

# COUNTY OF HUMBOLDT

## Master

**File Number: 21-374**

**File ID:** 21-374

**Type:** Informational Report

**Status:** Passed

**Version:** 1

**Agenda  
Section:**

**Department:** Public Works

**File Created:** 03/23/2021

**Subject:**

**Final Action:** 04/20/2021

**Title:** Resolution Rescinding Resolution No. 97-31 and Adopting a Procedure for Correction of Damaged or Defective Sidewalk

### Internal Notes:

**Agenda Date:** 04/20/2021

**Agenda Number:** 11.

### Sponsors:

**Enactment Date:**

**Attachments:** Staff Report, Attachment 1 - Proposed resolution for sidewalk repair, Attachment 2 - Dept Policy for the Preservation of Street Trees, Attachment 3 - Resolution 97-31, Attachment 4- Sample Forms.pdf

**Enactment Number:**

### Recommendation:

**Public Notice Date:**

**Drafter:** kmartinique@co.humboldt.ca.us

**Effective Date:**

### Related Files:

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	04/20/2021	approved				Pass
<b>Action Text:</b> A motion was made by Supervisor Wilson, seconded by Supervisor Madrone, that the recommendations be approved. The motion carried by the following vote: Aye: 5 Supervisor Bohn, Supervisor Bass, Supervisor Bushnell, Supervisor Wilson and Supervisor Madrone							

### Text of Legislative File 21-374

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Resolution Rescinding Resolution No. 97-31 and Adopting a Procedure for Correction of Damaged or Defective Sidewalk  
..end

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Rescind Resolution 97-31 Adopting the Procedure for Sidewalk Repair Pursuant to Streets and Highways Code Sections 5600-5630; and
2. Adopt the attached resolution Establishing a Procedure for the Correction of Damaged or Defective Sidewalks.

**SOURCE OF FUNDING:**

Roads Fund (1200)

**DISCUSSION:**

The Board adopted Resolution No. 97-31 on March 4, 1997 for the repair of damaged sidewalks on county-maintained roads. The procedures and information included in Exhibit 1 to the resolution have become out of date with regard to timelines, cost estimates, specifications, and similar details. The proposed resolution streamlines the essential information that closely follows the procedures of the relevant Streets and Highways Code sections. Updated forms have been prepared, reviewed, and approved by County Counsel. Because forms change over time, they are no longer included in the resolution. Sample forms are included in Attachment 4.

**FINANCIAL IMPACT:**

There is no financial impact to the General Fund.

In order to encourage the repair of sidewalks, the department has previously waived the fee for an Encroachment Permit to repair damaged sidewalk. As a result, the Road Fund will continue to absorb these costs. The annual cost to the Road Fund is based upon the total number of no-cost Encroachment Permits issued each year.

Costs for non-voluntary repair of damaged sidewalk will be recovered from a special assessment against that parcel and shall be a lien on the property included on the property owner's next tax bill.

**STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents, and providing for and maintaining infrastructure.

**OTHER AGENCY INVOLVEMENT:**

None

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

Direct the department to continue using Resolution 97-31 to address damaged sidewalks. Due to outdated information, the department does not recommend this option as it creates unnecessary confusion for the public.

**ATTACHMENTS:**

- Attachment 1 - Proposed resolution providing a procedure for the correction of damaged or defective sidewalks.
- Attachment 2 - Department Policy for the Preservation of Street Trees
- Attachment 3 - Resolution No. 97-31
- Attachment 4 - Sample forms

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Agenda Item Attachment 1: RESOLUTION

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of April 20, 2021

RESOLUTION NO. 21-39

**RESOLUTION RESCINDING RESOLUTION NO. 97-31 AND ADOPTING A PROCEDURE FOR THE CORRECTION OF DAMAGED OR DEFECTIVE SIDEWALKS PURSUANT TO STREETS AND HIGHWAY CODE SECTION 5600-5630.**

**WHEREAS**, the maintenance of sidewalks in such condition that the sidewalk will not endanger person or property is vital to the health and safety of the citizens of the County of Humboldt;

**WHEREAS**, the maintenance of sidewalks in a condition which will not interfere with the public convenience in the use of said sidewalks is vital to the health and safety of the citizens of the County of Humboldt;

