

RESOLUTION NO. 74213

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ACCEPTING THE REPORT OF THE DIRECTORS OF FINANCE AND TRANSPORTATION ON THE COST OF SIDEWALK REPAIRS, CONFIRMING THE ASSESSMENTS CONTAINED IN THE REPORT, AND DIRECTING THE RECORDING OF LIENS**

**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 costs of sidewalk repairs; and

**WHEREAS**, on November 6, 2007, the City Council of the City of San José ("City Council") adopted Resolution No. 74087 setting the public hearing for approval of the Report of the Directors of Finance and Transportation on the Cost of Sidewalk Repairs ("Report") for January 15, 2008, at 1:30 p.m.; and

**WHEREAS**, the Directors of Finance and Transportation caused all property owners mentioned in the Report to be given proper legal notice of the cost of sidewalk repairs proposed 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 hearings; 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 Transportation 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 January 15, 2008, 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 Directors of Finance and Transportation 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 15<sup>th</sup> day of January, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,  
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk