

# **City of Foster City**

## **Private Sidewalk Inspection and Maintenance Policy**

### **Purpose and Goals**

The goals of the Private Sidewalk Maintenance Program are to protect the safety of pedestrians by minimizing potential risks and liabilities and to maintain the appearance of sidewalks with a high level of service in Foster City.

### **Sidewalk Classification**

The provisions of this policy shall apply to all pedestrian rights of way adjacent to privately-owned property, including sidewalks, pathways, and other designated pedestrian rights of way.

The California Streets and Highways Code Section 5600 defines "sidewalk" to include park or parking strips maintained in the area between the property line and the street line and also includes curbing\*, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

Chapter 11.08, Maintenance of Sidewalks, to Title 11, Streets and Sidewalks of the Foster City Municipal Code includes language outlining property owners' liability to third parties who suffer injury or damage due to the property owners' failure to maintain the sidewalk in a safe and secure condition as required by the California Streets and Highways Code.

### **Mitigation/Repair Responsibility**

The responsibility for the general condition of sidewalks in Foster City rests with the abutting property owners (California Streets and Highways Code Sections 5600-5630 and Foster City Municipal Code Chapter 11.08).

Private property owners shall be responsible for the following sidewalk/pathways and related elements:

- 1) Sidewalk/pathway immediately adjacent to privately owned property.
  - a) If damage is created by another's landscaping or facilities or as a result of activities conducted by other individual(s), the property owner may seek reimbursement for the cost of repairs from those who caused the damage.
  - b) If damage is caused by a utility (PG&E, Cable Television, etc.), the City shall provide contact information to the property owner and shall assist the owner in making contact with the utility company and seeking reimbursement for the cost of repairs.
  
- 2) Driveway, driveway aprons, and driveway curb and gutter.

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\* Although the Streets and Highways Code defines the curb as private responsibility, the City has retained responsibility for all curb repairs (except located adjacent to private driveways), because it is industry standard to pour the curb and gutter as a single structure.

- 3) Sidewalks immediately adjacent to private property with an owner-installed underdrain (curb drain).
- 4) Other sidewalks not exempted below.

All sidewalks, curbs, and gutters solely adjacent to private streets are the responsibility of the responsible development to identify, maintain, and repair.

The adjacent property owner shall **not** be responsible for repairing the following, which shall be the responsibility of the City:

- Curbs and/or gutters on public streets not adjoining driveways.
- Curb returns (corner sidewalk sections) at the intersection of two streets if at least one of the streets is City-maintained (public to public or public to private).
- Sidewalks on a publicly-owned bridge or the junction of a sidewalk/pathway with a publicly-owned bridge.

**Guidelines for Identification of Minimum Reportable Conditions**

The following are guidelines for minimum conditions requiring the responsible property owner to take mitigating action as outlined in this policy. Reported conditions that are less than these measurements may require mitigating action or may be documented and monitored at the discretion of the Public Works Director or his/her designee.

<b>Reportable Condition*</b>	<b>Concrete Pathways</b>	<b>Asphalt Pathways</b>
Step Separations/ Root Mounds	¾" or greater	¾" or greater
Raised Sidewalk	4" over 4 ft (any lift at a ratio of at least 1:12)	4" over 4 ft (any lift at a ratio of at least 1:12)
Opening in Sidewalk (longitudinal or lateral with no step separation)	¾" or greater	¾" or greater
Spalling	¾" deep or greater	¾" deep or greater
Sunken Sidewalk	2" over 4 ft (any sink at a ratio of at least 1:24)	2" over 4 ft (any sink at a ratio of at least 1:24)

*\*A diagram of this information and how to measure it is located in Appendix A.*

At the discretion of the Public Works Director, a property owner may be required to repair areas likely to be frequented by individuals with mobility challenges, areas where an existing condition might be difficult to identify, or areas that otherwise require immediate attention.

Anyone observing areas requiring sidewalk maintenance or repair is encouraged to report it to the Public Works Director or his/her designee. The Public Works Director or

his/her designee shall contact the property owner and ensure that all documentation is complete and repairs are undertaken. The following are likely reporters and methods to use for reporting:

- Risk Manager. The Risk Manager shall notify the Public Works Director or his/her designee when claims related to sidewalks are received by the City.
- City Staff. All City staff members are expected to be aware of and to report sidewalk areas requiring maintenance or repair to the Public Works Director or his/her designee. The Public Works Director or his/her designee shall take steps to ensure that all staff, and especially field personnel, are aware of the sidewalk maintenance program and what constitutes conditions that should be reported.
- Public Concerns. Citizen concerns related to privately owned sidewalks/pathways that are the responsibility of property owners will be documented by City Staff and monitored by the Public Works Director or his/her designee.

Once reported, City staff shall use its best efforts to investigate all concerns and perform "make safe repairs," where appropriate, within two business days.

### **Mitigation Options**

When replacing sidewalks, property owners are expected to make every effort to remove the cause of the sidewalk failure and/or prevent further occurrences to the satisfaction of the Public Works Director. Full sidewalk segment replacement is typically the required mitigation strategy.

