for consideration and approval on June 24, 2008. After hearing any protest, the City Council may confirm the Director's Report and the full amounts contained therein or reduce any of the amounts due. After the Director's Report is confirmed, the amounts owed shall constitute a special assessment against the property and shall become a lien on the property for the balance of the outstanding amount owed, until discharged. Any unpaid lien amount by July 25, 2008 shall be added to the property owner's annual property tax bill by the County Tax Collector.

The schedule to file liens on defaulting properties for sidewalk repairs made by the City is as follows:

Event	Date
1. City Council – Sets the public hearing	May 13, 2008
2. Department of Transportation – Mails first notices giving notice of the administrative conferences and the public hearing date	May 14, 2008
3. Department of Transportation – Mails second notices giving notice of the administrative conferences and the public hearing date	May 21, 2008
4. Department of Transportation – Conducts the administrative conferences	May 29, 2008
5. City Council – Conducts the public hearing and adopts the Resolution Confirming the Directors’ Report containing the proposed liens	June 24, 2008 1:30 P.M.
6. Department of Finance – Submits lien information to the County Recorder’s Office	June 2008

**EVALUATION AND FOLLOW-UP**

A memo seeking authorization from the City Council to direct Finance staff to place special assessments secured by a lien against those listed in the Director’s Report is scheduled for June 24, 2008 Council meeting. In addition, staff in the Revenue Management Division of the Finance Department will continue its collection efforts in order to reduce the number of delinquent accounts that require a lien hearing. Furthermore, said staff will also continue to monitor accounts placed with the County for special assessment for full compliance with the program.

**PUBLIC OUTREACH/INTEREST**

This item does not meet any of the criteria listed below.

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

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**COORDINATION**

This memorandum has been coordinated with the Department of Transportation and the City Attorney's Office.

**COST IMPLICATIONS**

The funds \$114,825.02 used to repair the sidewalks for those properties currently being considered for the filing of a special assessment secured by a lien were advanced from the General Fund.

**CEQA:**

Not a project.

  
SCOTT P. JOHNSON  
Director, Finance

For questions, please contact David McPherson, Deputy Director of Finance at (408) 535-7091.

City of San Jose  
Department of Finance  
Report of the Director of Finance to the City Council on the Cost of Sidewalk Repairs  
Public Hearing June 24, 2008

