

American River Flood Control District
Public Auction of Property – Along Levee in River Park
Staff Report

Discussion:

One of the parcels adjacent to the District levee in River Park is currently listed for sale at public auction due to property tax default. Per discussions with the County Assessor's Office, the type of auction currently proposed for the parcel is for public bidding under Section 7 of the County code.

The parcel has permitted encroachments associated with it that negatively impact the District levee. A retaining wall and stairs have been installed at the toe and earth fill has been placed on the levee side of the wall. The wall has metal shade screening affixed to it that connects to an adjacent garage structure. The garage structure's wall is coincident with the property line so there is no setback. The configuration of the encroachments results in a condition where there is no visibility for the District to inspect for levee problems or failure signs during a flood event or during routine patrols. The retaining wall could also negatively impact the stability of the levee slope.

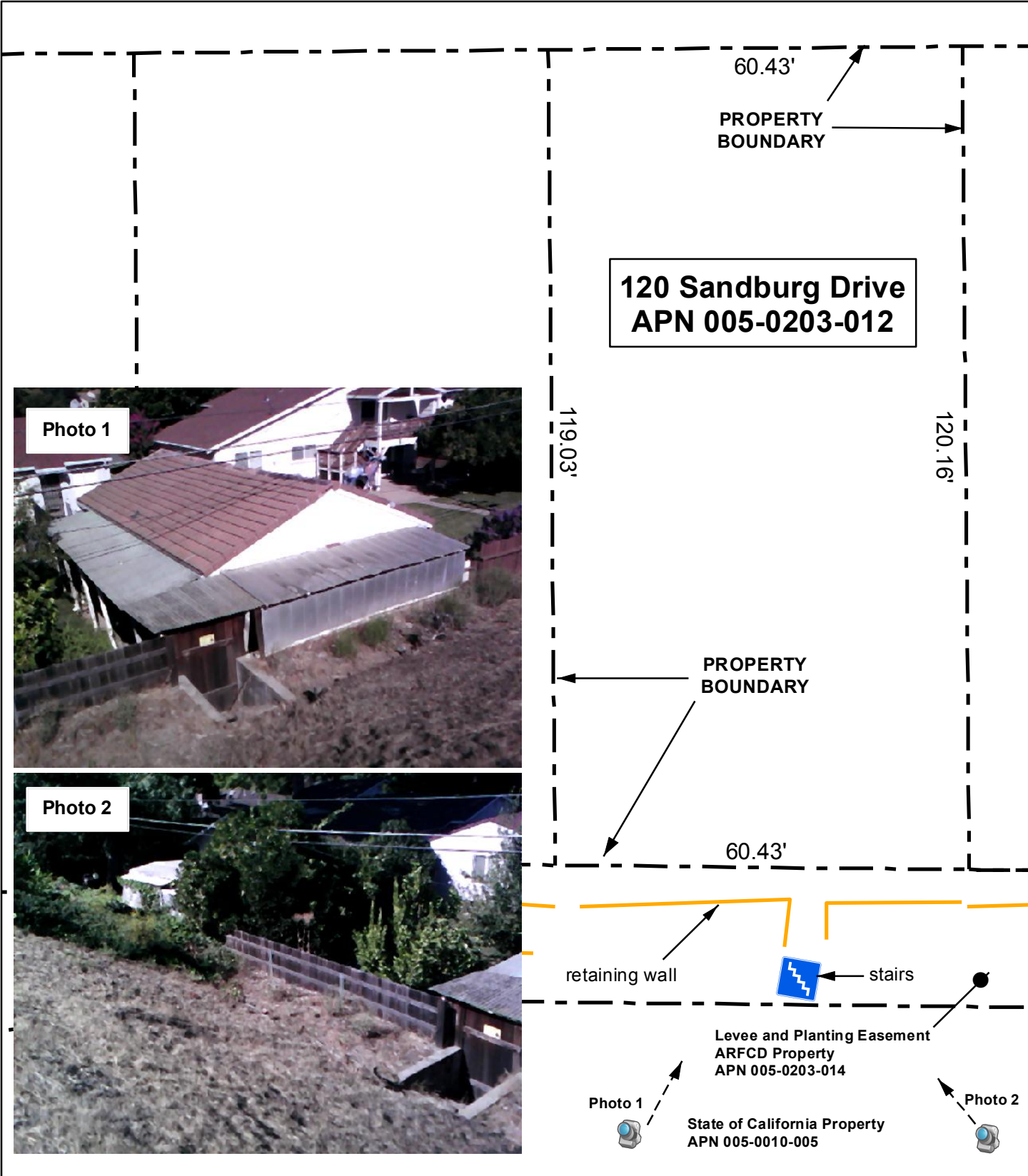
Per the County Assessor's office, the District could submit a letter of protest to the sale at public auction of the parcel under the County's Section 7 program. If approved by the County, this would remove the parcel from the Section 7 program and place it under the direction of the Section 8 program which only accepts bids from public agencies. The District could then bid on the property and acquire the parcel by paying the back taxes. The back taxes from 9 years of tax delinquency equals approximately \$70,000. The District could then remove the encroachments, relinquish the permit and adjust the location of the fence back to the property line. The parcel could then be placed back on the market and the District could recoup its costs. A letter opposing the sale under Section 7 must be received by the County Assessor by close-of-business on February 21, 2020.