Upon approval of the Public Works Director or his/her designee, concrete or asphalt planing may be substituted for full sidewalk segment replacement. Planing may be considered a long-term mitigation, without a scheduled replacement, at the discretion of the Public Works Director, most likely if the property owner can demonstrate that the cause of the sidewalk failure has been removed (e.g., if a tree that was lifting the sidewalk has been removed and no other landscaping in the area is likely to impact the sidewalk.) Planing (or grinding) is used to remove up to 2" of concrete to flatten out trip edges. All repairs shall be conducted to the satisfaction of the Public Works Director.

### **Repair Timing**

Once a sidewalk concern has been reported to the City, Public Works Maintenance staff shall immediately mark areas in need of repair with paint to caution pedestrians. If necessary, Staff shall block access to the segment until repairs can be made.

Staff shall use its best efforts to perform "make safe repairs" (Cutback Patching) within two business days on any areas meeting the minimum guidelines identified in the above chart.

Staff shall use its best efforts to notify adjacent property owners of their obligation to replace or permanently repair sidewalk segments that meet the minimum guidelines

identified in the chart above within 2 weeks of identification of the condition and shall follow the Notification/Documentation Process.

Property owners may choose to have the City use its contractor to perform the repair on their behalf. Owners who exercise this option will remain responsible for the cost of the repair and ongoing maintenance, and will be subject to the billing and notification processes in the steps listed below.

### **Notification / Documentation Process**

As damaged sidewalks/pathways that are the responsibility of private owners are identified, the Public Works Department will carry out the notification process per the Streets and Highways Code sections 5610-5618.

#### **1. L1 -- Request to Repair**

Within 2 weeks of identification of the condition, a notification letter (L1) should be sent by certified mail to the property owner at his/her current place of residence. The letter shall include:

- Location of damaged sidewalk/pathway.
- Photographs of the identified areas.
- A link to the City's website to download the encroachment permit package.
- A thirty (30) calendar day deadline for beginning the repair process.
- An authorization form for the City to perform repairs on the owners' behalf.

#### **2. N1 -- Notice to Repair**

If, after 30 calendar days from the Request to Repair (L1), the property owner is unresponsive to the City's request, the City will begin the legally prescribed sidewalk repair notification process as outlined in the California Streets and Highways Code, by mailing a Notice to Repair (N1) in a Certified Letter format, and posting the notice on a card not less than 8 inches by 10 inches in a conspicuous place on the property. The N1 to the property owner shall contain:

- A description of the location of the area needing repair.
- A description of the work required to be done, how it is to be done, and what materials shall be used to repair.
- A fourteen (14) business day deadline from the date of the N1 for beginning the repair process.
- A statement explaining that if the work is not commenced within two weeks of the N1, the City shall perform the repairs and charge back the owner for the cost of repairs.

#### **3. City Repair Process**

If the repair work is not commenced and prosecuted to completion with due diligence as required by the deadline shown in the Notice to Repair (N1), the Public Works Director or his/her designee shall make at least one attempt to make personal contact by phone or in person with the property owner and then will order repair of the sidewalk at the property owners' expense. The City may hire a contractor to perform repairs.

4. L2 -- Property Owner Billing

Following completion of work, City shall send a letter by certified mail to the property owner requesting payment for the costs of repair.

- Cost of repair shall include the actual costs of repair based on the unit prices provided by the contractor plus an administrative fee per the Master Fees and Services Charges Schedule, that shall cover staff time for the issuance of notifications and correspondence with the property owner, administration of repair contract, inspection time, collection of reimbursement costs, etc.
- If the property owner fails to make payment, the City shall initiate a lien against the property for the cost of repair pursuant to Streets and Highways Code sections 5625-5630.

5. N2 -- Report to City Council – Cost of Repair

Generally two times annually at the second Council meetings in May and November, the City Council shall receive a report from the Department of Public Works providing a list of sidewalk properties to which the repairs were made under contract with the City and the assessment against each lot or parcel of land proposed to be levied to pay the cost of repairs.

6. N3 -- Resolution Confirming Report on the Cost of Repairs and Assessing the Cost of Repair

Upon receiving the Report on the Cost of Repairs, the City Council shall hear any objections and protests by the property owners. The City Council may revise, correct or modify the report, after which, by resolution, the report shall be adopted. Once the City Council has adopted the N3, the cost of repair will constitute a special assessment against the property if not paid within 5 days. The property owner may request from the City Council an option to pay the assessment in 3 installments due every 4 months. If granted, failure to pay any installment shall cause the Public Works department to list the outstanding balance on the next Report to the City Council and will become a special assessment against the property if not paid within 5 days of its adoption as a resolution.

7. N4 -- Notice of Lien

If full payment is not received by the deadline of 5 days after the City Council resolution, the City will invoke a lien upon the properties in question.

**Staff Assignments**

1. The staff member designated by the Public Works Director shall have the responsibility for the Sidewalk Maintenance Program, including overall program administration and oversight. This includes:
  - Establishing a regular notification program and ensuring that repairs are carried out in a timely fashion.
  - Maintaining inspection/temporary and permanent repair records, complaint logs, maintenance/repair schedules, reports to the City Council and other program documentation.
  - Establishing and maintaining contracts with vendors to provide sidewalk replacement and repair services at contractually agreed-upon prices.


