

CITY COUNCIL MEETING

FEBRUARY 3, 1982

cc-45(e)

REQUEST FOR SIDE-
WALK INSTALLATION
ON SUNSET DRIVE

Following introduction of the matter, and a lengthy discussion, Council on motion of Councilman Hughes, Pinkerton second, continued consideration of the request to require sidewalk installation on Sunset Drive, Lodi, to the regular meeting February 17, 1982, directing the City Clerk to provide Council with procedural information regarding sidewalk installation under the provisions of the State of California Streets and Highways Code.

Pg 95

DECLARATION OF MAILING

On January 19, 1982, in the City
of Lodi, San Joaquin County, California,
I deposited in the United States Mail,
envelopes with first-class postage prepaid
thereon, containing a copy of the Notice
attached hereto, marked Exhibit "A"; said
envelopes were addressed as is more
particularly shown on Exhibit "B" attached
hereto.

There is a regular daily communication by
mail between the City of Lodi, California,
and the places to which said envelopes were
addressed.

I declare under penalty of perjury that the
foregoing is true and correct.

Executed on January 19, 1982,
at Lodi, California.



ALICE M. REIMCHE
City Clerk

CITY COUNCIL

Exhibit A

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

January 19, 1982

Subject: Request to Require Sidewalk Installations on
Sunset Drive

Dear Property Owner:

Please be advised that the Request to Require Sidewalk Installation on Sunset Drive was continued to the February 3, 1982 regular meeting of the City Council. The meeting will commence at 8:00 p.m. and will be held in the Council Chambers at 221 West Pine Street, Lodi.

Should you have any questions regarding this matter, please do not hesitate to call.

Very truly yours,



Alice M. Reimche
City Clerk

AMR:jj

Gottlieb Bader
306 S. Sunset Dr.
Lodi, CA 95240

Exhibit B

Harold Duncan
310 S. Sunset Dr.
Lodi, CA 95240

Caroline Holck
316 S. Sunset Dr.
Lodi, CA 95240

Helen A. Cox
320 S. Sunset Dr.
Lodi, CA 95240

Betty Anne Smith
338 S. Sunset Dr.
Lodi, CA 95240

Musa Husein Mashni
348 S. Sunset Dr.
Lodi, CA 95240

Raymond L. Evans
356 S. Sunset Dr.
Lodi, CA 95240

Tony Goans
319 S. Sunset Dr.
Lodi, CA 95240

Bill Stemler
1200 W. Lodi Avenue
Lodi, CA 95240

Earl H. Johnson
305 S. Sunset Dr.
Lodi, CA 95240

MEMORANDUM, City of Lodi, Public Works Department

TO: City Manager
FROM: Public Works Director
DATE: December 31, 1981
SUBJECT: Request to Require Sidewalk Installation on Sunset Drive

At the Council meeting of December 9, 1981, a letter from Mr. Earl Johnson of 305 South Sunset Drive was read as correspondence. This letter requested the City to require installation of the deficient sidewalk on the east side of Sunset Drive south of Lodi Avenue. For your information, and the information of the City Council, I have compiled the following information that relates to the history of the deficient sidewalk on Sunset Drive and the City's adopted program for sidewalk installation:

1. Letter from Mr. Earl H. Johnson of 305 S. Sunset Drive, dated November 17, 1981.
2. Council meeting minutes of August 5, 1953.
3. Letter of August 14, 1953, to Mr. Harlie M. Amburn specifying requirements for annexation.
4. Council meeting minutes of September 2, 1953.
5. Letter from Mr. Graves dated June 23, 1954, to the Sunset Drive property owners specifying the requirements under which the area was annexed.
6. Letter from Mr. Graves dated August 5, 1954, to the Sunset Drive property owners specifying costs of installation.
7. Past City Council minutes related to City's proposed sidewalk installation program.
8. Resolution No. 3278 expressing the City's intent to accomplish sidewalk installation in all those areas where sidewalks do not now exist.
9. Memo from Public Works Director dated March 19, 1969, explaining the procedures for the City requiring sidewalk installation, Chapter 27 of the Streets and Highway Code.

As directed under Resolution No. 3278, the City has installed sidewalk fronting all City-owned properties within the City Limits except for the following parcels:

1. Salas Park - Curb, Gutter and Sidewalk is now budgeted and will be installed by summer 1982.
2. C-1 Basin - Sidewalk on Beckman Road will be installed with the final development and completion of this drainage basin.
3. G (south) Drainage Basin Parcel and Storm Drain Pumping Station Parcel on Cluff Avenue - Sidewalk will be installed with the development of these parcels.

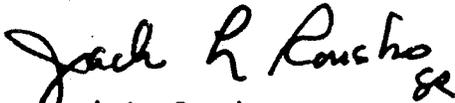
City Manager
December 31, 1981
Page 2

4. Scenic Overlook (SOL) Parcel - Sidewalk to be installed with parcel development or development of adjacent parcel (old Sportsman Club Property). However, City is not considering sale of this property.
5. Lower Sacramento North access to Lodi Lake Park - This 20-foot frontage will be installed with the development of the westerly Lodi Lake property.

All developed City parcels have sidewalk.

It is hopeful that this will provide the Council with sufficient information to take action on the request of Mr. Earl Johnson.

Sufficient copies for distribution to the City Council, Administration and the City Attorney are attached.