**WHEREAS**, the duty to repair and maintain the sidewalk is the responsibility of the property owner fronting the sidewalk;

**WHEREAS**, Attachment 1 here to and incorporated herein by reference, sets for the procedures for the repair and maintenance of the sidewalk;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors hereby finds and determines as follows:

1. Resolution No. 97-31, as adopted by the Humboldt County Board of Supervisors on March 4, 1997, is hereby rescinded.
2. That all of the recitation made hereinabove are true and correct.
2. The Attachment 1 hereto and incorporated herein by reference is hereby approved and adopted by the Board of Supervisors as the procedure for the maintenance and repair of sidewalks in the County Maintained Road System.
3. That the Director of the Department of Public Works is authorized and directed to implement the procedures for sidewalk repair and maintenance as set forth in Attachment 1.


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**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of April 20, 2021

RESOLUTION NO. 21-39

Dated: April 20, 2021

  
\_\_\_\_\_  
Virginia Bass, Chair  
Humboldt County Board of Supervisors

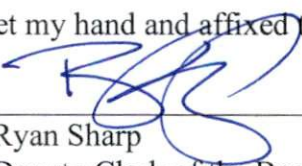
Adopted on motion by Supervisor Wilson, seconded by Supervisor Madrone, and the following vote:

AYES:	Supervisors	Bohn, Bass, Madrone, Bushnell, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA    )  
County of Humboldt    )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

  
\_\_\_\_\_  
Ryan Sharp  
Deputy Clerk of the Board of Supervisors  
of the County of Humboldt, State of California

## ATTACHMENT 1

### COUNTY OF HUMBOLDT PROCEDURE FOR THE CORRECTION OF DAMAGED AND DEFECTIVE SIDEWALKS

#### **INTRODUCTION**

This information is intended to assist citizens in understanding the necessary steps to correct damaged or defective sidewalks within the County of Humboldt (hereinafter referred to as "County"). This document explains why sidewalk repairs are necessary, the laws that exist to enforce the repair of sidewalks, and procedures to assure that damaged sidewalks are repaired. **These procedures only apply to sidewalks in the County Maintained Road System.**

If you are interested in notifying the County that a sidewalk is damaged or defective, whether or not it fronts your property, please phone the Department of Public Works at (707) 445-7421 and provide staff with a description and the location of the problem. Or you can make a report online at <https://humboldt.gov/FormCenter/Public-Works-12>.

#### **THE NEED FOR SIDEWALK REPAIRS**

Damaged or defective sidewalks:

- pose a threat to pedestrians and other users
- cause injuries
- present a liability to property owners
- lead to damage to streets and private property through water leaking into sidewalk cracks
- can result in substantial costs to both County and property owner alike

Damaged sidewalk might also result in non-compliance with the Americans with Disabilities Act (ADA). All repair work must comply with the ADA.

What is considered "damaged or defective" sidewalk? Following is a partial list of examples that are reported. Questions can be answered by the Land Use Division at (707) 445-7205.

- Uplifting from trees or settling that causes a cross slope in excess of 2%. [California Building Code Section 11B-403.3; PROWAG Section R302.6]
- Running slope greater than the grade of the road AND in excess of 5% AND caused by uplifting or settling. [California Building Code Section 11B-403.3; PROWAG Section R302.5]
- Change of level in excess of 1/2 inch. [Building Code Section 11B-303.1; PROWAG Section R302.7.2]
- Change of level in excess of 1/4 inch, but less than 1/2 inch, without a 2:1. (horizontal to vertical) bevel for that portion in excess of 1/4 inch. [California Building Code Section 11B-303.3; PROWAG Section R302.7.2]
- Cracks or separation of concrete panels greater than 1/2 inch. [California Building Code Section 11B-302.3; PROWAG Section R302.7.3]

## LAWS RELATING TO SIDEWALK REPAIR

Reducing costs is not the only justification for sidewalk repairs. Repairs are also a requirement of state and local laws. Historically, the Improvement Act of 1911 ("1911 Act") forms the framework from which existing requirements originate. The 1911 Act is still in effect today. State codes exist to enforce the 1911 Act. California Streets and Highway Code (SHC), sections 5600 through 5630, establishes the procedural and enforcement details to accomplish the enforcement of the 1911 Act. These procedures are based on that code.