One other option to correct the encroachments would be to place a lien on the title of the property so that the future owner would be aware that the encroachments must be corrected as part of the transfer of title. Staff is still researching this option.

Recommendation:

The General Manager recommends that the Board pursue correcting the encroachments by placing a lien on the title or by property acquisition.

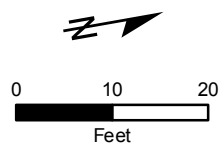
Item No.	Description	Parcel Number	Def Year	Default Number	Minimum Bid	Supervisor District	Comment
1	LOT NO.180, BOULEVARD PARK SUB., BK. 006. PG. 029. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 003-0132-001-0000.	003-0132-001-0000	2014	14-13250462-00	\$ 60,200	1	STRUCTURE
2	FRAC. LOT 4 REESE VILLA BEING ALL W. OF E 38 FT. EXC. POR. BEING 6.2 FT. ON N END & 12 FT. ON S. END. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 004-0191-033-0000.	004-0191-033-0000	2014	14-13251900-00	\$ 1,100	1	
3	LOT NO. 13, ORCHARD TERRACE SUB., BK. 025, PG. 029. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 005-0203-012-0000.	005-0203-012-0000	2009	09-08234120-00	\$ 68,300	1	STRUCTURE
4	S 43.3 FT LOT 312 SMITH TR NO 4. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 008-0362-018-0000.	008-0362-018-0000	2014	14-13258256-00	\$ 61,800	1	STRUCTURE
5	LOT NO 8007, H J GOETHE CO SUB 80, BK. 007., PG. 026. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 008-0433-009-0000.	008-0433-009-0000	2013	13-12259628-00	\$ 33,300	1	STRUCTURE
6	N 1/4 LOT/BLK S & T & 6 & 7. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 009-0062-004-0000.	009-0062-004-0000	2014	14-13258987-00	\$ 38,100	1	
7	E 1/4 OF N 1/2 LOT 7 BLK X & Y 5 & 6. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 009-0235-005-0000.	009-0235-005-0000	2014	14-13259791-00	\$ 5,300	1	LOT NO. 1
8	W 1/2 OF E 1/2 AND E 1/4 OF S 1/2 LOT 7 BLK X & Y 5 & 6. IN THE CITY OF SACRAMENTO. AKA ASSESSOR'S PARCEL NO. 009-0235-006-0000.	009-0235-006-0000	2014	14-13259792-00	\$ 19,700	1	STRUCTURE, LOT NO. 1



**Sacramento Area
Flood Control Agency**

Levee Accreditation Project

Encroachment Removal



ORDER OF THE RECLAMATION BOARD

Item 6

3005.05.000

Application No. 6499

APN:
005-0203-012
ARFCD
UNITY
L.M. 5.93

The application of **John W. Sullivan**
120 Sandburg Drive
Sacramento, California

for approval of plans **To retain existing sprinkler system, concrete steps, stepping stones, retaining walls, storage area between garage and retaining wall. To plant vegetables and perennials on levee terraced area, American River left bank levee. Section 3, T. 8 N., R. 5 E., N.D.B.&M., Sacramento County. (American River Flood Control District)**

having been set for hearing on the **4th** day of **April**, **1969**, and said application

having been heard on said day: NOW THEREFORE, IT IS

ORDERED, That said application and said plans be, and the same are hereby approved, and permission to proceed with the work in accordance therewith is hereby granted, subject to the following conditions:

GENERAL CONDITIONS

ONE: That this order, with its terms, conditions, and reservations, shall be null and void and ineffective for any purpose whatsoever until applicant, or the duly authorized agent thereof, shall accept in writing and return this Order to the Reclamation Board not later than 60 days after the date the Board heard and approved said application and plans; and agrees to all the terms, conditions, and restrictions hereof, which said acceptance and agreement shall be endorsed upon a copy of this order, in the form provided therefor, which form is hereby made a part of the substance hereof;

TWO: That this approval of plans does not carry with it permission to construct any works on lands owned by the Sacramento and San Joaquin Drainage District, nor on any other lands whatsoever.