ACCT#	ASSIGN	NAME	MAILING ADDRESS	SITUS	APN	AMOUNT	FEE	TOTAL
132517	2/27/2008	Haralambos (Bob) & Katerina Vlahopoulos	2970 Daylight Way San Jose CA 95111	640 Minnesota Ave	434-14-003	\$ 296.00	\$ 13.00	\$ 309.00
132517		Chris & Maria Vlahopoulos						
132529	2/27/2008	Rodrigo H Rios	2671 Ophelia Ave San Jose CA 95122	2671 Ophelia Ave	670-22-033	\$ 296.00	\$ 13.00	\$ 309.00
131621	11/8/2007	Hector J Villegas Trustee	848 E Gish Rd 3 San Jose CA 95112	1166 Lick Ave	434-05-081	\$ 333.00	\$ 13.00	\$ 346.00
132500	2/26/2008	Robert & Marissa Fernandez	1015 woodvale Ct San Jose CA 95116	6096 Loma Prieta Dr	687-12-015	\$ 445.68	\$ 13.00	\$ 458.68
132525	2/27/2008	Allan Zmyslowski	6192 Calle Del Conejo San Jose CA 95120	6192 Calle Del Conejo	575-30-060	\$ 525.50	\$ 13.00	\$ 538.50
132412	2/20/2008	Ernest & Rachel Molina	2005 Wizard Ct San Jose CA 95131	2005 Wizard Ct	245-17-031	\$ 680.48	\$ 13.00	\$ 693.48
132498	2/26/2008	Manuel Salazar Trustee	545 Minnesota Ave San Jose CA 95125	545 Minnesota Ave	434-15-035	\$ 684.87	\$ 13.00	\$ 697.87
132523	2/27/2008	Rudolph & Rachel A Savedra Trustee	747 Aremosa Ln Ben Lomond CA 95005	270 Oakland Rd	481-25-044	\$ 690.87	\$ 13.00	\$ 703.87
132522	2/27/2008	Estela C Perez	286 Oakland Ave San Jose CA 95116	286 Oakland Ave	481-25-043	\$ 888.97	\$ 13.00	\$ 901.97
132613	2/29/2008	Tung T & Hong T Phan	2801 Agua Vista Dr San Jose CA 95132	1891 Camargo Dr	589-04-003	\$ 891.00	\$ 13.00	\$ 904.00
132608	2/29/2008	Joseph H & Alicia G Silva Trustee	15945 Oakridge Rd Morgan Hill CA 95037	940 Jackson Ave	484-35-030	\$ 923.70	\$ 13.00	\$ 936.70
132288	1/23/2008	Arselia Dominguez	2942 Driftwood Dr San Jose CA 95128	2942 Driftwood Dr	279-26-028	\$ 956.77	\$ 13.00	\$ 969.77
132298	1/23/2008	Minna C Yang & Arlene J Baldwin	5152 Oxbow Ct San Jose CA 95124	5152 Oxbow Ct	421-20-021	\$ 1,055.15	\$ 13.00	\$ 1,068.15
132298		Lisa Freese & Teresa Sohn						
132505	2/27/2008	Van Dinh Nguyen	3260 Cropley Ave San Jose CA 95132	3260 Cropley Ave	586-02-008	\$ 1,062.35	\$ 13.00	\$ 1,075.35
123161	6/14/2005	Robert J & Susan A Coen Trustee	1101 Macon Ave San Jose CA 95117	125 Richfield Dr	296-22-004	\$ 1,095.85	\$ 13.00	\$ 1,108.85
132497	2/26/2008	Estela C Perez	1021 Pepitone Ave San Jose CA 95110	1021 Pepitone Ave	434-04-029	\$ 1,202.12	\$ 13.00	\$ 1,215.12
132524	2/27/2008	Mario J Ramirez	3827 Kauai Dr San Jose CA 95111	3827 Kauai Dr	494-18-037	\$ 1,629.85	\$ 13.00	\$ 1,642.85
132267	1/23/2008	Kurt Sisley	1369 Rodney Dr San Jose CA 95118	165 N 5th St	467-20-030	\$ 1,748.25	\$ 13.00	\$ 1,761.25
132267		5th Street Promenade Invest LLC						
132519	2/27/2008	Mostafa & Nadieh Akbari	3736 Ross Ave San Jose CA 95124	3736 Ross Ave	447-12-024	\$ 1,869.33	\$ 13.00	\$ 1,882.33
132272	1/23/2008	Nelly Amas	Po Box 51655 San Jose CA 95151	27 S 11th St	467-25-077	\$ 1,886.60	\$ 13.00	\$ 1,899.60
132489	2/26/2008	Deutsche Bank National Trust Co	500 Enterprise Rd 150 Horsham PA 19044	1557 Meadow Glen Ct	676-60-026	\$ 1,981.70	\$ 13.00	\$ 1,994.70
132489		C/O GMAC Mortgage LLC						
132275	1/23/2008	Roseanna Mayhew	729 Mairwood Ct San Jose CA 95120	12 S 11th St	467-26-034	\$ 2,154.30	\$ 13.00	\$ 2,167.30
132499	2/26/2008	Sara K & Richard Vaules II	1198 Fairview Ave San Jose CA 95125	1198 Fairveiw Ave	439-12-001	\$ 2,235.44	\$ 13.00	\$ 2,248.44
132281	1/23/2008	Stephen T & Jeffrey M Lopes	1790 S 10th St San Jose CA 95112	245 Keyes St	472-14-060	\$ 2,286.20	\$ 13.00	\$ 2,299.20
132278	1/23/2008	Dennis S Spielbauer	Po Box 90117 San Jose CA 95109	225 William St	467-48-014	\$ 2,445.70	\$ 13.00	\$ 2,458.70
132290	1/23/2008	Alberto Sevilla & Lynn Welge	14142 Dorene Ct Saratoga CA 95070	757 Concord Ave	282-46-026	\$ 2,456.05	\$ 13.00	\$ 2,469.05
132713	3/12/2008	Julius R & Madonna Dumantay	3224 Rocky Mountain Dr San Jose CA 95127	3224 Rocky Mountain Dr	647-32-003	\$ 2,724.35	\$ 13.00	\$ 2,737.35
132510	2/27/2008	Deanne C Iracheta & Alfonso C Aguiar	115 E Taylor St San Jose CA 95112	115 E Taylor St	249-03-052	\$ 2,797.71	\$ 13.00	\$ 2,810.71
131622	11/8/2007	Elizabeth Ann Williams	Po Box 1436 San Martin CA 95046	48 S 22nd St	467-32-005	\$ 2,979.00	\$ 13.00	\$ 2,992.00
132493	2/26/2008	Gary R Olivieri	Po Box 66427 Santa Cruz CA 95067	709 Harrison St	264-43-035	\$ 3,432.39	\$ 13.00	\$ 3,445.39

