

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE REPORT OF THE DIRECTOR OF FINANCE ON THE REIMBURSEMENT OF COST FOR SIDEWALK REPAIRS, CONFIRMING THE ASSESSMENTS CONTAINED IN THE REPORT AND DIRECTING THE RECORDING OF LIENS ON THE PROPERTY TAX ROLL FOR THE COST OF SIDEWALK REPAIRS

WHEREAS, Part 17 of Chapter 14.16 of Title 14 of the San José Municipal Code and Sections 5625 through 5630 of the California Streets and Highways Code set forth the procedures for collection of the sidewalk repairs; and

WHEREAS, on May 8, 2012, the City Council of the City of San José (“City Council”) adopted Resolution No. 76217 setting a public hearing for approval of the Report of the Director of Finance on the Cost of Sidewalk Repairs (“Report”) for June 12, 2012 at 1:30 p.m.; and

WHEREAS, the Director of Finance caused all property owners mentioned in the Report to be given proper legal notice of the cost of sidewalk repairs posed to be assessed by the City of San José (“City”) and of the opportunity to present objections or protests regarding such costs at the public hearing; and

WHEREAS, the City has complied with all requirements of the San José Municipal Code and the California Streets and Highways Code regarding notice and hearing relative to the assessment of sidewalk repair costs contained in the Report; and

WHEREAS, the City Council has considered the Report at a public hearing as scheduled, and has heard and duly considered all objections or protests thereto, including a report by the Director of Finance describing the administrative conferences

with the property owners proposed to be assessed for not paying the cost of sidewalk repairs; and

WHEREAS, the City Council desires to accept the Report and confirm the assessments contained therein; and

WHEREAS, a property owner's failure to pay the cost assessed within five (5) days after confirmation of the Report shall cause a special assessment against the property which shall become a lien on such property; and

WHEREAS, the City Council desires to direct the Director of Finance to cause the recordation of the appropriate liens with the Santa Clara County Recorder;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. Having duly considered all objections and protests to the proposed assessments for the cost of sidewalk repairs at the public hearing held on June 12, 2012 at 1:30 p.m., such objections or protests of every kind and nature are hereby overruled or denied, except as otherwise shown in the final approved Report of the Director of Finance to the City Council on the Cost of Sidewalk Repairs, which is attached hereto as Attachment A and fully incorporated herein ("Final Report").
2. Assessments contained in the Final Report are hereby confirmed.
3. Pursuant to, and in accordance with, the provisions of Part 17 of Chapter 14.16 of Title 14 of the San José Municipal Code and Sections 5625 through 5630 of the California Streets and Highways Code, sidewalk repair costs so assessed

against each property, if not paid within five (5) days after the confirmation of the Final Report, shall constitute a special assessment against that property and shall become a lien on the property for the amount of the assessment, which lien shall continue until discharged of record.

4. The Director of Finance is hereby directed to cause the preparation of the appropriate Notices of Lien and the delivery of each Notice of Lien to the Santa Clara County Recorder for recordation. The Director of Finance shall also cause the delivery of the Notice of Lien to the County Assessor so that the amount of any unpaid lien shall be collected with all other property taxes. At the time the property tax bills become public records, the Director of Finance shall release any previously recorded liens.