THREE: That the work hereunder shall be accomplished under the direction and supervision of the State Department of Water Resources, and applicants shall conform to all requirements of said Department; and applicant shall notify said Department of Water Resources, P.O. Box 388, Sacramento, phone 445-8458, at least three days prior to commencement of the contemplated work.

FOUR: That applicant shall pay any and all reasonable expenses which the Reclamation Board or the Department of Water Resources shall find it necessary to incur for the purpose of assuring the board or the Department that this order is being and has been complied with by applicant and that the work is performed in conformity with the plans herein approved.

FIVE: That applicant shall at the applicant's sole cost and expense, remove, alter, relocate or reconstruct all or any part of the work herein approved immediately upon the order of the Reclamation Board so to do, and in the manner prescribed thereby, should said work or any portion thereof not conform to the provisions of this order, or should said work or any portion thereof be injurious to or damage any works necessary to any plan of flood control of the Reclamation Board or the Legislature or should it interfere with the successful execution, functioning or operation of any such plan of flood control, or should such removal, alteration, relocation or reconstruction be necessary under or in conjunction with any present or future flood control plans for the area in which the work herein approved is to be accomplished, and in case applicant delays acting upon any such order of the Reclamation Board, the Board may proceed to perform the required work and the cost thereof shall be paid by applicant.

(OVER)

SIX: That the applicant shall maintain the project works within the utilized area in the manner required and as requested by the authorized representative of American River Flood Control District or any other agency responsible for maintenance.

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.
Office of the Reclamation Board }

I **HOWARD J. SULLIVAN** do hereby certify that the above and foregoing is a true and correct copy of an Order made by said Board at the above indicated meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Reclamation Board, this **7th** day of **April**, 19 **69**

Original signed by
Howard J. Sullivan

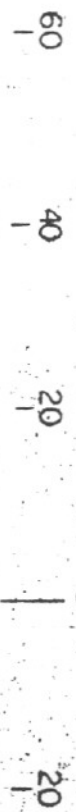
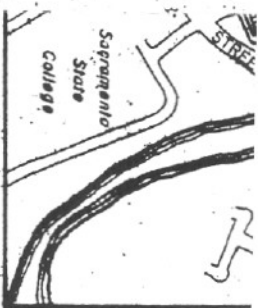
HOWARD J. SULLIVAN
Assistant Secretary

(SEAL)

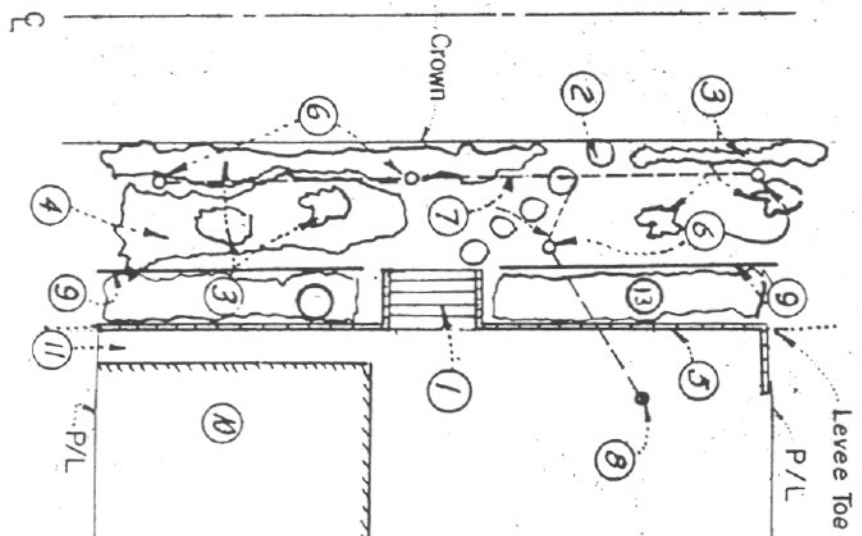
The undersigned and heretofore named applicant, or the applicant's duly authorized agent, hereby accepts the above and foregoing Order subject to all the terms thereof, agrees to abide by the same, and on the applicant's behalf and on behalf of the applicant's successors, agents and assigns, waives all claims arising, directly or indirectly, out of, or in any manner based upon any act, order, regulation, or requirement of the Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, or the United States of America, the officials, agents or employees thereof, done pursuant to the terms and provisions of the above and foregoing Order, and does for the applicant, the applicant's successors, agents and assigns, agree to hold and save harmless the said Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, the United States of America and the officials, agents or employees thereof, from any and all claims, damages or liability due to or arising out of this application or any activity in connection therewith.