Jack L. Ronsko
Public Works Director

Attachments

JLR/eeh

City Manager
December 31, 1981
Page 2

4. Scenic Overlook (SOL) Parcel - Sidewalk to be installed with parcel development or development of adjacent parcel (old Sportsman Club Property). However, City is now considering sale of this property.
5. Lower Sacramento North access to Lodi Lake Park - This 20-foot frontage will be installed with the development of the westerly Lodi Lake property.

All developed City parcels have sidewalk.

It is hopeful that this will provide the Council with sufficient information to take action on the request of Mr. Earl Johnson.

Sufficient copies for distribution to the City Council, Administration and the City Attorney are attached.



Jack L. Ronsko
Public Works Director

Attachments

JLR/eeh

17 November 1981

Mr. Henry Glaves, City Manager
City Hall
Lodi,
California 93240

Dear Mr. Glaves;

I refer you to a meeting which was held the later part of July 1954 at the home of Mrs. H. B. Rencher. At this meeting the requirements were discussed regarding improvements which were to be made after South Sunset Drive was annexed to the City of Lodi.

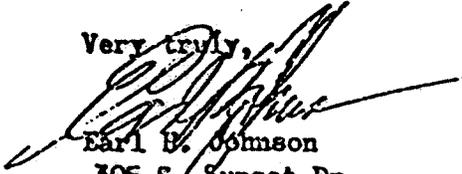
Your letter of 5 August 1954 indicated that the property owners did not want to form a Special Assessment District, but preferred to pay for the improvements in advance to the city. This also included installment of sidewalks at the cost of each property owner.

For some reason most of the property on the East side of Sunset Drive south of Lodi Avenue did not then and have not to this date fulfilled their agreement to install sidewalks. All of the West Side of the street has sidewalk.

I request that the City of Lodi implement procedures provided in the ordinances of the city to require completion of installation of sidewalks in the area on South Sunset Drive, south of Lodi Avenue.

This will also, increase safety for pedestrians, because people walk in the street due to lack of the sidewalks on the east side of the street.

Very truly,


Earl B. Johnson
305 S. Sunset Dr.
Lodi, Calif. 95240



1200 W Lodi Ave
Lodi, Calif 95240

CITY PLANNING COMMISSION

SUNSET
ADDITION
RES. #1765

City Clerk Graves read the Zoning Committee report and the recommendation of the Planning Commission that Sunset Addition be annexed to the City. Councilman Robinson, Rinn second, moved the adoption of Resolution #1765, Consent to Commence Annexation Proceedings, Sunset Addition; motion carried. The motion was made with the understanding that property owners would pay for storm drains, curbs, gutters, and sidewalks and that the City would provide the electric and water utilities.

CITY COUNCIL

MRS. AMBEL R. RICHEY, Mayor
T. A. HASKILL
EDWARD FRESZLER
ROBERT H. RINN
W. J. ROBINSON

CITY OF LODI

CITY HALL

H. D. WELLER
City Manager
HENRY A. GLAVES
City Clerk

LODI, CALIFORNIA

August 14, 1953

Mr. Harlie E. Amburn
360 South Sunset Dr.
Lodi, California

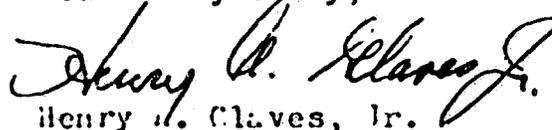
Dear Mr. Amburn:

At its regular meeting on August 5, 1953, the City Council adopted Resolution No. 1765, copy attached, granting consent to the commencement of annexation proceedings for the "Sunset Addition".

At the same time the Council reaffirmed its policy requiring the residents on Sunset Drive to install curbs, gutters and sidewalks, and to bear the expense of the reconstruction of the street to meet City standards. The residents must also pay the \$175 per acre fee for storm drainage. This does not represent any change in the conditions I discussed with you on previous occasions.

The next step in the proceedings is the publication of the notice of intention to circulate the petition. I have prepared and attached the necessary notice. If you will check with me, at your convenience, I will go over the details of the publication with you. In any event the signatures of the proponents to the annexation must be secured.

Yours very truly,



Henry A. Glaves, Jr.
City Clerk

CITY COUNCIL
A. W. FULLER, Mayor
GEORGE M. MARSHALL
BOYD B. ASTONELLI
MRS. MABEL P. HONEY
W. J. PORTERSON

CITY OF LODI

CITY HALL

LODI, CALIFORNIA

H. D. WELLER
City Manager
HENRY A. GLAVES
City Clerk

pd
8-9-54
check # 8 *100.80*

Jan 13, 1954

Property Owner
305 S. Sunset
Lodi, California

Dear Sir:

In January, 1954, your property on Sunset Drive was annexed to the City of Lodi as a result of a special election. As you are probably aware, the City Council approved the circulation of the petition requesting said election on the condition that the property owners within the territory would install curbs and gutters, bring the street up to the City's paving standards, and pay the standard charge of \$175.00 per acre for storm drainage. At the same time the City Council agreed that the City of Lodi would bear the expense for acquiring the power facilities from the Pacific Gas and Electric Company and connect the water line to the Ham Lane line as a means of correcting a serious pressure problem.

The storm sewer and water line installation can be commenced at such time as arrangements can be made for the payment of the storm sewer charge by the property owners. Your charge for Lot 3, Culbertson Tract, is \$100.80 based on the standard fee of \$175.00 per acre charged subdivisions throughout the City. I might add that this average charge was derived from the costs of storm sewer installation experience by all subdividers over a period of five years. There is a strong possibility that the cost for the Sunset Drive installation will be above the average.