- Conducting staff training on relevant aspects of the program.
  - Managing and maintaining damage and repair information in a program database.
  - Determining whether a hazard is on public or private property.
  - Ensuring that temporary and permanent maintenance/repair activities are reported by staff.
  - Following-up with staff to ensure that cases are closed expeditiously.
  - Interfacing with the Risk Manager regarding "trip and fall" incidents.
  - Interfacing with all other staff on issues related to sidewalks in Foster City.
  - Working with property owners to ensure that appropriate permits are obtained to perform sidewalk repair work.
  - Providing property owners with contact information for utility companies (e.g., electric, gas, cable, telephone and other utilities) so owner may seek reimbursement from or collaborate on repair with utility regarding repair to damaged sidewalks adjacent to the utility's facilities and/or those caused by their facilities.
2. Street Public Works Superintendent. The Public Works Superintendent in charge of streets shall be responsible for:
    - Interfacing with the Public Works Director or his/her designee for repairs that involve coordination between the City and the property owner (e.g. voluntary participation in the City maintenance program, curb and gutter, catch basins, etc.).
    - Ensuring that "make safe" repairs are conducted as outlined in this policy.
  3. Risk Manager. The Risk Manager shall be responsible for collaborating with the Public Works Director or his/her designee to gather information related to claims.
  4. Finance Department. The Finance Department shall be responsible for working with the Public Works Director or his/her designee on collection of the costs of repairs when repairs are performed by the City's contractor/crews.
  5. City Attorney. The City Attorney shall be responsible for working with the Public Works Director or his/her designee on issuance of the lien documentation.

**Exceptions**

Adjustments to the timing and scope of sidewalk rehabilitation may be granted at the discretion of the Public Works Director or his/her designee.

Appendix A: Sidewalk Repair Guidelines Diagram

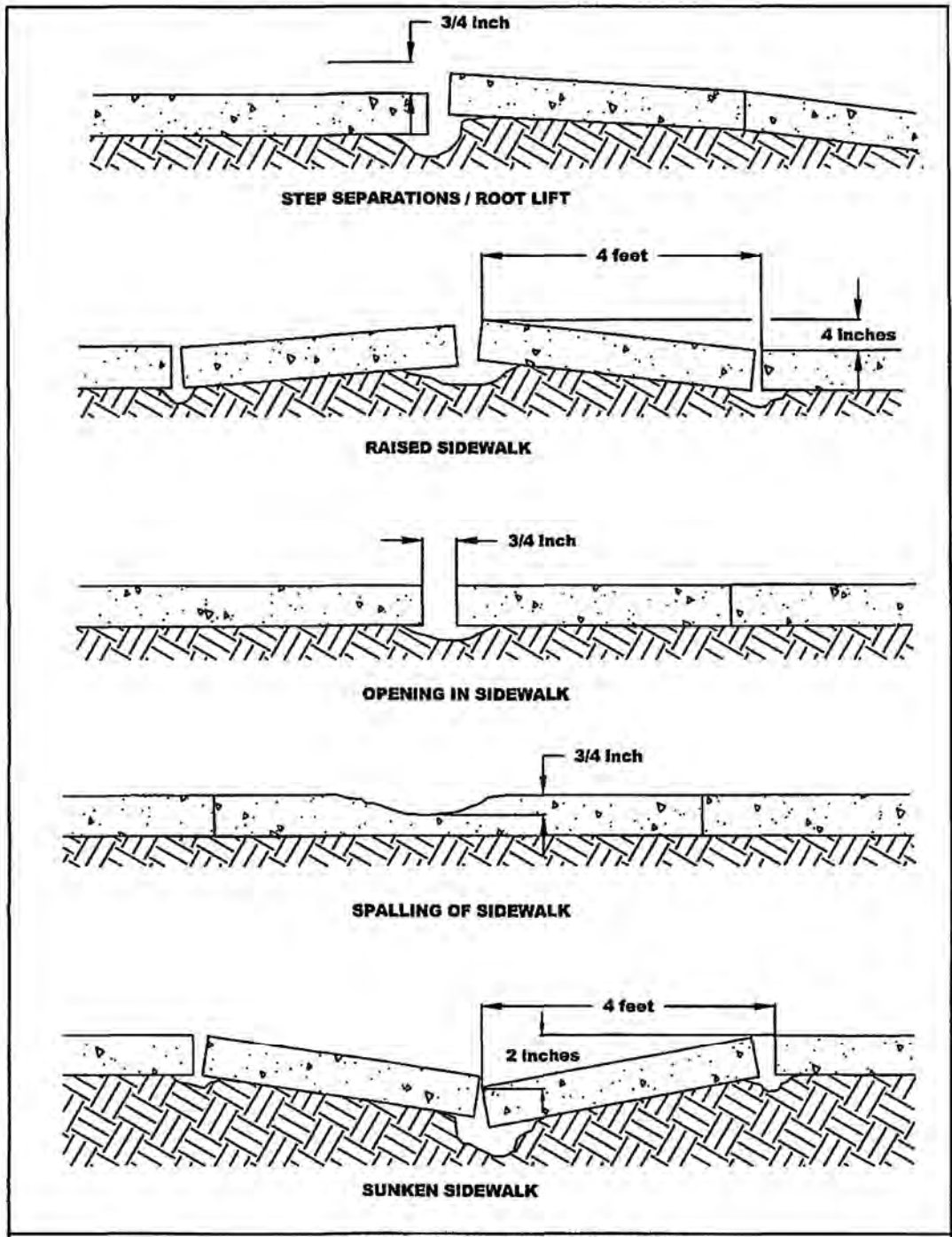
Appendix B: Sidewalk Repair Template Letters, Notices, Reports, and Documentation