By law, the term "sidewalk" includes curbs, parking strips, landscape strips, and retaining walls.

## SIDEWALK REPAIRS PAID FOR BY THE COUNTY OF HUMBOLDT

Sidewalk repairs are primarily the responsibility of the fronting property owner, however, in some instances, the County bears the costs of sidewalk repairs. The following is a comprehensive list of those particular circumstances:

- Curb returns (the curved portion of a sidewalk) at street intersections when damaged by impact from vehicles.
- Curb ramps for pedestrians.
- Damage from failed County storm drain pipes and culverts.
- Sidewalks that front property owned by the County.

## PROCEDURES TO ASSURE DAMAGED SIDEWALKS ARE REPAIRED

Pursuant to the 1911 Act and SHC, maintenance of sidewalks is the responsibility of the fronting property owner. If sidewalk damage is caused by tree roots, the fronting property owner is still responsible for repairing the sidewalk, regardless of who planted the tree. Note that removal of a street tree may be subject to the Public Works *Department Policy for the Preservation of Street Trees*. See last page.

1. **First Notice:** When Public Works is aware of a damaged or defective sidewalk, they will notify the property owner of record of the need to repair by mail, by a posting on the subject property, or both.
2. **Permit:** A no-cost Encroachment Permit must be obtained from Public Works (707) 445-7205 prior to beginning work. A permit application is available [online](#). Staff will meet with you on site to make sure you and your contractor know exactly what work needs to be done.
3. **Repairs:** Repairs are to be commenced by the owner or their contractor within two weeks of receiving the First Notice.
4. **Second Notice:** Public Works will again notify the property owner of the need to repair the sidewalk, not less than seven (7) days nor more than ten (10) days after the mailing of the First Notice.
5. **County contractor:** If the property owner refuses to make repairs, the County will hire a licensed contractor to make the repairs.
6. **Requested additional work:** The property owner may submit a written request to Public Works for additional improvements on the sidewalk fronting their property, the cost of which will be added to their bill.

7. **Report:** Public Works will prepare a report of the repairs made, the contractor's actual cost, plus county labor with the current overhead rate approved by the Board of Supervisors, and any other associated costs or fees.
8. **Notice of Cost:** Public Works will send a notice of the cost of repair to the property owner, requesting payment. This notice will include the date of the hearing when the Board of Supervisors will consider the Public Works report. The property owner may attend and/or speak at the hearing.
9. **Hearing:** The Board of Supervisors will receive the report from Public Works, listen to the property owner's input, if any, and consider corrections or modifications to the report. The Board may confirm the report as submitted.
10. **Payment or Assessment:** If the report is confirmed, charges are to be paid by the property owner within five (5) days or as otherwise determined by the Board of Supervisors. Unpaid charges will constitute a special assessment against that parcel and shall be a lien on the property. The lien will be added to the next regular property tax assessment bill.

It is important to understand that should the County undertake the repair of the subject sidewalk, the costs for the repairs include the "prevailing wage" rate of pay, which is normally higher than the rate charged when under contract to private individuals. The County's current overhead charge will be assessed to cover the cost of County personnel time to coordinate and inspect the work performed by a contractor, and additional administrative and recording fees may be charged. When the sidewalk construction is finished, the affected property owner(s) will be billed for the repairs. In general, requesting the County to undertake the repairs will result in higher costs to the property owner.

#### **TEMPORARY MEASURES FOR WHICH THE PROPERTY OWNER IS RESPONSIBLE**

- When damage is noticed, and the change of level is less than one inch (1") the property owner shall either: 1) install asphalt to smooth out the transition as a temporary measure until the sidewalk is repaired, or 2) barricade the sidewalk in conformance with the California Manual of Uniform Traffic Control Devices until the sidewalk is repaired.
- When damage is noticed, and the change of level is greater than one inch (1") or the damage poses an immediate hazard to the public, the property owner shall barricade the damaged sidewalk in conformance with the California Manual of Uniform Traffic Control Devices until the sidewalk is repaired.
- Protect new concrete from vandalism.
- Follow the County's Street Tree Policy (see last page).