In the event that this method of payment is not satisfactory to all of the property owners, it would be necessary to finance the installation of the drainage facilities through the formation of a Special Assessment District upon the presentation of a petition signed by

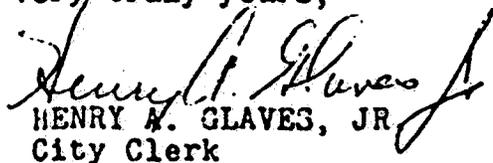
33.80
100.80

a majority of the property owners on the street. This is the same method being used at the present time for the installation of street lights in the City. There is no question but that this method would add substantially to the cost to the property owner inasmuch as the expenses for legal fees, advertising, etc., must be borne by the district.

I am enclosing a self-addressed postcard for your convenience in indicating your preference for payment. The City Engineer will be ready to start construction the early part of July, or as soon thereafter as we have an indication of the wishes of the property owners.

It is our desire to be of as much help as possible in this matter, and we will be happy to furnish further information if desired.

Very truly yours,


HENRY A. GLAVES, JR.
City Clerk

CITY COUNCIL

B. W. FULLER, Mayor
GEORGE M. HUGHES
BOYD B. MITCHELL
MRS. MABEL R. PICHAY
W. J. ROBINSON

CITY OF LODI

CITY HALL

LODI, CALIFORNIA

H. D. WELLER
City Manager

HENRY A. GLAVES
City Clerk

August 5, 1954

Earl & V. Johnson
305 South Sunset Drive
Lodi, California

Dear Property Owner:

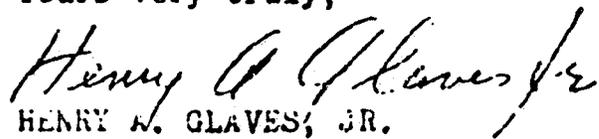
At a recent meeting at the residence of H. B. Rencher attended by a substantial number of the property owners on South Sunset Drive, I discussed the various methods of accomplishing the improvement of the street in the block south of Lodi Avenue. As many of you will recall, we discussed the possibility of the formation of a Special Assessment District as a means of financing the improvement and an alternate method calling for the payment in advance to the City of Lodi of an amount sufficient to cover the grading and paving.

Those property owners in attendance indicated a preference for the alternate method, and asked that I secure the costs from the City Engineer.

The City Engineer has informed me that the cost will be \$1.00 a front foot. For the owners of Lots 3 through 28 the total cost will be \$70.00, and \$79.00 for the owners of Lots 1 and 2. The actual construction of the street can begin as soon as the curb and gutter installations are complete or as soon thereafter as the Finance Director receives the above payment. In those instances where immediate payment is not possible, I will be glad to discuss the matter individually.

As agreed at the above meeting, the City will grade and oil the street at this time. At a later date when the street cuts have settled sufficiently, possibly one or two years, the City crews will apply a plant mix surface giving the street a permanent surface.

Yours very truly,


HENRY A. GLAVES, JR.
City Clerk

HAG/bg

COUNCIL MINUTES OF OCTOBER 23, 1968

COUNCIL STUDY SUBJECTS

Mayor Hunnell stated that several weeks ago he had requested members of the Council to present him with suggested subjects for discussion. Of those subjects suggested to him, he recommended the following six for study by the Council beginning January, 1969:

1. Capital Outlay Program
2. Electrical system review
3. Water system review
4. Training program for all departments
5. Sidewalk improvement program
6. Low-rent housing

COUNCIL MINUTES OF MARCH 19, 1969

SIDEWALK REPORT

Mr. Peterson explained that some time ago the Council had requested the staff to prepare a report on sidewalk deficiencies throughout the City. He presented a report prepared by the Public Works Director entitled, "Procedural Program for Installation of Sidewalks." The report outlined the procedure that would be followed to complete the sidewalk installation program. Mayor Hunnell requested the matter be continued to the meeting of April 16 so that the Council might have time to study the report. The Council agreed and the discussion of the report was continued to the meeting of April 16.

COUNCIL MINUTES OF APRIL 16, 1969

SIDEWALK SURVEY REPORT

Assistant City Manager presented the sidewalk survey report as prepared by the Public Works Department for discussion. Councilman Culbertson moved the matter be continued to the meeting of May 7, so that the Council might have further time to study the report. The motion was seconded by Mayor Kirsten. Under the question; Councilman Hunnell suggested the matter be discussed at a special meeting on May 14. Councilman Culbertson then withdrew his motion and Mayor Kirsten his second. Councilman Culbertson moved the discussion of the sidewalk survey report be continued to a special meeting on May 14, 1969. The motion was seconded by Mayor Kirsten and carried by unanimous vote.

COUNCIL MINUTES OF MAY 14, 1969

PROCEDURAL PROGRAM FOR SIDEWALK INSTALLATION

Mayor Kirsten asked the City Manager to explain the "Procedural Program for Installation of Sidewalks" as outlined in the Director of Public Works' memorandum of March 19, 1969. City Manager Graves gave a brief history of the sidewalk program. He explained that sometime ago the City Council requested a sidewalk study be made and, as a result, the Public Works Department had recently prepared the report. He stated that the report revealed that there are approximately 800 parcels within the City without sidewalks. He presented a map which divided the City into 17 areas. Each area contained 35 to 40 parcels which did not have sidewalk. He explained that the method for accomplishing the sidewalk program is provided for in the Streets and Highways Code and is outlined in the Public Works Director's report. He further explained that all subdividers are presently required to install sidewalks in new subdivisions. He stated that the City staff often received complaints concerning lack of sidewalks in certain areas of the City and he felt it was imperative that all citizens be given impartial treatment with regard to sidewalk installation.