  
 \_\_\_\_\_  
 Kevin Miller, City Manager

  
 \_\_\_\_\_  
 Date

# **Appendix A**

## **Sidewalk Repair Guidelines Diagram**



ESTERO MUNICIPAL IMPROVEMENT DISTRICT  
CITY OF FOSTER CITY, CALIFORNIA

**SIDEWALK POLICY – REPAIR GUIDELINES DIAGRAM**

APPROVED:

CITY DISTRICT ENGINEER

SCALE: No Scale

DATE: Oct. 2015

PDF – Q:\PubWorks\PROGRAMS\Sidewalks\01 – PROCEDURES – POLICIES\Sidewalk Policy – Repair Guidelines.pdf  
AutoCAD – J:\City Standard Details – 2005\Streets\Sidewalk Policy – Repair Guidelines.dwg



## **Appendix B**

### **Sidewalk Repair Template Letters, Notices, Reports, and Documentation**

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**L1 – REQUEST TO REPAIR**  
(Sent by certified mail)

**[Date]**

**SUBJECT: [ADDRESS] —SIDEWALK MAINTENANCE AND REPAIR**

Dear:

It has come to the City's attention that the sidewalk on **[street]** adjacent to your property at **[address]** has become defective, causing potential tripping hazards for the public. According to the Streets and Highways Code of the State of California, property owners are responsible for maintaining sidewalks abutting their property in such a condition that the sidewalks will not endanger persons nor interfere with the public convenience.

Chapter 11.08 of the Municipal Code of the City of Foster City places liability on property owners for personal injuries/damages arising from adjacent defective/damaged sidewalks. Repairing defective/damaged sidewalks adjacent to the property in a timely manner can prevent future liability claims for the property owner.

As the City becomes aware of portions of sidewalk that require repairs, the City notifies the affected property owners to ensure that they are aware of their responsibility to promptly mitigate potential hazards. Enclosed are photographs showing the areas adjacent to your property that are in need of repair. Please make arrangements to have the work performed promptly.

An encroachment permit is required prior to beginning repair work. Encroachment permits and informational packets outlining the procedures and requirements for performing the sidewalk repair can be obtained from the Public Works Engineering Department, 610 Foster City Boulevard, Foster City, CA 94404 from 8 AM to 5 PM Monday through Friday or on the City's website at [www.fostercity.org/doingbusiness/licensesandpermits.cfm](http://www.fostercity.org/doingbusiness/licensesandpermits.cfm).

Please begin repairs within 30 days. As an alternative, you may opt to have the repair performed by the City's contractor. If you choose this option, you would be required to reimburse the City once the work is completed for the repair expense. It can take up to six months to complete the work under this option and you do not release your liability for injury or damage resulting from a sidewalk hazard during this time. If you wish to have the work performed by the City's contractor, please notify me within 30 days by completing and returning the enclosed agreement. Your prompt attention to this matter

is appreciated. If you have any questions or need any additional information, please call me at 650/286-8140 or by email at [email@fostercity.org](mailto:email@fostercity.org).

Sincerely,

Public Works Director/Designee

Enclosures: Photographs  
Agreement for City Services

cc:  
Risk Manager

## Agreement for City Services

The undersigned **PROPERTY OWNER** agrees to have the **CITY** arrange sidewalk repair work at the property address listed below, subject to the following conditions:

1. CITY agrees to work with its contractor to complete the sidewalk repairs adjacent to the private property at the address listed below.
2. Upon completion and CITY acceptance of repair work, CITY shall bill the **PROPERTY OWNER** for the actual repair work cost, including an administrative fee to cover the cost of CITY staff cost, as prescribed in the CITY's Master Fees and Service Charge Schedule. **PROPERTY OWNER** agrees to pay the billed amount within thirty (30) days of the date of billing. **PROPERTY OWNER** understands that unpaid bills may become liens against the property.
3. **PROPERTY OWNER** remains liable for injury or damage resulting from a sidewalk hazard prior to commencement of repair work, during the time that work is underway and once work is completed.
4. **PROPERTY OWNER** agrees to defend and hold harmless CITY for any acts, errors, or omissions on the part of the CITY which gives rise to a claim for damages or injury in the performance of the work provided for by this Agreement.

The initial estimate of costs, which is based on the contractor's bid for the above referenced work is \$ \_\_\_\_\_.

The unit cost for sidewalk is \$\_\_\_\_\_ per square foot

The unit cost for root barrier is \$\_\_\_\_\_per lineal foot.

The Administrative Fee per the City of Foster City Master Fee and Service Charges Schedule is \$ minimum or actual costs based on time and materials

Other costs: \_\_\_\_\_.