// END //

Agenda Item Attachment 2 - DEPARTMENT POLICY  
FOR THE PRESERVATION OF STREET TREES



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

DEPARTMENT OF PUBLIC WORKS

**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

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**DIRECTOR'S MEMORANDUM**

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TO: Land Use Division

FROM:  Thomas K. Mattson, Director

DATE: 08/11/2014

RE: **DEPARTMENT POLICY FOR THE PRESERVATION  
OF STREET TREES**

In absence of direction by the Board of Supervisors or the Planning Commission, the following policy shall be used to preserve street trees within the public right of way in urban and urbanizing areas:

1. Street trees shall not be removed except when any of the following conditions exist:
  - The tree is hazard, is dead, or is dying
  - The tree must be removed in order to facilitate orderly development; including, but not limited to: constructing a driveway apron, road, sidewalk, or other public improvements; repairing damaged road, curb, gutter, or sidewalk
2. Any street tree removed shall be replaced with a new tree so that there is no net loss of street trees. The replacement tree does not need to be the same species as the tree being removed. The replacement tree does not need to be replanted in the same location as the tree that was removed; however, it should be planted as near as practical to maintain uniformity of spacing among the other street trees along the road.
3. While trees are exempt from the County's Visibility Ordinance (County Code Section 341-1 et seq.), consideration shall be given to avoid placing trees within the visibility triangle.
4. The planting of any street tree shall be done to the satisfaction of the Director.
  - The species of the tree to be planted shall be approved by the Director.
  - A root barrier system approved by the Director shall be installed when a tree is planted.
5. When maintenance of street trees has been assumed by an entity (such as McKinleyville Community Services District), the Department shall seek consensus from the entity in regards to supporting the removal of the tree; the species of replacement tree to be planted; the location of where the tree will be planted; and the planting specifications for the replacement tree.

// END //

Agenda Item Attachment 3 - RESOLUTION NO. 97-31

(intentionally omitted)

Resolution No. 97-31 was repealed by the Board of Supervisors on April 20, 2021 by Resolution 21-39.

**Agenda Item Attachment 4 - SAMPLE FORMS**



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
 AREA CODE 707

On-line Web: <a href="http://humboldt.gov">humboldt.gov</a>	Administration 445-7491	Natural Resources 445-7741	Clark Complex Harris & H St., Eureka Fax 445-7388
	Business 445-7652	Natural Resource Planning 267-9542	Land Use 445-7205
	Engineering 445-7377	Parks 445-7651	
	Facility Management 445-7621	Roads 445-7421	

Via US Mail, First Class & Certified

Article No.: #####

Case No.:

[Date]

[Owner of Record]

[Address]

[CSZ]

**RE: FIRST NOTICE OF NEED TO REPAIR DAMAGED OR DEFECTIVE SIDEWALK  
 (PURSUANT TO IMPROVEMENT ACT OF 1911) AT \_\_\_\_\_ [ADDRESS] \_\_\_\_\_,  
 [CITY], CA, ASSESSOR PARCEL NO. \_\_\_\_-\_\_\_\_-\_\_\_\_**

NOTICE IS HEREBY GIVEN that the [sidewalk / driveway apron] or portion thereof in front of the above-described property on [STREET NAME] is in such a condition as to endanger persons or property or in such a condition as to interfere with the public convenience in the use of such sidewalk in the following particulars:

Broken and/or uneven surface and [metal projection / tree roots] may create a hazard to pedestrians.

And that by reason thereof you are required to repair same. The work required to be done, how it is to be done, and the material to be used in the repair is specified as follows:

Repair in accordance with County of Humboldt sidewalk standards.

NOTICE IS FURTHER GIVEN that if the work of repair is not **commenced within two (2) weeks** after the date this notice is given and diligently and without interruption prosecuted to completion, the undersigned shall cause the work to be done, and the cost of same shall be borne by the property owner. The owner of record may submit written request to the Department for any additional sidewalk repair fronting this property, the cost of which will be added to the estimate below.