Mayor Kirsten then explained that the two major reasons for considering a mandatory sidewalk installation policy are pedestrian safety and public convenience.

The following persons spoke, objecting to the proposed sidewalk installation program:

Michael A. Lima, 721 South Sacramento Street
Jack Navone, 1840 West Lodi Avenue
Larry Mallory, 2216 Cabrillo Circle
Eileen Tiede, 35 Bella Vista Drive
Cecil Mumbert, 424 South Main Street
Kenneth Towle, 1740 Normandy Court
Dorothy Dollinger, 2388 Cabrillo Circle
Anne Meyers, 2356 Cabrillo Circle
Wilbur Laners, 102 Sycamore Street
Tom Wright, 2232 Cabrillo Circle
Ernie Smith, 301 Del Mont Street
W. A. Feerer, 708 South Rose Street

COUNCIL MINUTES OF MAY 14, 1969 - continued

Letters signed by G. J. and M. June Richardson and Mr. and Mrs. Lloyd Perrin objecting to installation of sidewalks in Kristmont Acres were presented to the Council. A petition signed by 44 residents of Kristmont Acres objecting to installation of sidewalks on their properties was also received.

Speaking in favor of the sidewalk program was Gerald Doud, 1021 Woodrow Street.

After discussion by the Council, Mayor Kirsten questioned Director of Public Works Shelley Jones concerning the City's sidewalk maintenance program.

City Manager Graves pointed out there were some problem areas with regard to sidewalk installation in the City. Councilman Brown agreed with the City Manager stating there were many problem areas. Councilman Culbertson suggested the staff submit a list of these problem areas to the Council for study. After further discussion, Councilman Hunnell moved that no action be taken at this time on the "Procedural Program for Installation of Sidewalks" and that the discussion be continued to an adjourned meeting on May 28, 1969. The motion was seconded by Councilman Schaffer and carried by unanimous vote. The staff will submit a report of the problem areas to the Council.

COUNCIL MINUTES OF MAY 28, 1969

PROCEDURAL PROGRAM FOR SIDEWALK INSTALLATION

The discussion of the proposed sidewalk program having been continued from the meeting of May 14, 1969, the City Manager introduced the matter and gave a brief history of the sidewalk program. He also presented the map which divided the City into areas and explained that each area contained 35 to 40 parcels which did not have sidewalk.

Mayor Kirsten then explained the purpose of the meeting was to determine the wishes of the citizens concerning the proposed sidewalk program. He invited all of those persons wishing to speak on the matter to do so.

Those speaking in opposition to the proposed sidewalk installation program were as follows:

COUNCIL MINUTES OF MAY 28, 1969 - continued

Leonard Cain, 2316 Cabrillo Circle
Larry Meyers, 2356 Cabrillo Circle
Attorney Gene Walton, 318 West Pine Street,
(representing certain residents of Kristmont Acres,
Units 1 & 2)
Cecil Mumbert, 20 South Crescent Avenue
Larry Schalo, 305 Bella Vista Drive
Larry Mallory, 2216 Cabrillo Circle
Robert Mertz, 320 Kirstmont Street
Helen Rencher, 338 South Sunset Drive
James Rinaudo, 310 Kristmont Street
Jack Carter, 620 Turner Road
Lloyd Perrin, 2370 Cabrillo Circle
Lloyd Berendt, 501 East Maple Street
Dr. James Sweeney, 2361 Cabrillo Circle
Thomas Sibley, 2250 Cabrillo Circle
Robert Riggle, 712 Cross Street
Marvin Hansen, 840 South Garfield Street
Norman Russell, 342 Bella Vista Drive
Maurice O. Ray, Jr., 1201 Edgewood Drive
Mr. and Mrs. Manuel Silva, 330 Kirstmont Street

A letter objecting to sidewalk installation in Kirstmont Acres, Units 1 and 2 was noted from Mr. Richard Bunnell, 341 Kirstmont Street.

The City Manager presented a letter from Mr. and Mrs. Andrew Rothgarn, 834 South Stockton Street, supporting the sidewalk installation program.

There being no others in the audience wishing to speak on the matter, the public portion of the hearing was closed. Most persons speaking in opposition to the proposed program were from Kristmont Acres, Units 1 and 2, and it was their general feeling that there was no need for sidewalks in that area. They stated they were of the opinion when they purchased their homes in Kirstmont Acres that sidewalks would never be required. They had installed landscaping and sprinklers in the public rights of way and felt it would be an imposition and expense to remove or relocate these improvements. Councilman Hunnell questioned if residents in Kirstmont Acres had been assured by the Council at the time the subdivision was developed that sidewalks would not be required. City Manager Graves explained that the matter of installation of sidewalks in Kirstmont Acres Units 1 and 2 had not been discussed by the City Council since the City did not adopt an ordinance requiring sidewalks in new subdivisions until after the subdivision was approved.

COUNCIL MINUTES OF MAY 28, 1969 - continued

After much discussion of the proposed sidewalk installation program by the Council, Councilman Culbertson proposed that the City Council declare its desire to have sidewalks installed in all areas of the City where sidewalks do not now exist within a period of five years allowing the following:

1. Voluntary installation by property owners.
2. Time to relocate and rebuild landscaping.
3. Time-payment arrangement with City with a suggested 2% interest rate.
4. City install sidewalks on City-owned property within period of five years.
5. Allow appeals by property owners and/or City staff.