These unit costs remain in effect for the duration of contract term. The total final costs attributed to the **PROPERTY OWNER** will be based on actual construction costs upon completion of the project

\_\_\_\_\_  
PROPERTY ADDRESS

\_\_\_\_\_  
PROPERTY OWNER

\_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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**L1a – REQUEST TO REPAIR AFTER INJURY**  
(Sent by certified mail)

**[Date]**

**SUBJECT: [ADDRESS]—SIDEWALK MAINTENANCE AND REPAIR**

Dear:

On **[date]**, the City of Foster City was notified of a trip and fall incident that occurred on **[street]** on the sidewalk adjacent to your property at **[address]**. According to the Streets and Highways Code of the State of California, property owners are responsible for maintaining sidewalks abutting their property in such a condition that the sidewalks will not endanger persons nor interfere with the public convenience.

Chapter 11.08 of the Municipal Code of the City of Foster City places liability on property owners for personal injuries/damages arising from adjacent defective/damaged sidewalks.

As the City becomes aware of portions of sidewalk that require repairs, the City notifies affected property owners to ensure that they are aware of their responsibility to promptly repair the sidewalk to eliminate the hazard. Enclosed are photographs showing the area adjacent to your property that is in need of repair. Please make arrangements to have the work performed promptly.

An encroachment permit is required prior to beginning repair work. Encroachment permits and informational packets outlining the procedures and requirements for performing a sidewalk repair can be obtained from the Public Works Engineering Department, 610 Foster City Boulevard, Foster City, CA 94404, from 8 AM to 5 PM Monday through Friday or on the City's website at [www.fostercity.org/doingbusiness/licensesandpermits.cfm](http://www.fostercity.org/doingbusiness/licensesandpermits.cfm).

Please begin repairs within 30 days. As an alternative, you may opt to have the repair performed by the City's contractor. If you choose this option, you would be required to reimburse the City once the work is completed for the repair expense. It can take up to six months to complete the work under this option and you do not release your liability for injury or damage resulting from a sidewalk hazard during this time. If you wish to have the work performed by the City's contractor, please notify me within 30 days by completing and returning the enclosed agreement. Your prompt attention to this matter is appreciated. If you have any questions or need any additional information, please call me at 650/286-8140 or by email at [email@fostercity.org](mailto:email@fostercity.org).

Should the injured party file a claim as a result of this injury, the City/District will tender the matter to you. If you have any questions please contact the City/District's Risk Manager, Ann Ritzma at 650-286-3207 or aritzma@fostercity.org.

Sincerely,

Public Works Director

Enclosures: Photographs  
Agreement for City Services

cc: Risk Manager



**Agreement for City Services**

**The undersigned PROPERTY OWNER agrees to have the CITY arrange sidewalk repair work at the property address listed below, subject to the following conditions:**

1. CITY agrees to work with its contractor to complete the sidewalk repairs adjacent to the private property at the address listed below.
2. Upon completion and CITY acceptance of repair work, CITY shall bill the PROPERTY OWNER for the actual repair work cost, including an administrative fee to cover the cost of CITY staff cost, as prescribed in the CITY's Master Fees and Service Charge Schedule. PROPERTY OWNER agrees to pay the billed amount within thirty (30) days of the date of billing. PROPERTY OWNER understands that unpaid bills may become liens against the property.
3. PROPERTY OWNER remains liable for injury or damage resulting from a sidewalk hazard prior to commencement of repair work, during the time that work is underway and once work is completed.
4. PROPERTY OWNER agrees to defend and hold harmless CITY for any acts, errors, or omissions on the part of the CITY which gives rise to a claim for damages or injury in the performance of the work provided for by this Agreement.

The initial estimate of costs, which is based on the contractor's bid for the above referenced work is \$ \_\_\_\_\_.

The unit cost for sidewalk is \$\_\_\_\_\_ per square foot

The unit cost for root barrier is \$\_\_\_\_\_ per lineal foot.

The Administrative Fee per the City of Foster City Master Fee and Service Charges Schedule is \$ minimum or actual costs based on time and materials

Other costs: \_\_\_\_\_.

These unit costs remain in effect for the duration of contract term. The total final costs attributed to the PROPERTY OWNER will be based on actual construction costs upon completion of the project

\_\_\_\_\_  
PROPERTY ADDRESS

\_\_\_\_\_  
PROPERTY OWNER

\_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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## **N1 -- NOTICE TO REPAIR**

*Per the Streets and Highways Code, this Notice is to be prepared as a certified letter, postage prepaid, for the owner(s) of each property adjacent to the sidewalk out of repair. The Notice must also be posted in a conspicuous place at each property receiving the Notice by mail.*



### **NOTICE TO REPAIR**

**Date of Notice:**

**Description of Repair Location:**

**Adjacent Property Owner:**

**Adjacent Property Address:**

Please be advised that the sidewalk adjacent to the property you own at the above referenced address is out of repair and in a condition to endanger persons or property. Property owners are required to maintain sidewalks adjacent to their property pursuant to California Streets & Highways Code Sections §5600-5630. In particular, the subject sidewalk adjacent to your property requires repair. This repair work must include a reconstruction of the damaged area, specifically, saw cut, removal of sidewalk, removal of tree roots, if any, installation of root barrier, and reconstruction of the sidewalk with class "A" concrete.

You were previously contacted in writing and you did not respond. This serves as Notice to Repair the sidewalk. Please be advised that an encroachment permit is required prior to commencing the repair work described. Encroachment permits and informational packets outlining the procedures and requirements for performing the sidewalk repair can be obtained from the Public Works Engineering Department, 610 Foster City Boulevard, Foster City, CA 94404 from 8 AM to 5 PM Monday through Friday or on the City's website.