NOTICE IS FURTHER GIVEN that if the County hires a contractor to perform the repair, the estimated cost to you will be \$\_\_\_\_\_, plus current overhead charges, and any other County department administration fees and recording fees, for an **approximate** total cost of \$\_\_\_\_\_. After the repair is completed, the actual expense will be computed and provided to you. If this is not paid within a specified time, it will be added to your property assessment.

PERMIT: The no-cost permit required for such repair must be obtained from the Department of Public Works Land Use Division, prior to performing repairs, by contacting (707) 445-7205 or [publicworkspermits@co.humboldt.ca.us](mailto:publicworkspermits@co.humboldt.ca.us). Please call me if you have any questions.

Respectfully,

Land Use Division

C: Division Manager, Road Crew Supervisor



Department of Public Works  
Land Use Division  
3015 H St, Rm 124  
Eureka, CA 95501

**OFFICIAL NOTICE**

Owner of Record  
Address  
Eureka, CA 95501

**IMPORTANT NOTICE: REQUIRES IMMEDIATE ACTION OR YOU WILL BE BILLED FOR SERVICE**



**DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

On-line Web: <a href="http://humboldt.gov">humboldt.gov</a>	Administration 445-7491	Natural Resources 445-7741	Clark Complex Harris & H St., Eureka Fax 445-7388
	Business 445-7652	Natural Resource Planning 267-9542	Land Use 445-7205
	Engineering 445-7377	Parks 445-7651	
	Facility Management 445-7621	Roads 445-7421	

Via US Mail, First Class & Certified  
Article No.: #####

[Date]

Case No.:

[Owner of Record]

[Address]

[CSZ]

**RE: SECOND NOTICE OF NEED TO REPAIR DAMAGED OR DEFECTIVE SIDEWALK  
(PURSUANT TO IMPROVEMENT ACT OF 1911) AT \_\_\_\_\_ [ADDRESS] \_\_\_\_\_,  
[CITY], CA, ASSESSOR PARCEL NO. \_\_\_\_\_**

NOTICE IS HEREBY GIVEN that the [sidewalk / driveway apron] or portion thereof in front of the above-described property on [STREET NAME] has been inspected and found to be in unsafe condition and in need of immediate repair in accordance with County of Humboldt sidewalk standards.

Pursuant to the Improvement Act and Streets & Highways Code (SHC) section 5610, the responsibility for maintenance and repair of sidewalks rests with the adjoining property owner.

NOTICE IS FURTHER GIVEN that if the work of repair is not **commenced within two (2) weeks after the date first notice was given on [INSERT DATE]** (SHC §5613) and diligently and without interruption prosecuted to completion, the undersigned shall cause the work to be done, and the cost of same shall be borne by the property owner.

NOTICE IS FURTHER GIVEN that If the County hires a contractor to perform the repair, the estimated cost to you will be \$\_\_\_\_\_, plus current overhead charges, and any other County department administration fees and recording fees, for an **approximate** total cost of \$\_\_\_\_\_. The owner of record may submit written request to the Department for any additional sidewalk repair fronting this property, the cost of which will be added to the above estimated amount. After the repair is completed, the actual expense will be computed and provided to you. If this is not paid, it may be added to your property assessment.

PERMIT: The no-cost permit required for such repair must be obtained from the Department of Public Works Land Use Division, prior to performing repairs, by contacting (707) 445-7205 or [publicworkspermits@co.humboldt.ca.us](mailto:publicworkspermits@co.humboldt.ca.us).

Please call me if you have any questions.

Respectfully,

Land Use Division

C: Division Manager, Road Crew Supervisor



Department of Public Works  
Land Use Division  
3015 H St, Rm 124  
Eureka, CA 95501

**OFFICIAL NOTICE**

Owner of Record  
Address  
Eureka, CA 95501

**IMPORTANT NOTICE: REQUIRES IMMEDIATE ACTION OR YOU WILL BE BILLED FOR SERVICE**

**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Public Hearing

SUBJECT:

Report Pursuant to Streets & Highways Code (SHC) section 5617 on Sidewalk Repairs Made by the County in the Stead of Property Owners

RECOMMENDATION(S):

That the Board of Supervisors:

1. Receive and consider the staff report;
2. Open the public hearing to hear objections or protests from subject property owners, and accept public comment (SHC §5618);
3. Close the public hearing;
4. Revise, correct, or modify the report as deemed just (SHC §5618);
5. Pursuant to SHC §5625, confirm the report, thereby allowing subject property owners five (5) days to pay the assessed amount, and if unpaid;
6. Order the Notice of Lien (Attachments \_\_ - \_\_), pursuant to SHC §5628, to be turned over to the assessor and the tax collector, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

SOURCE OF FUNDING:

Road Fund (1200)

DISCUSSION:

The Department of Public Works received [a] complaint(s) of damaged or defective sidewalk located adjacent to the property(ies) listed below. Staff verified the complaint(s). Pursuant to the Improvement Act of 1911 and California Streets and Highways Code (SHC) sections 5611-5614, the Department of Public Works served notice on [ month day, 20\_\_ ] of the need to repair a damaged or defective sidewalk fronting their property to the following property owners of record:

1. [ name, address ]
- 2.
- 3.

The required Second Notice was made on [ month day, 20\_\_ ]. No property owners repaired the sidewalk or communicated with the Department their intention to repair the sidewalk.

Pursuant to SHC §5615, the Department undertook the necessary repairs. The required Notice of Cost was made to each property owner of record on [ month day, 20\_\_ ]. The specific repairs made, the cost of the repairs, a description of the real property in front of which the repairs have been made, and the assessment against each parcel proposed to be levied to pay the cost thereof, is provided in Attachment 1.

FINANCIAL IMPACT:

There is no financial impact to the General Fund.

In order to encourage the repair of sidewalks, the Department has previously waived the fee for an Encroachment Permit to repair damaged sidewalk. As a result, the Road Fund will continue to absorb these costs. The annual cost is based upon the total number of no-cost Encroachment Permits issued each year.

Costs for non-voluntary repair of damaged sidewalk will be recovered from a special assessment against that parcel and shall be included on the property owner's next tax bill.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents, and providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Assessments may be recorded as liens against each property. The Department does not support this alternative as it significantly defers repayment to the Road Fund. The Road Fund cannot absorb the cumulative costs associated with deferment.

ATTACHMENTS:

1. Table of repairs made, cost, legal description of subject property, and proposed assessments.
2. *Potentially, legal descriptions and/or invoices*
3. Notice of Lien for [property 1]
4. Notice of Lien for [property 2]
5. Notice of Lien for [property 3]

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A

Attachment 1 - Table of repairs made, cost, legal description of subject property, and proposed assessments

<b>Repairs Made</b>	<b>Actual Cost</b>	<b>Description of Real Property</b>	<b>Amount to Assess</b>
	\$___.__ (Invoice attached)	[ see Exhibit A ]	\$___.__



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
 AREA CODE 707

Public Works Building  
 Second & L St., Eureka  
 Fax 445-7409

Clark Complex  
 Harris & H St., Eureka  
 Fax 445-7388  
 Land Use 445-7205

On-line  
 Web: [humboldtgov.org](http://humboldtgov.org)

Administration	445-7491	Natural Resources	445-7741
Business	445-7652	Natural Resource Planning	267-9542
Engineering	445-7377	Parks	445-7651
Facility Management	445-7621	Roads	445-7421

Via US Mail, First Class & Certified  
 Article No.: #####

[Date]

Case No.:

[Owner of Record]

[Address]

[CSZ]

**RE: NOTICE OF COST FOR REPAIR OF DAMAGED OR DEFECTIVE SIDEWALK (PURSUANT TO IMPROVEMENT ACT OF 1911) AT [ADDRESS], [CITY], CA, ASSESSOR PARCEL NO. \_\_\_\_\_**

NOTICE IS HEREBY GIVEN, pursuant to Streets & Highways Code (SHC) section 5616, that the [sidewalk / driveway apron] or portion thereof in front of the above-described property on [STREET NAME] has been repaired.

The total cost was: [\$\_\_\_\_\_]

Please pay this amount to the Department of Public Works for **Case No.:** \_\_\_\_\_.