ADOPTED this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk

ATTACHMENT A

City of San José - Finance Department								
Report from the Director of Finance for the Cost of Sidewalk Repairs								
Public Hearing: June 12, 2012								
ACCOUNT#	DATE ASSIGNED	MAILING ADDRESS	CITY, STATE, ZIP	PROPERTY ADDRESS	APN #	CURRENT BALANCE	LIEN FEE	TOTAL BALANCE
178787	5/17/2011	537 MCCOLLAM DR	SAN JOSE, CA 95127	537 MCCOLLAM DR	599-43-025	\$ 816.72	\$ 13.00	\$ 829.72
178428	5/2/2011	1405 DENTWOOD DR	SAN JOSE, CA 95118	1405 DENTWOOD DR	569-08-028	830.99	13.00	843.99
172057	1/6/2011	PO BOX 9217	SAN JOSE, CA 95157	4825 GRIMSBY DR	403-30-070	1,038.79	13.00	1,051.79
183755	11/15/2011	16690 OAK VIEW CIR	MORGAN HILL, CA 95037	1354 ESSEX WY	305-07-012	1,119.78	13.00	1,132.78
177993	4/26/2011	3318 CARDIN AV	SAN JOSE, CA 95118	3318 CARDIN AV	447-22-023	1,146.47	13.00	1,159.47
178045	4/28/2011	105 S 15TH ST	SAN JOSE, CA 95112	105 S 15TH ST	467-27-066	1,171.89	13.00	1,184.89
178737	5/16/2011	5 MORNING WOOD DR	LAGUNA NIGUEL, CA 92677	898 TULLY RD	499-20-026	1,246.17	13.00	1,259.17
178579	5/9/2011	6448 BERWICKSHIRE WAY	SAN JOSE, CA 95120	6448 BERWICKSHIRE WAY	577-36-046	1,299.91	13.00	1,312.91
175278	3/1/2011	1554 CLAYTON RD	SAN JOSE, CA 95127	1554 CLAYTON RD	612-58-007	1,490.02	13.00	1,503.02
177456	4/19/2011	PO BOX 2564	SAN JOSE, CA 95109	661 14TH ST	249-31-069	1,529.95	13.00	1,542.95
184042	11/29/2011	995 PARK AV	SAN JOSE, CA 95126	995 PARK AV	261-31-060	1,642.00	13.00	1,655.00
178052	4/28/2011	475 S 14TH ST	SAN JOSE, CA 95112	475 S 14TH ST	467-50-009	1,642.95	13.00	1,655.95
175270	3/1/2011	2491 ALFRED WY	SAN JOSE CA 95122	2491 ALFRED WY	486-30-026	1,797.17	13.00	1,810.17
184483	12/21/2011	4430 NORWICH WY	SAN JOSE, CA 95130	4430 NORWICH WY	403-04-049	1,898.91	13.00	1,911.91
176639	3/24/2011	875 N 13TH ST	SAN JOSE, CA 95112	875 N 13TH ST	249-10-052	1,923.53	13.00	1,936.53
178776	5/17/2011	1547 PIEDMONT RD	SAN JOSE, CA 95132	1547 PIEDMONT RD	586-17-007	2,227.28	13.00	2,240.28
178778	5/17/2011	3160 KNIGHTS BRIDGE RD	SAN JOSE, CA 95132	3160 KNIGHTS BRIDGE RD	586-21-054	2,238.67	13.00	2,251.67
183751	11/15/2011	16690 OAK VIEW CIR	MORGAN HILL, CA 95037	1368 ESSEX WY	305-07-010	2,260.00	13.00	2,273.00
178425	5/2/2011	5604 SEIFERT AV	SAN JOSE, CA 95118	5604 SEIFERT AV	567-46-019	2,283.06	13.00	2,296.06
181494	8/3/2011	882 A DELMAS AV	SAN JOSE CA 95125	882 DELMAS AV	264-47-070	2,527.24	13.00	2,540.24
178498	5/3/2011	448 COLFAX DR	SAN JOSE, CA 95123	448 COLFAX DR	692-25-038	2,592.93	13.00	2,605.93
175271	3/1/2011	705 DAKOTA DR	SAN JOSE, CA 95111	705 DAKOTA DR	497-52-091	3,112.33	13.00	3,125.33
178053	4/28/2011	1075 S 12TH ST	SAN JOSE, CA 95112	1075 S 12TH ST	472-12-023	3,989.72	13.00	4,002.72
173647	2/2/2011	15275 CLYDELLE AV	SAN JOSE, CA 95124	15275 CLYDELLE AV	421-16-046	4,554.87	13.00	4,567.87
178732	5/16/2011	1195 CLAYBURN LN	SAN JOSE, CA 95121	1195 CLAYBURN LN	494-60-059	6,149.94	13.00	6,162.94
						\$ 52,531.29	\$ 325.00	\$ 52,856.29