IN WITNESS WHEREOF, the said applicant, or the applicant's duly authorized agent, has executed this certificate, this day of, 19, at, California.

..... Signature Title
..... Signature Title



Scale: 1" = 20'
U.S.G.S. Datum



LEGEND

- ① Concrete steps
- ② Stepping stones
- ③ Jumpers
- ④ Hypericum
- ⑤ Cement block wall, 4 1/2' high
- ⑥ Rainbird sprinklers
- ⑦ 3/4" galvanized pipe
- ⑧ Shut-off valve
- ⑨ 3x15 wood retaining wall 4"x4" posts
- ⑩ Garage
- ⑪ Storage (Metal roof & sides to ret. wall)
- ⑫ 3"x15" wood retaining wall
- ⑬ Proposed vegetables & perennials

PLAN VIEW

Scale: 1" = 20'

AMERICAN RIVER FLOOD CONTROL DISTRICT
165 COMMERCE CIRCLE, SUITE D, SACRAMENTO, CALIFORNIA 95815

BOARD OF TRUSTEES
KAROLYN W. SIMON
CLYDE W. MACDONALD
BETTINA C. REDWAY
VIRGINIA G. MOOSE
SELBY J. FERMER

(916) 929-4006
(916) 929-4160 FAX

GENERAL MANAGER / ENGINEER
TED A. SMITH

DISTRICT SUPERINTENDENT
WILLIAM MAHR

August 13, 1999

Mr. and Mrs. John W. Sullivan
120 Sandburg Drive
Sacramento, CA. 95819

Dear Mr. and Mrs. Sullivan:

At the membership meeting of the River Park Neighborhood Association held July 21, 1999, to review levee encroachments, I promised to identify those properties with obvious and significant physical encroachments. Of primary initial concern to the District are those properties where structures and landscaping may have been moved several feet onto District property, thus depriving us of a means of locating problem sites and fighting a flood during an emergency. Your property at the above address has been identified after initial screening as one of the properties showing significant encroachment.

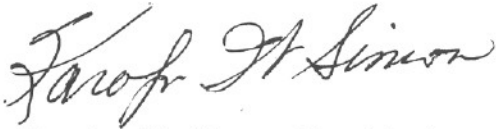
Our initial screening of encroaching properties is based solely on recent field surveys made to re-establish the accurate location of your rear property line, the line in common with the boundary of the District's lands on which the levee is located. Some encroaching facilities may be present under legitimate permits previously obtained from the California Reclamation Board and/or this District. However, I can assure you that neither the Reclamation Board nor this District has ever granted a permit that relinquished flood control land to the adjacent owners. It is possible that over time you and/or prior owners have gradually reconstructed fences and implemented landscaping work on lands which you may have thought was in your ownership, but which in fact are within the levee easement. Our initial screening herein has not endeavored to address any permit rights, but only to flag for consideration those properties where significant physical intrusions on to flood control lands have been implemented.

I am enclosing our surveyor's plot of your property at the above address. Our examination of the plot indicates that your back fence encroaches by about 6.5 feet into the levee property. Landscaping facilities within the strip (such as trees, retaining walls, and decking) may in fact be located on District property.

assist in the removal of any unpermitted or unwanted owner facilities that encroach the District right-of-way.

We look forward to hearing from you in this matter and will cooperate in every way possible to implement an agreeable remediation of these troublesome encroachments.

Sincerely
AMERICAN RIVER FLOOD CONTROL DISTRICT

A handwritten signature in cursive script that reads "Karolyn W. Simon".