Remit to: Dept. of Public Works  
 1106 2<sup>nd</sup> St.  
 Eureka, CA 95501

Pursuant to SHC §5617, a report from the Department of Public Works regarding this repair has been filed with the Board of Supervisors. Pursuant to SHC §5618, said report will be heard by the Board of Supervisors on [ date on agenda ] at the regularly scheduled meeting beginning at 9:00 a.m. in [Supervisors Chambers, located at 825 5<sup>th</sup> Street, Eureka – or – via the internet at: <https://humboldtgov.org/167/Board-of-Supervisors>]. Objections or protest may be raised by the property owner of record at this time.

Pursuant to SHC §5628, the Board of Supervisors may order the cost stated above to be added to the next regular bill for taxes levied against the subject parcel.

Respectfully,

Land Use Division

C: Division Manager, Road Crew Supervisor



Department of Public Works  
Land Use Division  
3015 H St, Rm 124  
Eureka, CA 95501

**OFFICIAL NOTICE**

Owner of Record  
Address  
Eureka, CA 95501

**IMPORTANT NOTICE: REQUIRES IMMEDIATE ACTION**

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC  
WORKS – LAND USE DIVISION  
1106 SECOND ST.  
EUREKA, CA 95501**

Encroachment Permit Office  
(707) 445-7205

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SPACE ABOVE THIS LINE FOR RECORDERS USE

**NOTICE OF LIEN  
COUNTY OF HUMBOLDT**

CASE NO. \_\_\_\_\_

Humboldt County Assessor's Parcel No. \_\_\_\_\_

Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, cause the sidewalk, curb, or park or parking strip, bulkheads, retaining walls, or other works (as the case may be) in front of the real property hereinafter described to be repaired and improved, and the legislative body of the County of Humboldt did, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by confirmation assess the cost of such repair upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said County of Humboldt does hereby claim a lien on said real property in the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), and the same shall be a lien upon said real property until the said sum, with interest at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum, from the said \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the unincorporated area of the County of Humboldt, State of California, and particularly described [ as follows: -OR- in Exhibit A attached hereto. ]

[Description of property]

\_\_\_\_\_  
Thomas K. Mattson, Director of Public Works

Dated \_\_\_\_\_

ACKNOWLEDGMENT

A notary public or other office completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Humboldt

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me the he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

On-line Web: <a href="http://humboldt.gov">humboldt.gov</a>	Administration 445-7491	Natural Resources 445-7741	Clark Complex Harris & H St., Eureka Fax 445-7388
	Business 445-7652	Natural Resource Planning 267-9542	Land Use 445-7205
	Engineering 445-7377	Parks 445-7651	
	Facility Management 445-7621	Roads 445-7421	

*Via US Mail, First Class & Certified*  
Article No.: #####

[Date]

Case No.:

[Owner of Record]

[Address]

[CSZ]

**RE: NOTICE TO PAY COST FOR REPAIR OF DAMAGED OR DEFECTIVE SIDEWALK  
(PURSUANT TO IMPROVEMENT ACT OF 1911) AT [ADDRESS],  
[CITY], CA, ASSESSOR PARCEL NO. \_\_\_\_\_**

NOTICE IS HEREBY GIVEN, pursuant to Streets & Highways Code (SHC) section 5628, that the Humboldt County Board of Supervisors confirmed the cost of \$\_\_\_\_\_, payable to Humboldt County Department of Public Works, for repairs made to the [sidewalk / driveway] adjacent to your property.

Payment must be made by [ 5<sup>th</sup> business day, 20\_\_ ] or the amount stated above will be added to the next regular bill for taxes levied against the subject parcel.

Remit to: Humboldt County Department of Public Works  
Attn: Land Use Division  
1106 2<sup>nd</sup> St  
Eureka, CA 95501

If you have any questions, please call me at (707) 445-7205.

Respectfully,

Land Use Division

C: Division Manager, Road Crew Supervisor



Department of Public Works  
Land Use Division  
3015 H St, Rm 124  
Eureka, CA 95501

**OFFICIAL NOTICE**

Owner of Record  
Address  
Eureka, CA 95501

**IMPORTANT NOTICE: REQUIRES IMMEDIATE ACTION**