

STRUMWASSER & WOOCHELL LLP

ATTORNEYS AT LAW

10940 WILSHIRE BOULEVARD, SUITE 2000  
LOS ANGELES, CALIFORNIA 90024

TELEPHONE: (310) 576-1233  
FACSIMILE: (310) 319-0156  
WWW.STRUMWOOCHELL.COM

FREDRIC D. WOOCHELL  
MICHAEL J. STRUMWASSER  
GREGORY G. LUKE ††  
BRYCE A. GEE  
BEVERLY GROSSMAN PALMER  
BYRON F. KAHR  
RACHEL A. DEUTSCH  
PATRICIA T. PEI

†Also admitted to practice in New York  
‡Also admitted to practice in Massachusetts

October 17, 2011

City of Los Angeles  
Board of Public Works  
Room 361-P, Mailstop 464  
200 North Spring Street  
Los Angeles, CA 90012-4801

Re: Repairs Needed for Sidewalks Damaged by Tree Roots

Dear Commissioners of the Board of Public Works:

I write on behalf of the Tract No. 7260 Association, Inc. (Tract 7260) concerning necessary repairs to the sidewalks in the association's neighborhood. Tract 7260's members reside between Beverly Glen Boulevard on the west, Century Park West on the east, Pico Boulevard on the south, and Santa Monica Boulevard on the north. Numerous sidewalks, driveways, and curbs within this area have been damaged due to tree root growth, and are now in need of repair.

Los Angeles Municipal Code section 62.104 provides that the Board of Public Works has the obligation to perform both preventative maintenance and repair work that is required due to tree root growth: "Preventive measures and repairs or reconstruction to curbs, driveways or sidewalks required as the result of tree root growth **shall be repaired by the Board** at no cost to the adjoining property owner."

The municipal code makes clear, by use of the mandatory term, "shall," that the City does not have an option when it comes to tree-root-damaged sidewalks: these *must* be repaired at the City's expense. As the Court of Appeal has explained in *Rancho Murieta Airport, Inc. v. County of Sacramento* (2006) 142 Cal.App.4th 323, where a statute commands that trees "shall" be maintained, that a landowner has a mandatory duty to undertake that maintenance, regardless of any possible ancillary considerations. (*Id.* at p. 327.) The Municipal Code thus imparts upon the Board the obligation to make required repairs to these sidewalks at no cost to the adjacent property owner.

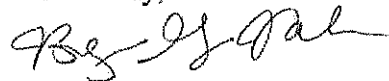
Attachment A to this letter consists of photographs of the numerous locations of sidewalks in need of repair due to tree root growth in the Tract 7260 area north of Olympic Boulevard. A similar exhibit containing photographs taken in the area south of Olympic Boulevard will be provided within a few days of this letter. Each photograph identifies the

Board of Public Works  
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precise location of the sidewalk damage. Tract 7260 considers this information sufficient to place the Board of Public Works on notice that these repairs are needed, and that the City has a mandatory duty under Los Angeles Municipal Code section 62.104 to repair these sidewalks, driveways, and curbs at no cost to the adjacent property owner. Tract 7260 anticipates that repairs will be scheduled as convenient for the Board. Please confirm at your earliest convenience that the location specified in Attachment A will be repaired as required by Los Angeles Municipal Code section 62.104.

If you have any questions regarding this letter or its attachment, please contact me at (310) 576-1233.



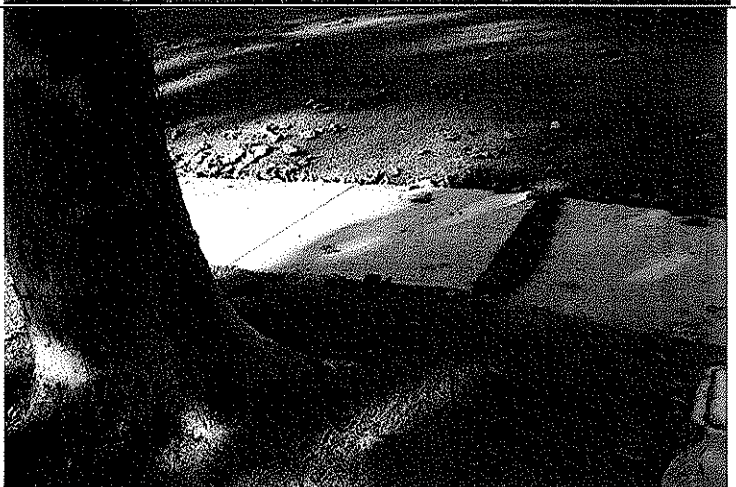
Sincerely,




A handwritten signature in black ink, appearing to read "Beverly G. Palmer".