After discussion of Councilman Culbertson's proposal, Councilman Hunnell moved action on the sidewalk program be deferred until the meeting of June 4, 1969 and the City Attorney and City staff be directed to incorporate the above proposal in a resolution for Council consideration. The motion was seconded by Councilman Brown and carried by unanimous vote. After further discussion, the Council felt more time should be allowed so that the proposed resolution might be reviewed by the Council and published in the local newspaper prior to the Council meeting. The motion and second were then withdrawn. Councilman Culbertson then moved the matter be continued to the meeting of June 18, 1969 and the City Attorney and City staff be directed to incorporate the proposal in a resolution for Council approval at that meeting. The Council requested the proposed resolution be published in the Lodi News Sentinel prior to the Council meeting on June 18. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

Attorney Robert Mertz requested the Council to give the residents of Kirtmont Acres who were in the audience some indication of its feelings concerning sidewalk installation in that area. It was the consensus of the Council that it did not wish to set a policy for any area in the City regarding sidewalk installation at this time.

COUNCIL MINUTES OF JUNE 4, 1969

SIDEWALK RESOLUTION

Councilman Culbertson questioned if it was appropriate to discuss the sidewalk resolution which had been sent to each of the Councilmen by the City Attorney.

Assistant City Attorney Sullivan recommended the Council should not discuss the resolution at this meeting but rather discuss it at the meeting of June 18, 1969 at which time the matter has been set for ^{discussion} ~~public hearing~~. The Council agreed.

COUNCIL MINUTES OF JUNE 18, 1969

SIDEWALK IMPROVEMENT POLICY

City Manager Graves presented for discussion the proposed resolution designed to accomplish sidewalk installation throughout the City within a period of ten years. A copy of the resolution had been sent to each of the Councilmen and published in the Lodi News Sentinel prior to the meeting. The Council reviewed the proposed resolution and suggested the following changes to it:

- (1) The program will be voluntary for the first five years;
- (2) the City will provide necessary financing in accordance with the Streets and Highways Code, Section 5895, to only those residents who can demonstrate a financial hardship;
- (3) the interest rate is to be 2% per annum for the first three years of the program; and
- (4) provision be made for application of Streets and Highways Code, Section 5870 et seq., in those situations where public health, safety and/or convenience require installation of said improvement.

Mrs. Manuel Silva, 330 Kristmont Street and Mrs. Roberta Neushaffer, 13669 North Cherokee Lane, then spoke on the sidewalk proposal.

After further discussion by the Council, Councilman Culbertson moved the staff redraft the proposed resolution to include the above suggested changes and the matter be continued to the meeting of July 2. The motion was seconded by Councilman Hunnell and carried with Councilman Brown voting no.

COUNCIL MINUTES OF JULY 2, 1969

SIDEWALK IMPROVEMENT POLICY - RES. NO. 3278

At its meeting of June 18 the City Council requested the staff to redraft the proposed resolution concerning sidewalk installation to include certain changes and continue the matter to this meeting. The City Manager presented the resolution which had been redrafted as requested. He suggested the word "present" should be removed from both the first and second paragraphs. The Council agreed. On motion of Councilman Schaffer, Culbertson second, the Council then adopted the following resolution:

RESOLUTION NO. 3278

A RESOLUTION EXPRESSING THE CITY OF LODI'S INTENT TO ACCOMPLISH SIDEWALK INSTALLATION IN ALL THOSE AREAS OF THE CITY WHERE SIDEWALKS ARE NOT NOW INSTALLED.

WHEREAS, the City Council of the City of Lodi is desirous of having sidewalks installed in all those areas of the City where sidewalks do not now exist; and

WHEREAS, it is the hope of the City Council of the City of Lodi to realize this program within a period of ten years; and

WHEREAS, the first five years of the program shall be on a voluntary basis and thereafter the provisions of Streets and Highways Code Section 5870 et seq. shall be applicable; and

WHEREAS, the establishment of this time period will provide property owners a comfortable period to:

1. voluntarily install sidewalks where none now exist;
2. relocate and rebuild landscaping which may have to be moved;
3. accomplish said improvements without the pressure of time; and

WHEREAS, the City of Lodi, in its desire to achieve this end, will:

1. install sidewalks on all City-owned property within a period of five years;

COUNCIL MINUTES OF JULY 2, 1969 - continued

2. for those citizens who wish to voluntarily install sidewalks and can demonstrate a financial hardship, provide the necessary financing in accordance with Streets and Highways Code Section 5895 with the interest rate to be 2% per annum for those persons who install sidewalks within the first three years after adoption of this resolution and the annual installments of principal and interest not to exceed ten (10).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby express its intent to implement a sidewalk installation program in the City of Lodi in accordance with the preambles set forth hereinabove and respectfully request the cooperation and assistance of all concerned.

BE IT FURTHER RESOLVED that by this resolution the City Council of the City of Lodi is in no way abdicating the power given to it under Streets and Highways Code, Section 5870 et seq. to require the installation of sidewalks, curbs and/or gutters in those situations and places where, in the opinion of the City Council, the public health, safety and/or convenience require the installation of said improvement.