You are required to obtain an encroachment permit and commence repair work within 14 business days from the date of this Notice to Repair. If you do not commence repair work within 14 business days from the date of this Notice, or if you commence repair work but do not diligently and without interruption prosecute such repair work to completion, the Public Works Director for the City of Foster City will make the required

repairs to the sidewalk. The costs incurred by the City in making the repairs to the sidewalk, including an administrative fee, will become a lien on your property if unpaid.

For more information about this notice, contact Public Works at 650-286-8140. To download the City Standards and/or the Encroachment Permit Package go to: [www.fostercity.org/doingbusiness/licensesandpermits.cfm](http://www.fostercity.org/doingbusiness/licensesandpermits.cfm).

**L2a -- PROPERTY OWNER BILLING**  
**(Owner did not Comply)**  
(Sent by certified mail)

**BILLING LETTER**

**[Date]**

Dear Property Owner:

On **[insert date of Notice (N1)]** you were notified that the sidewalk on **[street name]** adjacent to the property you own at **[address]** was out of repair and in condition to endanger persons or property, that property owners are required to maintain sidewalks adjacent to their property pursuant to Streets & Highways Code Sections §5600-5630, and that the subject sidewalk required repair by owner. This repair work was required to include a reconstruction of the damaged area, specifically, saw cut, removal of sidewalk, removal of tree roots, if any, installation of root barrier, and reconstruction of the sidewalk with class "A" concrete.

You were given until **[insert date 14 business days from date of the Notice (N1)]** to commence repairs and were notified that if you did not commence repairs by that date the Public Works Director for the City of Foster City would make the required repairs to the sidewalk and that the costs incurred by the City in making the repairs to the sidewalk would become a lien on your property if not paid.

You did not commence repairs within the required time frame. The Public Works Director for the City of Foster City therefore undertook the required repairs to the sidewalk and the repairs were completed on **[date repairs completed]**. The cost for these repairs, including an administrative fee, was **[amount]**, which amount is due and payable to the City. Checks should be made payable to City of Foster City and mailed to City Hall, 610 Foster City Boulevard, Foster City CA 94404. Please address the envelope to the attention of the Sidewalk Maintenance Program. Credit card payment can be accepted from individuals coming in to City Hall.

As legally mandated, the Public Works Director will prepare a report to be filed with the City Council specifying the repairs that were made, the cost of the repairs, a description of the real property adjacent to which the repairs were made and the assessment against each lot or parcel of land proposed to be levied to pay the cost of repairs. This report will include a description of the property you own at **[property address]**. If full payment for the repairs is not received within five days after the hearing date set below, the costs incurred by the City in making the repairs to the sidewalk will become a lien on your property.

If you choose to pay this bill prior to the time that the report goes to the City Council, the report will indicate that the payment has been made and no further action will be

required. If you wish to dispute, object or protest this bill, you are invited to attend the City Council meeting at which the City Council will hear and pass upon the Report by the Public Works Director on the cost of the repair.

The next City Council meeting at which the City Council is expected to receive a report on the sidewalks that were repaired by the Public Works Director is:

**DATE: month day, year**  
**TIME: 6:30 PM**  
**PLACE: City Council Chambers**  
**620 Foster City Boulevard**  
**Foster City, CA 94404**

If you have any questions or need additional information, please do not hesitate to contact me at 650-286-8140.

Sincerely,

Public Works Director, City of Foster City

**L2b -- PROPERTY OWNER BILLING**  
**(Owner elects to have City perform work)**  
(Sent by certified mail)

**BILLING LETTER**

**[Date]**

Dear Property Owner:

On **[insert dates of Notice (N1)]** you were notified that the sidewalk on **[street name]** adjacent to the property you own at **[address]** was out of repair and in condition to endanger persons or property, that property owners are required to maintain sidewalks adjacent to their property pursuant to Streets & Highways Code Sections §5600-5630 and that the subject sidewalk required repair by owner. This repair work was required to include a reconstruction of the damaged area, specifically, saw cut, removal of sidewalk, removal of tree roots, if any, installation of root barrier, and reconstruction of the sidewalk with class "A" concrete.

You were given until **[insert date 14 business days from date of Notice (N1)]** to commence repairs and were notified that if you did not commence repairs by that date the Public Works Director for the City of Foster City would make the required repairs to the sidewalk and that the costs incurred by the City in making the repairs to the sidewalk would become a lien on your property.

You elected to have the work performed by the City's Contractor. The Public Works Director for the City of Foster City therefore undertook the required repairs to the sidewalk and the repairs were completed on **[date repairs completed]**. The cost for these repairs, including an administrative fee, was **[amount]**, which amount is due and payable to the City. Checks should be made payable to City of Foster City and mailed to City Hall, 610 Foster City Boulevard, Foster City CA 94404. Please address the envelope to the attention of the Sidewalk Maintenance Program. Credit card payment can be accepted from individuals coming in to City Hall.

As legally mandated, the Public Works Director will prepare a report to be filed with the City Council specifying the repairs that were made, the cost of the repairs, a description of the real property adjacent to which the repairs were made and the assessment against each lot or parcel of land proposed to be levied to pay the cost of repairs. This report will include a description of the property you own at **[property address]**. If full payment for the repairs is not received within five days after the hearing date set below, the costs incurred by the City in making the repairs to the sidewalk will become a lien on your property.