Beverly G. Palmer



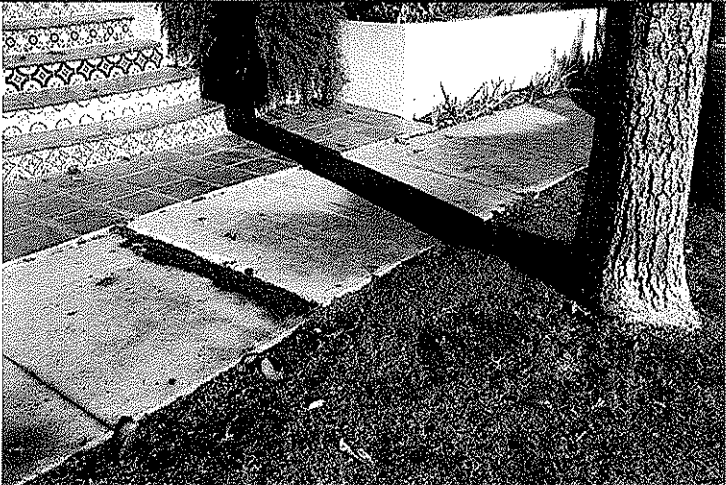
cc: ✓ Budget & Finance Committee  
Public Works Committee  
Carmen Trutanich  
Honorable Paul Koretz

Exhibit A  
Tract 7260 north of Olympic




| Street  | Number | Picture  |
|---------|--------|--|
| Kerwood | 2065   |    |
| Kerwood | 2065   |   |
| Kerwood | 2073   |  |




|           |       |  |
|-----------|-------|--|
| Kerwood   | 2073  |    |
| Louisiana | 10362 |   |
| Benecia   | 2116  |  |

|         |      |  |
|---------|------|--|
| Benecia | 2150 |    |
| Benecia | 2150 |   |
| Benecia | 2155 |  |




|         |                |  |
|---------|----------------|--|
| Benecia | At Mississippi |    |
| Benecia | At Mississippi |   |
| Kerwood | 2037           |  |









|         |      |  |
|---------|------|--|
| Kerwood | 2027 |    |
| Kerwood | 2024 |   |
| Kerwood | 2016 |  |


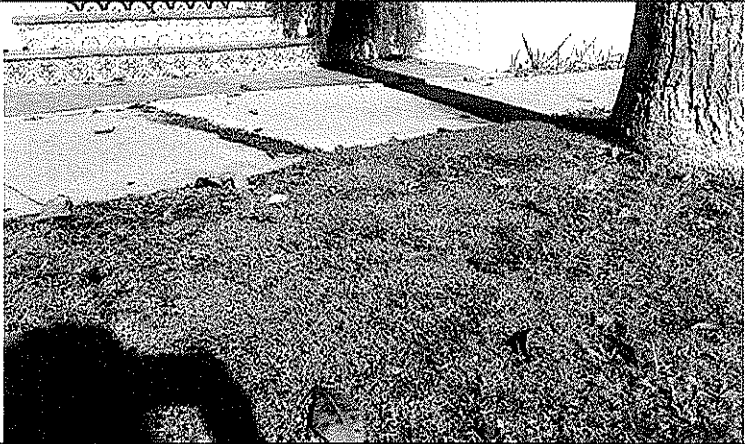


|           |       |  |
|-----------|-------|--|
| Kerwood   | 2002  |    |
| Fox Hills | 2049  |   |
| Calvin    | 10334 |  |