PASSED AND ADOPTED this 2nd day of July, 1969 by the following vote:

AYES Councilmen - Culbertson, Schaffer and Kirsten

NOES: Councilmen - Brown

ABSENT: Councilmen - Hunnell

RESOLUTION NO. 3278

A RESOLUTION EXPRESSING THE CITY OF LODI'S INTENT TO ACCOMPLISH SIDEWALK INSTALLATION IN ALL THOSE AREAS OF THE CITY WHERE SIDEWALKS ARE NOT NOW INSTALLED.

WHEREAS, the City Council of the City of Lodi is desirous of having sidewalks installed in all those areas of the City where sidewalks do not now exist; and

WHEREAS, it is the hope of the City Council of the City of Lodi to realize this program within a period of ten years; and

WHEREAS, the first five years of the program shall be on a voluntary basis and thereafter the provisions of Streets and Highways Code Section 5870 et seq. shall be applicable; and

WHEREAS, the establishment of this time period will provide property owners a comfortable period to:

1. voluntarily install sidewalks where none now exist;
2. relocate and rebuild landscaping which may have to be moved;
3. accomplish said improvements without the pressure of time; and

WHEREAS, the City of Lodi, in its desire to achieve this end, will:

1. install sidewalks on all City-owned property within a period of five years;
2. for those citizens who wish to voluntarily install sidewalks and can demonstrate a financial hardship, provide the necessary financing in accordance with Streets and Highways Code Section 5895 with the interest rate to be 2% per annum for those persons who install sidewalks within the first three years after adoption of this resolution and the annual installments of principal and interest not to exceed ten (10).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby express its intent to implement a sidewalk installation program in the City of Lodi in accordance with the preambles set forth hereinabove and respectfully request the cooperation and assistance of all concerned.

BE IT FURTHER RESOLVED that by this resolution the City Council of the City of Lodi is in no way abdicating the power given to it under Streets and Highways Code, Section 5870 et seq. to require the installation of sidewalks, curbs and/or gutters in those situations and places where, in the opinion of the City Council, the public health, safety and/or convenience require the installation of said improvement.

Dated: July 2, 1969

I hereby certify that Resolution No. 3278 was passed and adopted by the City Council of the City of Lodi in regular meeting held July 2, 1969 by the following vote:

Ayes: Councilmen - Culbertson, Schaffer and Kirsten
Noes: Councilmen - Brown
Absent: Councilmen - Hunnell


City Clerk

MEMORANDUM

TO: City Manager
FROM: Director of Public Works
DATE: March 19, 1960
SUBJECT: Procedural Program for Installation of Sidewalks

The City Council has requested a program for installing sidewalks where none now exist. The legal authority for this program is found in Chapter 27 of the Streets and Highways Code or, more specifically, Section 5870 through 5895.1.

Section 5875 - Duty to Construct - "Owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs for a total frontage of more than 50% on one side of such street or place in any block, . . . shall have the duty of constructing or causing the construction of sidewalks and curbs in front of their properties upon notice to do so by the superintendent of streets."

Chapter 27 of the California Streets and Highways Code, entitled, "Construction of Sidewalks and Curbs," is included as an appendix to this report.

There are approximately 800 parcels without sidewalk in the City. A map showing these will be presented at the Council meeting. Exhibit A, a map of the City, is included. It divides the City into 17 different areas. Each area encloses about 35 to 40 parcels which do not have sidewalk. This is a reasonable number to work with at any one time.

The procedure can extend as long as six months if all steps are necessary. Three or four of these areas can be processed in a year. This would complete the program in approximately 4 or 5 years.

Exhibit A shows the 17 areas numbered from left to right and from top to bottom. The program can start on this listing unless the City Council feels another schedule is more desirable. The City has a responsibility in the areas 1, 3, 7 and 16, at Lodi Lake, the Stadium, Emerson Park, and Blakely Park.

The procedure that would be followed in accomplishing this program is set forth in Exhibit B. There are 17 steps, starting with a letter of explanation to the property owners. It ends with filing of a lien with the County Auditor if that is necessary.

It is expected that as the first step the City Council will decide upon which of the 17 areas they wish to start. After these initial decisions it is estimated there will be a 2-week period to determine ownerships, parcel descriptions, addresses, footage of sidewalk to be installed, and to

March 19, 1969

prepare the letters and other papers to be sent to the owners. The mailing of the Letter of Explanation (Step 1) and the curb, gutter and sidewalk details and specifications will, for all practical purposes, constitute the beginning of the procedure. After mailing these letters, the property owner will be given two to three weeks to begin work on his own accord.

After the mailing of the Letter and details to the owner the Report to City Council--Properties Requiring Sidewalk (Step 2) and the Resolution Instructing the Superintendent of Streets to give Notice to Construct (Step 3) in anticipation that at least some of the owners will not start installation on their own accord.

At the first Council meeting following the sending of the Letter and details to the owner, it can be expected that the Council will pass the above Resolution. After the Resolution has passed and the Superintendent of Streets has been notified by the City Clerk of such action, a legal package consisting of the Details, List of Properties, Resolution of Instructions, Legal Notice to Construct (Step 6) and Card Notice to Construct will be prepared. These will be mailed (Card Notice will be posted) to those property owners who have not yet started sidewalk construction. The time lapse for this step will be two weeks after the Letter of Explanation has been sent to the property owner.

Approximately three weeks after the property has been posted (the Code specifies no sooner than 10 days after giving notice) the Council will hear and pass upon objections or protests, if any, which may be raised by any property owner. If the objections of the property owner are overruled by the Council, the owner will then have 60 days from the posting date to begin construction.

If, after this time, work has still not begun it becomes the obligation of the Superintendent of Streets to cause the construction to be done.