If you pay this bill prior to the time that the report goes to the City Council, the report will indicate that the payment has been made and no further action will be required. If you

wish to dispute, object or protest this bill, you are invited to attend the City Council meeting at which the City Council will hear and pass upon the Report by the Public Works Director on the cost of the repair.

The next City Council meeting at which the City Council is expected to receive a report on the sidewalks that were repaired by the Public Works Director is:

**DATE:** month day, year  
**TIME:** 6:30 PM  
**PLACE:** City Council Chambers  
620 Foster City Boulevard  
Foster City, CA 94404

If you have any questions or need additional information, please do not hesitate to contact me at 650-286-3280.

Sincerely,

Public Works Director, City of Foster City



**N2a -- REPORT ON THE COST OF REPAIRS  
(Owner did not Comply)**

**REPORT ON THE COST OF REPAIRS**

On **[date of Notice (N1)]**, the owner of **[property address]** was advised that the sidewalk on **[street name]** located adjacent to his/her property was out of repair and in condition to endanger persons or property, that property owners are required to maintain sidewalks adjacent to their property pursuant to Streets & Highways Code Sections §5600-5630 and that the sidewalk on **[street name]** required a reconstruction of the damaged area, including but not limited to, saw cut, removal of sidewalk, removal of tree roots, if any, installation of root barrier, and reconstruction of the sidewalk with class "A" concrete per the City of Foster City Standards for Sidewalk Repair.

As required by law, the property owner was given until **[insert date 14 business days from the date of the Notice (N1)]** to commence repairs and was notified that if he/she did not commence repairs by that date, or if he/she commenced repairs but did not diligently and without interruption prosecute such repair work to completion, the Public Works Director for the City of Foster City would make the required repairs to the sidewalk and that the costs incurred by the City in making the repairs to the sidewalk would become a lien against the property.

The property owner did not commence repairs by the date specified or did not prosecute such repairs to completion. As required by California Streets and Highways Code Sections §5600-5630, the Public Works Director for the City of Foster City undertook the required repairs. Repairs to the sidewalk on **[street name]** adjacent to the property located at **[property address]** were completed on **[date repairs completed]**. The following repairs were made and the costs of the repairs are as follows:

- Removal and replacement of \_\_\_\_\_ square feet of sidewalk at \$\_\_\_\_\_ per square foot;
- Removal and replacement of \_\_\_\_\_ square feet of driveway apron at \$\_\_\_\_\_ per square foot;
- Removal and replacement of \_\_\_\_\_ square feet of sidewalk in driveway area at \$\_\_\_\_\_ per square foot;
- Removal and replacement of \_\_\_\_\_ square feet of driveway curb and gutter at \$\_\_\_\_\_ per square foot;
- Administrative Fee of \$\_\_\_\_\_ per the City of Foster City Master Fee and Service Charges Schedule.

**Total cost of repairs:** \_\_\_\_\_

Dated: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Name  
Public Works Director  
City of Foster City

**N2b -- REPORT ON THE COST OF REPAIRS**  
**(Owner elects to have City perform work)**

**REPORT ON THE COST OF REPAIRS**

On **[date of Notice (N1)]**, the owner of **[property address]** was advised that the sidewalk on **[street name]** located adjacent to his/her property was out of repair and in condition to endanger persons or property, that property owners are required to maintain sidewalks adjacent to their property pursuant to Streets & Highways Code Sections §5600-5630 and that the sidewalk on **[street name]** required a reconstruction of the damaged area, including but not limited to, saw cut, removal of sidewalk, removal of tree roots, if any, installation of root barrier, and reconstruction of the sidewalk with class "A" concrete per the City of Foster City Standards for Sidewalk Repair.

As required by law, the property owner was given until **[insert date 14 business days from the date of the Notice (N1)]** to commence repairs and was notified that if he/she did not commence repairs by that date, or if he/she commenced repairs but did not diligently and without interruption prosecute such repair work to completion, the Public Works Director for the City of Foster City would make the required repairs to the sidewalk and that the costs incurred by the City in making the repairs to the sidewalk would become a lien against the property.

The property owner elected to have the work performed by the City's Contractor. As required by California Streets and Highways Code Sections §5600-5630, the Public Works Director for the City of Foster City undertook the required repairs. Repairs to the sidewalk on **[street name]** adjacent to the property located at **[property address]** were completed on **[date repairs completed]**. The following repairs were made and the costs of the repairs are as follows:

- Removal and replacement of \_\_\_\_\_ square feet of sidewalk at \$\_\_\_\_\_ per square foot;
- Removal and replacement of \_\_\_\_\_ square feet of driveway apron at \$\_\_\_\_\_ per square foot;
- Removal and replacement of \_\_\_\_\_ square feet of sidewalk in driveway area at \$\_\_\_\_\_ per square foot;
- Removal and replacement of \_\_\_\_\_ square feet of driveway curb and gutter at \$\_\_\_\_\_ per square foot;
- Administrative Fee of \$\_\_\_\_\_ per the City of Foster City Master Fee and Service Charges Schedule).