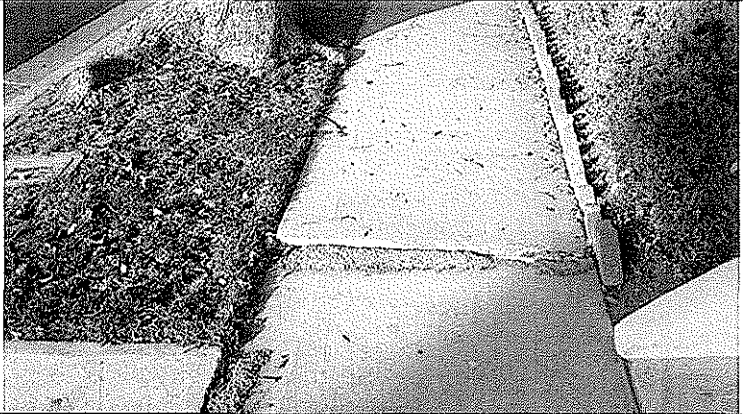



|             |       |  |
|-------------|-------|--|
| Kerwood     | 2068  |    |
| Mississippi | 10378 |   |
| Mississippi | 10362 |  |





|             |       |  |
|-------------|-------|--|
| Kerwood     | 10337 |    |
| Mississippi | 10362 |   |
| Mississippi | 10313 |  |

|         |      |  |
|---------|------|--|
| Kerwood | 2002 |    |
| Kerwood | 2002 |   |
| Kerwood | 2002 |  |



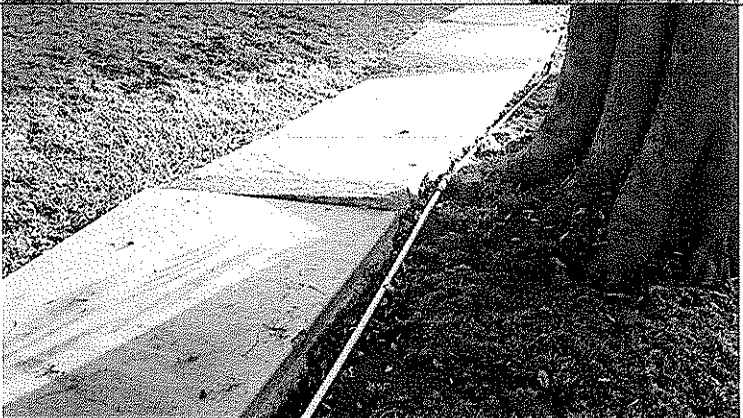

|          |       |  |
|----------|-------|--|
| Kerwood  | 2002  |    |
| Kerwood  | 2024  |   |
| Comstock | 1912  |  |
| Dunkirk  | 10328 |  |









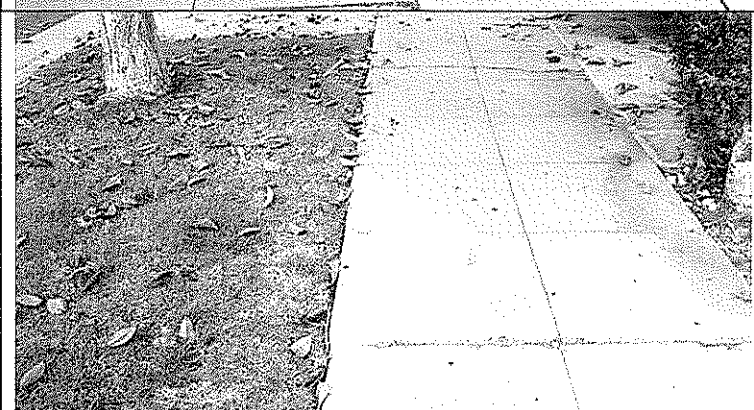

|         |       |  |
|---------|-------|--|
| Dunkirk | 10328 |    |
| Dunkirk | 10306 |   |
| Dunkirk | 10304 |  |
| Dunkirk | 10304 |  |





|           |       |  |
|-----------|-------|--|
| Dunkirk   | 10304 |    |
| Dunkirk   | 10304 |   |
| Fox Hills | 1925  |  |
| Fox Hills | 1925  |  |







|           |       |  |
|-----------|-------|--|
| Fox Hills | 1915  |    |
| La Grange | 10304 |   |
| La Grange | 10304 |  |
| La Grange | 10304 |  |





|           |       |  |
|-----------|-------|--|
| La Grange | 10304 |    |
| La Grange | 10305 |   |
| Fox Hills | 1835  |  |
| Fox Hills | 1835  |  |

