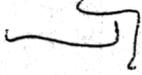


4-6-04
3.5

29 March 2004

Office of the Mayor and City Councilmembers



FROM: Sharon L. McDonald, Property Owner

423 North 26 Street
San Jose CA 95116
Sidewalk Repair

Please distribute the following letter to the Mayor and all Councilmembers for the meeting scheduled tomorrow, Tuesday, 30 March 2004.

Ron Gonzales
Linda J. LeZotte
Forrest Williams
Cindy Chavez
Chuck Reed
Nora Campos
Ken Yeager
Terry O. Gregory
David D. Cortese
Judy Chirco
Pat Dando

29 March 2004

Mayor and Councilmembers
City of San Jose
801 North First Street
San Jose CA 95133

RE: 423 North 26 Street, San Jose, CA, APN 249-66-017
Department of Transportation Account #114661
Sidewalk Repair Costs: \$851.20

Dear Mayor and Councilmembers:

The above sidewalk repair costs have been PAID IN PROTEST to prevent further damage to the property by recordation of a lien. A postponement of the Public Hearing for this property before the San Jose City Council was requested by the Property Owner, but denied, according to Jim Ortbal, Assistant Director of the Department of Transportation.

The Department of Transportation entered the property without permission and without answering questions posed in a letter of 29 May 2002. The curb and gutter were replaced due to an alleged trip hazard, but the drain through the curb was not reinstalled.

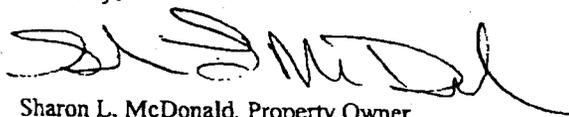
- *The drain pipe was cut several inches by the Department of Transportation and poses a new TRIP HAZARD.
- *Drainage from the apartment building flows over the landscaping rather than directly into the gutter, posing a HEALTH HAZARD.
- *The irrigation system was damaged by the City's subcontractor and has NOT BEEN REPAIRED.
- *Other properties on North 26th Street have similar trip hazards that have NOT BEEN REPAIRED.

The Property Owner is unable to attend the City Council Meeting on 30 March 2004 due to the following:

- * Information requested from Mr. Ortbal took three weeks to prepare (received 3/18/03) and was incomplete, which did not allow enough time to prepare for and schedule an informal administrative conference prior to the Council meeting (the Property Owner resides in San Diego and has scheduled an administrative conference on 5 April 2004).
- * The Property Owner has two non-profit Board of Director meetings on that date that cannot be rescheduled.

The Property Owner respectfully requests the right to reserve a future date to address the City Council on these issues.

Sincerely,



Sharon L. McDonald, Property Owner
423 North 26 Street
San Jose, CA
Phone 858 756-1048