**Total cost of repairs:** \_\_\_\_\_

Dated: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Name  
Public Works Director  
City of Foster City

**N3 -- RESOLUTION CONFIRMING REPORT ON THE COST OF REPAIRS AND ASSESSING THE COST OF REPAIR**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY CONFIRMING THE REPORT ON THE COST OF REPAIRS AND ASSESSING THE COST OF REPAIR AGAINST THE PARCEL(S) OF REAL PROPERTY LOCATED ADJACENT TO AREAS OF SIDEWALK THAT HAVE BEEN REPAIRED

CITY OF FOSTER CITY

WHEREAS, property owners are required to maintain sidewalks adjacent to their property pursuant to California Streets & Highways Code Sections §5600-5630; and

WHEREAS, the owner(s) of property(ies) adjacent to out of repair sidewalks were provided with written notice that their sidewalks were out of repair and in condition to endanger persons or property, that the sidewalks required repair in conformance with the City of Foster City Standards for Sidewalk Repair, that repairs were to commence within specified timeframes in conformance with the California Streets and Highways Code and that, if repairs were not commenced by that date or if repairs were commenced but were not diligently and without interruption prosecuted to completion, the Public Works Director for the City of Foster City would make the required repairs and that the costs incurred by the City in making the repairs would become liens against adjacent property(ies); and

WHEREAS, the property owner(s) did not commence repairs by the date(s) specified or did not prosecute repairs to completion or elected to have the City's contractor perform the repairs, and

WHEREAS, the Public Works Director undertook the required repairs and completed such repairs as indicated in Exhibit A which is attached and hereby incorporated into this Resolution; and

WHEREAS, the owner(s) of property located adjacent to sidewalk hazards were provided with written notice that the Public Works Director would prepare a report specifying the repairs which were made, the cost of the repairs, a description of the real property in front of which the repairs were made and the assessment against each lot or parcel of land proposed to be levied to pay the cost of repairs and that the City Council of the City of Foster City would hear and pass upon the report by the Public Works Director on the cost of repair at this meeting; and

WHEREAS, the City Council has heard the reports and has heard all comments, objections and protests from the property owner(s) and from other interested persons; and

WHEREAS, the City Council has, to the extent it deemed appropriate, revised, corrected and/or modified the report.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby:

1. Confirm the Report On The Cost Of Repairs as attached; and
2. Assess the property owners for the cost of repairs as noted in attached Exhibit A; and
3. Order that the notice of lien shall be delivered to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property.

PASSED AND ADOPTED as a Resolution of the City Council of the City of Foster City at the \_\_\_\_\_ held on the \_\_\_\_\_ day of \_\_\_\_\_, 201X by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
, MAYOR

ATTEST:

\_\_\_\_\_  
DORIS L. PALMER, CITY CLERK

**Exhibit A**

Parcel No.	Address	Street where hazard located	Date Work Completed	Type of Work Performed	Owner Elected City Perform Work	Fees and Cost
<b>TOTAL</b>						

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## N4 -- NOTICE OF LIEN

### NOTICE OF LIEN

Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the \_\_\_\_\_ day of \_\_\_\_\_, 201X, 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 City Council for the City of Foster City did, on the \_\_\_\_\_ day of \_\_\_\_\_, 201X, by Resolution No. \_\_\_\_\_ assess the cost of such repair upon the real property hereinafter described, and the same has not been paid nor any part thereof, and Foster City, 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 \_\_\_\_\_, 201X (insert date of confirmation of assessment), 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 City of Foster City, the County of San Mateo, State of California, and particularly described as follows:

(Description of property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 201X.

\_\_\_\_\_  
Name  
Public Works Director  
City of Foster City

RESOLUTION NO. 2017-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN THE UPDATED PRIVATE SIDEWALK INSPECTION AND MAINTENANCE POLICY

CITY OF FOSTER CITY

WHEREAS, California Streets and Highways Code Sections 5600-5630 and Foster City Municipal Code Chapter 11.08 define property owners' responsibility to maintain the sidewalks located adjacent to their properties and detail the property owners' liabilities for injuries or damages suffered by members of the public using said sidewalks; and

WHEREAS, the Private Sidewalk Inspection and Maintenance Policy outlines the method by which the City ensures that private property owners maintain the sidewalks located adjacent to their properties and outlines the process for the City to perform the repairs and assesses the costs to the owners if maintenance is not performed; and

WHEREAS, staff has identified areas in which the Private Sidewalk Inspection and Maintenance Policy can be streamlined to make implementation simpler and more expedient for both the City and the affected residents.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby approve and authorize the City Manager to sign the updated Private Sidewalk Inspection and Maintenance Policy for implementation effective immediately.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 17th day of July, 2017, by the following vote:

AYES: Councilmembers Hindi, Mahanpour, Perez, Pollard and Mayor Bronitsky

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
CHARLIE BRONITSKY, MAYOR

ATTEST:

  
\_\_\_\_\_  
DORIS L. PALMER, CITY CLERK

**Policy Review and Confirmation**

As required in paragraph 10 of the Procedure for Citywide Policy Implementation, the following policy has been reviewed and is deemed to be reissued without change:

Policy: Private Sidewalk Inspection and Maintenance Policy  
Date: 7/17/2017

Issuing Department: Public Works

  
\_\_\_\_\_  
Department Head

10/19/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeff C. Moneda, City Manager

10/22/18  
\_\_\_\_\_  
Date