|           |       |  |
|-----------|-------|--|
| Fox Hills | 1835  |    |
| Missouri  | 10305 |   |
| Missouri  | 10312 |  |
| Missouri  | 10312 |  |





|         |      |  |
|---------|------|--|
| Benecia | 1835 |    |
| Benecia | 1840 |   |
| Benecia | 1850 |  |
| Benecia | 1850 |  |











|         |      |  |
|---------|------|--|
| Benecia | 1856 |    |
| Benecia | 1874 |   |
| Benecia | 1864 |  |
| Benecia | 1864 |  |





|              |       |  |
|--------------|-------|--|
| Benecia      | 1864  |    |
| La Grange    | 10385 |   |
| Beverly Glen | 1864  |  |
| Beverly Glen | 1864  |  |





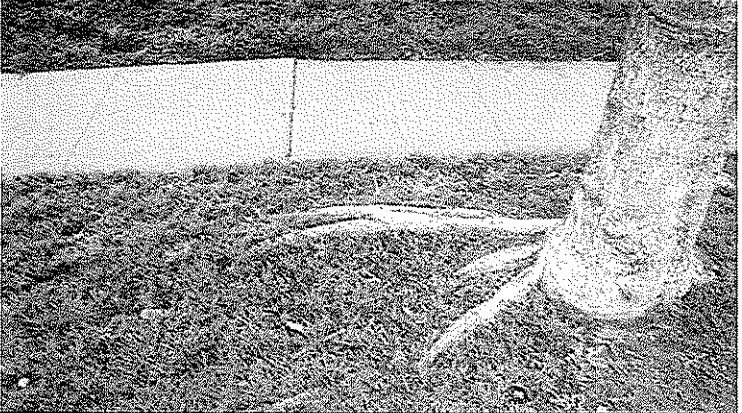

|              |      |  |
|--------------|------|--|
| Beverly Glen | 1864 |    |
| Benecia      | 1926 |   |
| Benecia      | 1932 |  |
| Benecia      | 1932 |  |





|         |      |  |
|---------|------|--|
| Benecia | 1935 |    |
| Benecia | 1969 |   |
| Benecia | 1973 |  |
| Benecia | 2016 |  |

|          |      |  |
|----------|------|--|
| Comstock | 1974 |    |
| Comstock | 1966 |   |
| Comstock | 1966 |  |
| Comstock | 1949 |  |





|          |      |  |
|----------|------|--|
| Comstock | 1954 |    |
| Comstock | 1948 |   |
| Comstock | 1944 |  |
| Comstock | 1926 |  |

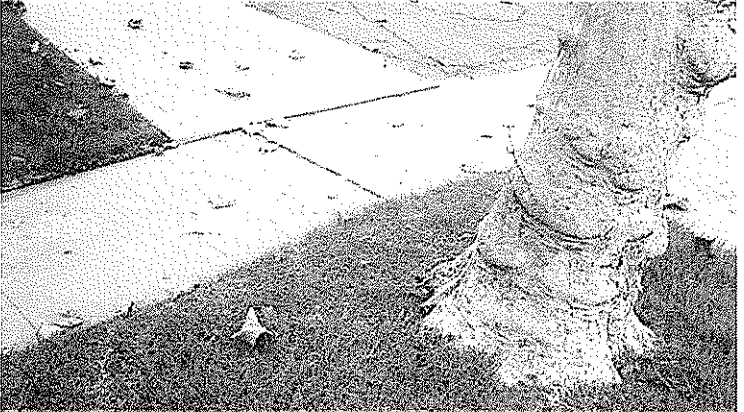






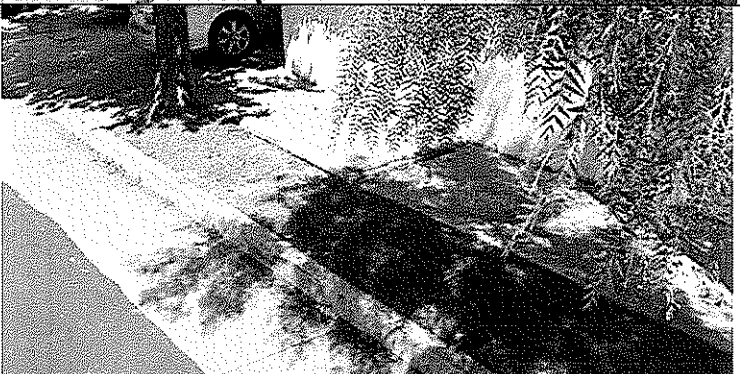


|          |      |  |
|----------|------|--|
| Comstock | 1926 |    |
| Comstock | 1926 |   |
| Comstock | 1915 |  |
| Comstock | 1901 |  |