This will be done by requesting bids from three cement contractors by sending them the Specifications and the Bid Form (Step 11). Approximately two weeks after this the contract will be awarded to the low bidder and he will have 30 days from the award date to complete the work.

Following the completion of the work the Superintendent of Streets must mail a Report of the Cost (Step 14) and Notice of Cost of Construction (Step 15) and post the Cost of Construction and Notice of Hearing with the owner. At the same time a copy of the Report of Cost must be filed with the Council. No sooner than 10 days after giving this notice, the Council will hear and pass upon the Report of the Superintendent of Streets of the cost of the construction, along with objections or protests, if any, which may be raised by property owners assessed for the cost of construction.

At the same Council meeting, if the protests are overruled, the Council will pass the Resolution Confirming Assessment Against Real Estate (Step 16). If the bill for the work is not paid within 5 days after

March 19, 1969

confirmation of the assessment the same will constitute a special assessment and is a lien on the property which will continue until the assessment and all interest is paid.

The Council also has the power, in its discretion, to determine that the payment of assessments of \$50 or more may be made in annual installments, in any event not to exceed 10, and that the payment shall bear interest on the unpaid balance at a rate not to exceed 6% per annum. Any such determinations may be expressed by Resolution of the Council at any time prior to the confirmation of the assessment. This would be the Resolution Allowing for Installment Plan Payments (Step 4).

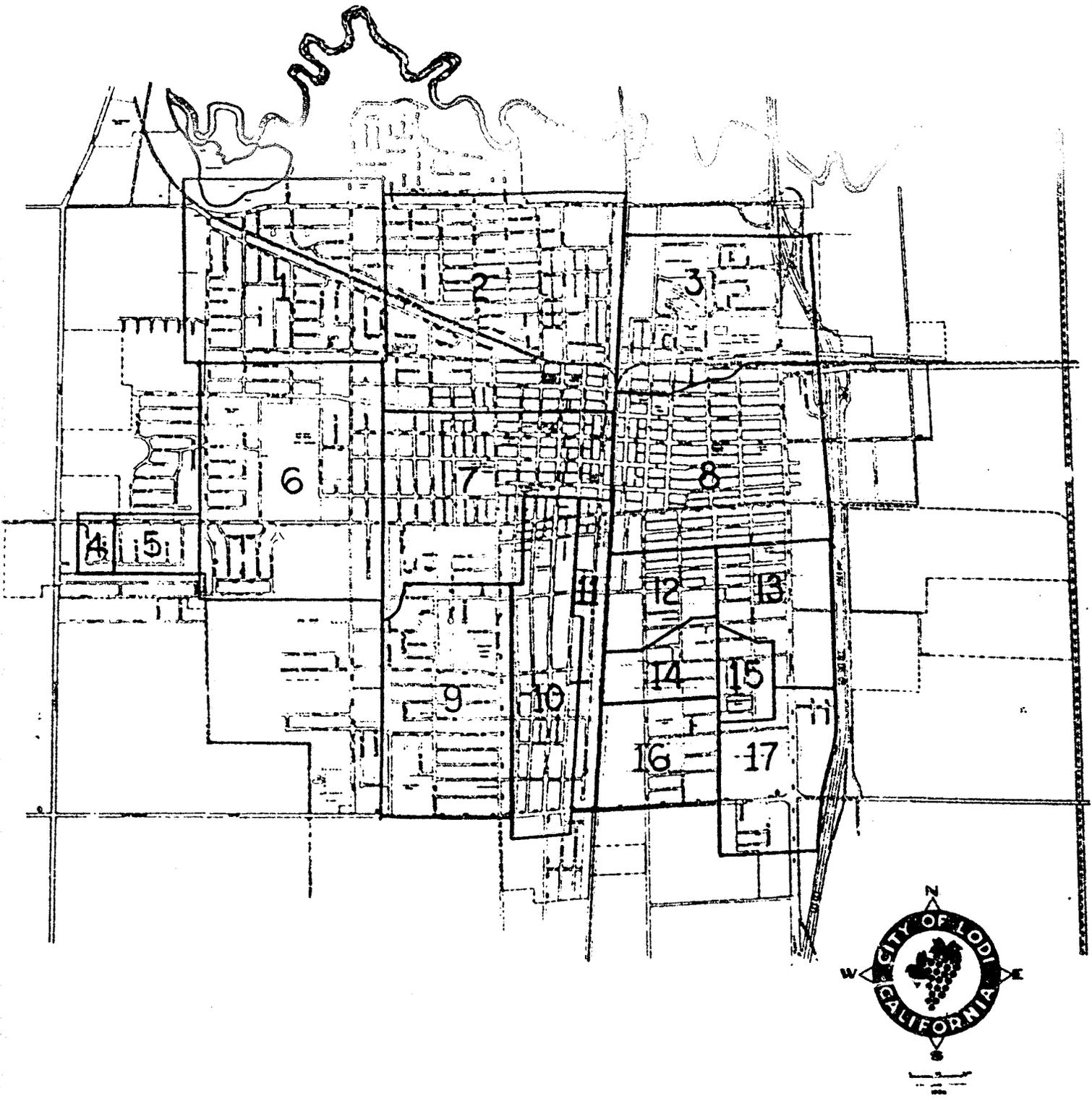
The final step is the filing of the Notice of Lien (Step 17) with the County Auditor. The construction costs are then collected with other taxes against the property. The complete procedure, from the mailing of the Letter to the filing of the Lien with the County Auditor, may take as long as six months.



