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November 2, 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. On October 17, 2011, I submitted photographs of sidewalk damage north of Olympic within the Tract's boundaries (Beverly Glen Boulevard on the west, Century Park West on the east, Pico Boulevard on the south, and Santa Monica Boulevard on the north). That letter, without attachments, is enclosed as Attachment A.

The October 17<sup>th</sup> letter advised that photographs of the tree-damaged sidewalks in Tract 7260 south of Olympic Boulevard would be forthcoming. This letter includes those photographs as Attachment B. Accordingly, Tract 7260 considers the City to be on notice of the tree-damaged sidewalks in this area.

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

Sincerely,



Beverly G. Palmer

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

## **ATTACHMENT A**

STRUMWASSER & WOOCHELL LLP

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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.

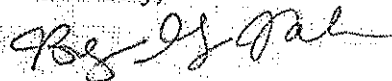
Attachment A to this letter consists of photographs of the numerous locations of sidewalks in need of repair due to tree root growth in the Tract 7260 area north of Olympic Boulevard. A similar exhibit containing photographs taken in the area south of Olympic Boulevard will be provided within a few days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

Board of Public Works  
October 17, 2011  
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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,








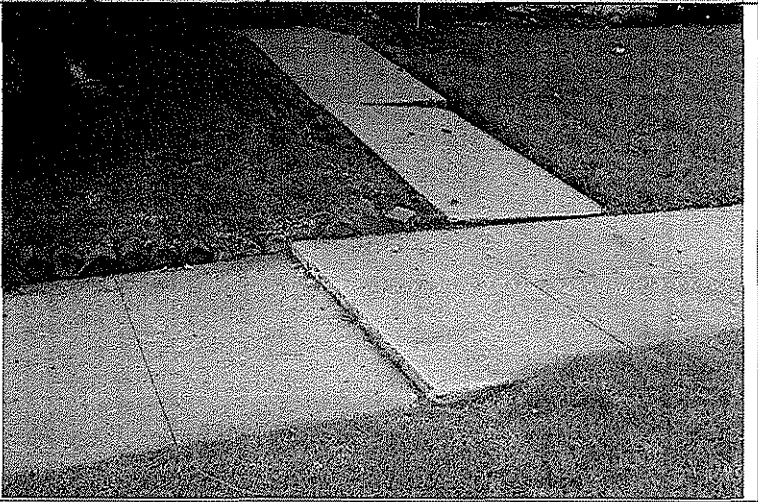
Beverly G. Palmer




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

## **ATTACHMENT B**




Tract 7260 south of Olympic




Almayo	10271	
Fox Hills	2309	
	2301	




	2216	
	2211	
	2201	




Orton	10270	
	10301	
	10307	






	10311	 A black and white photograph showing a concrete sidewalk running parallel to a large tree on the right. The sidewalk is composed of several slabs separated by expansion joints. The ground next to the tree is covered with grass and some fallen leaves.
	10326	 A black and white photograph of a concrete sidewalk that appears to be in poor condition. There are large, irregular patches of missing concrete or deep water on the surface, particularly in the center. A low concrete wall or curb runs along the left side of the path. A person's legs and a car are partially visible in the background.
	10325	 A black and white photograph of a concrete sidewalk. A prominent, long, and jagged crack runs diagonally across one of the slabs in the foreground. The sidewalk is bordered by a low wall on the left and some vegetation on the right. A circular object, possibly a manhole cover, is visible on the ground to the right of the sidewalk.




	10341	
	at Keswick	
Tennessee	10301-7	




	10302/4	
	10306	
	10309	




	10323	
	10322	
	10327	






Illona	10351	
	10347	
	10342	



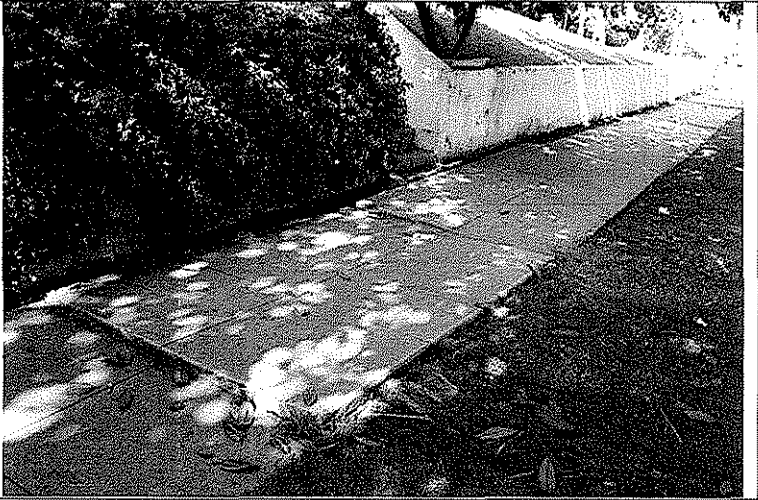
	10335	
	10331	
	10326	




	10314	 A black and white photograph showing a concrete sidewalk running diagonally from the bottom left towards the top right. On the left side of the sidewalk, there is a large, dark, leafy bush or small tree. On the right side, there is a road with a crosswalk marked by white stripes. A person is visible in the distance on the sidewalk.
	10315	 A black and white photograph of a concrete sidewalk running diagonally. On the left, there is a large tree trunk and some foliage. On the right, there is a road with parked cars. A person is visible in the distance on the sidewalk.
	10389	 A black and white photograph showing a concrete sidewalk running diagonally. On the left, there is a large tree trunk and some foliage. On the right, there is a road with a car parked. A person is visible in the distance on the sidewalk.




	10385	
	10388	
	10384	




	10381	
	10373	
	10369	

	10372	
	10368	
	At Kerwood	

Kerwood	At Temple	
Kerwood	2161-71	
Keswick	10389	

Benecia	2210	
	2218	
Fox Hills	2366	

	2365	
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Not included:

Locations where only curbs and driveways are damaged by City trees.