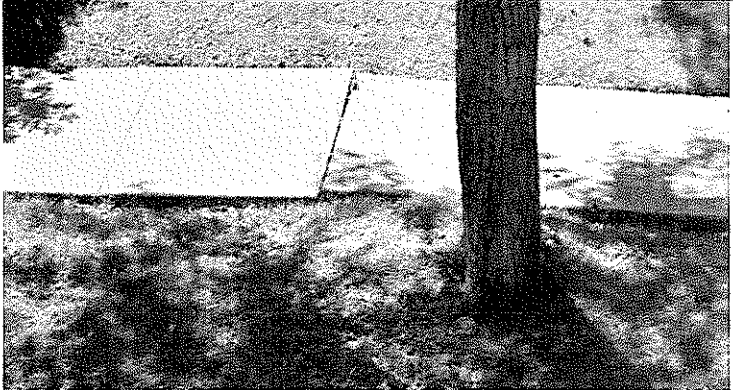


|           |       |  |
|-----------|-------|--|
| La Grange | 10374 |    |
| La Grange | 10361 |   |
| Comstock  | 1857  |  |
| La Grange | 10331 |  |







|           |       |  |
|-----------|-------|--|
| La Grange | 10322 |    |
| La Grange | 10335 |   |
| Comstock  | 1884  |  |
| Comstock  | 1884  |  |




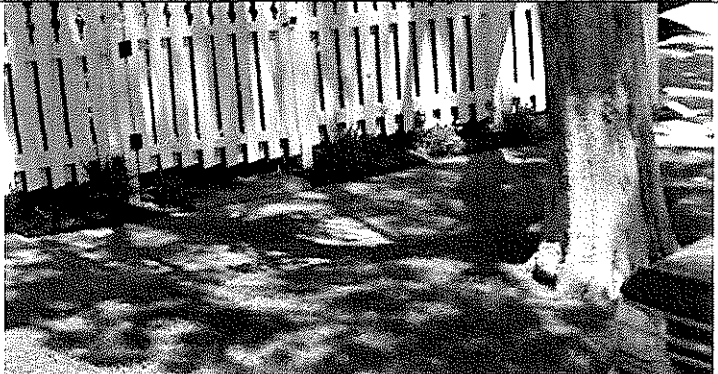
|           |                        |  |
|-----------|------------------------|--|
| Comstock  | 1884                   |    |
| Comstock  | 1884<br>(on La Grange) |   |
| Missouri  | 10324                  |  |
| Fox Hills | 1848                   |  |

|           |       |  |
|-----------|-------|--|
| La Grange | 10331 |    |
| Calvin    | 10235 |    |
| Calvin    | 10322 |   |
| Calvin    | 10332 |  |





|           |       |  |
|-----------|-------|--|
| Calvin    | 10332 |    |
| Calvin    | 10333 |   |
| Calvin    | 10334 |  |
| Fox Hills | 2103  |  |



|           |      |  |
|-----------|------|--|
| Fox Hills | 2141 |    |
| Fox Hills | 2134 |    |
| Fox Hills | 2125 |   |
| Fox Hills | 2117 |  |

|           |      |  |
|-----------|------|--|
| Fox Hills | 2116 |    |
| Fox Hills | 2114 |    |
| Fox Hills | 2049 |   |
| Fox Hills | 2025 |  |



|           |      |  |
|-----------|------|--|
| Fox Hills | 2024 |    |
| Fox Hills | 2003 |    |
| Fox Hills | 1934 |   |
| Fox Hills | 1858 |  |

Tract 7260 south of Olympic

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

Not included:

Orton

Kerwood south of Olympic

Fox Hills south of Olympic

Tennessee

Illona

Almayo