132274	1/23/2008	Roseanna Mayhew	729 Mairwood Ct San Jose CA 95120	18 S 11th St	467-26-033	\$ 3,583.05	\$ 13.00	\$ 3,596.05
132491	2/26/2008	Carmen J Frost	1482 Lundy Ave San Jose CA 95131	701 Harrison St	264-43-033	\$ 3,673.95	\$ 13.00	\$ 3,686.95
132280	1/23/2008	Dennis S Spielbauer	Po Box 90117 San Jose CA 95109	486 S 5th St	467-48-016	\$ 4,102.40	\$ 13.00	\$ 4,115.40
132284	1/23/2008	Ralph J & Margaret Reeder	Po Box 1807 Medord OR 97501	555 S 8th St	472-28-059	\$ 4,183.04	\$ 13.00	\$ 4,196.04
132285	1/23/2008	Richard M Cohen Trustee	15012 Sperry Ln Saratoga CA 95070	529 N 7th St	249-38-042	\$ 4,262.25	\$ 13.00	\$ 4,275.25
132270	1/23/2008	Green Valley Corporation	777 N 1st St 5 San Jose CA 95112	747 Miller St	259-05-040	\$ 4,398.00	\$ 13.00	\$ 4,411.00
131615	11/8/2007	George, Ralph & Agob Mersho	1681 Lucca Pl San Jose CA 95138	1712 Berryessa Rd	254-14-108	\$ 4,587.00	\$ 13.00	\$ 4,600.00
131618	11/8/2007	Leonard & Company Inc	2001 Tarob Ct Milpitas CA 95035	332 Josefa St	264-20-110	\$ 5,307.00	\$ 13.00	\$ 5,320.00
132279	1/23/2008	Candida E Spielbauer	498 S 5th St San Jose CA 95112	498 S 5th St	467-48-015	\$ 6,012.55	\$ 13.00	\$ 6,025.55
131619	11/8/2007	Leonard & Company Inc	2001 Tarob Ct Milpitas CA 95035	498 W San Carlos St	264-20-128	\$ 6,543.00	\$ 13.00	\$ 6,556.00
132276	1/23/2008	KPA Inc	503 Whipple Ave Redwood Ctiy CA 94063	510 E Santa Clara St	467-26-109	\$ 7,394.15	\$ 13.00	\$ 7,407.15
132294	1/23/2008	Jozo & Maria Ivankovic	3762 Trina Way San Jose CA 95117	3762 Trina Way	303-27-028	\$ 7,417.45	\$ 13.00	\$ 7,430.45
131613	11/8/2007	Helen M & Herbert E Crawford Trustee	1485 Calaveras Ave San Jose CA 95126	949 Ruff Dr	230-38-078	\$ 8,147.00	\$ 13.00	\$ 8,160.00
							\$ 559.00	\$ 114,825.02