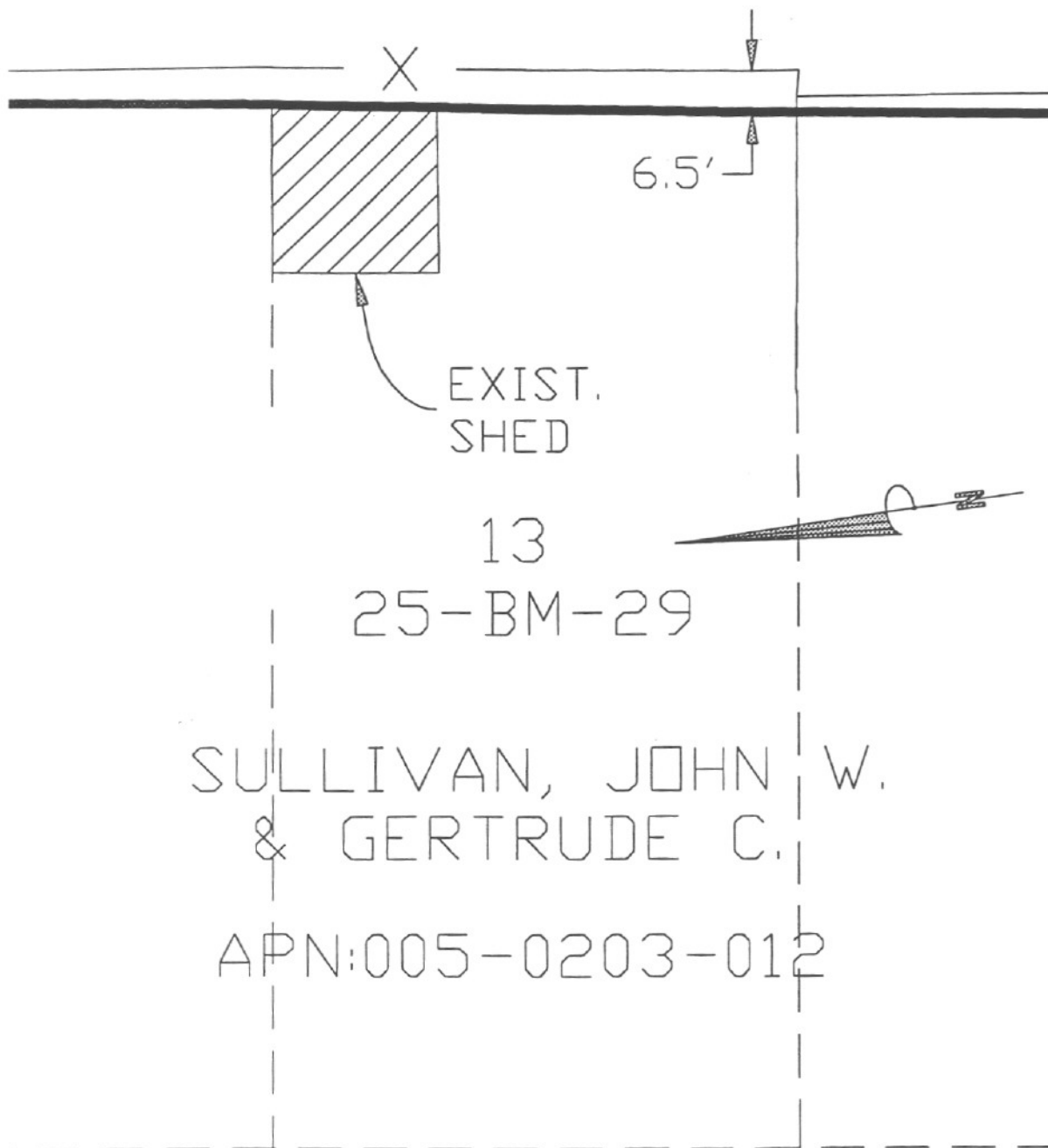
Karolyn W. Simon, President

AMERICAN RIVER FLOOD CONTROL DISTRICT

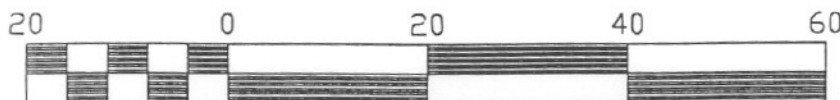
Item 6

PHYSICAL ENCROACHMENT ON DISTRICT PROPERTY

SHEET 55 OF 56
SCALE 1" = 20'



120 SANDBURG DR.
SACRAMENTO, CA



Scale 1" = 20'

TERRY A. ROSE
RCE 21640

XREF 95012 BASE.DWG
99017 SHEET 55.DWG