Shelley F. Jones
Director of Public Works

SFJ:cc

Attach.



PROPOSED SIDEWALK AREAS
EXHIBIT A

PROCEDURAL CHECKLIST

<u>Step</u>	<u>Elapsed Days</u>	<u>Schedule</u>	<u>Procedure</u>
1.	1		Letter of Explanation & S.W. & C.& G. Detail Report of Supt. of Sts. To Owner
2.	1	Friday before 1st Council Meeting	List of Property Owners & Direction to Supt. of Sts. To City Council
3.	13	1st Council Meeting	Action on Above By City Council
4.	13	1st Council Meeting	Pass Res. allowing installment Payments City Council
5.	18	Following Monday	Notification to Supt. of Sts. to Give Notice to Constr. By City Clerk
6.	22		Prepare Details, List of Prop. Res. of Instr., Legal & Card Notice to Constr. P. W. Dept.
7.	22	Following Friday	Mail & Post Above To Owner
8.	41	3rd Council Meeting	Hearing of Protests By City Council
9.	83	60 Days from Posting Date	Deadline for Beginning Work By Owner
10.	99		Preparation of Details, List of Prop. & Bid Forms P. W. Dept.
11.	99	Friday after Deadline Date	Mail Above To Contractors
12.	113	2 Weeks after Mailing	Award Contract By P. W. Dept.
13.	143	30 Days from Award Date	Completion of Work By Contractor
14.	144	Following Work Day	File Copy of Report of Cost To City Council
15.	144		Mail Report of Cost & Post Notice of Cost To Owner
16.	152	2nd Council Meeting After Posting	Hearing of Protests of Costs & Passing of Res. Confirming Assess. By City Council
17.	162	Following Friday	Filing of Lien with County Auditor on each parcel. By City Clerk

CITY COUNCIL

ROBERT F. HUNNELL, Mayor
JAMES F. CULBERTSON, Vice Mayor
JERALD KIRSTEN
FRED M. BROWN
BEN SCHAFER

CITY OF LODI

CITY HALL

LODI, CALIFORNIA 95240

HENRY A. GLAVES, Jr.
City Manager

MISS BESSIE BENNETT
City Clerk

ROBERT H. MULLEN
City Attorney

.
. .
. . .

Dear

Our records show that you are the owner of the property located at

_____.

The City Council has recently instructed us to proceed on a City-wide program of sidewalk construction. This will include those properties within the City where sidewalk does not now exist. In accordance with their instructions and with provisions set forth in the Streets and Highways Code of the State of California, you are requested to construct sidewalk in front of your property at the above address.

The Streets and Highways Code places on each property owner the responsibility of installing curb, gutter and sidewalk in blocks where more than 50% of the curb, gutter, and sidewalk is in. The absence of sidewalk in front of your property presents a nuisance to pedestrian traffic. As important as this, however, is the fact that this installation will improve the value of your property, enhance the appearance of the neighborhood and bring your property up to the standard of the other properties that already have these improvements.

The enclosed drawing shows the details for making the necessary installations. It is suggested that a licensed contractor be engaged to do the work. There are several listed under "Concrete Contractors" in the yellow pages of the telephone directory.

In two to three weeks you will receive a formal notice informing you to have the required work done. You will then have 60 days to complete the work. An encroachment permit is needed before starting this work. The permit is available in the Public Works office at the City Hall. There is no fee for this permit.

You are invited to call City Hall at 368-0541 and contact either me or Marvin Davis with any questions you may have.

Yours very truly,

Shelley F. Jones
Director of Public Works



STEP 1

RESOLUTION NO. ____

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS
TO PROCEED TO GIVE NOTICE OF SIDEWALK CONSTRUCTION

WHEREAS, the Superintendent of Streets has presented the City Council a list of properties in blocks in which more than fifty (50) per cent of the frontage is improved with sidewalks, curb, gutter and/or pavement construction and requesting instructions of this Council to direct him to proceed to give all proper notices to cause all of said properties in said blocks not having sidewalks to cause said work to be done; and

WHEREAS, it is the desire of this Council to give such instruction;

NOW THEREFORE, BE IT RESOLVED that the Superintendent of Streets of the City of Lodi is hereby instructed to proceed to give to the owners of all of said properties not so having sidewalk the notice prescribed by Section 5876, et seq., of the Streets and Highways Code of the State of California.

Dated:

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held _____, ____, by the following vote:

Ayes:

Noes:

Absent:

Bessie L. Bennett
City Clerk

RESOLUTION NO. _____

RESOLUTION PROVIDING FOR INSTALLMENT PLAN
PAYMENT OF SIDEWALK CONSTRUCTION ASSESSMENT

WHEREAS, the Superintendent of Streets has heretofore filed
with this City Council for confirmation his report dated _____,
_____, of the cost of sidewalk construction; and

WHEREAS, this Council desires to determine by this Resolution
that after the confirmation of said report and the confirmation of said
assessment that payment of said assessment amounting to \$50.00 or more may
be paid to the City in ten equal installments, and that the payment of said
assessment so deferred shall bear interest upon the unpaid balance at the
rate of 6% per annum, which said interest shall commence to run on the
31st day after the confirmation of said assessment by this Council.

Dated:

I hereby certify that the foregoing Resolution was passed and
adopted by the City Council of the City of Lodi in regular
meeting held _____, _____, by the following vote:

Ayes:

Noes:

Absent:

Bessie L. Bennett
City Clerk

STEP 4

NOTICE TO CONSTRUCT

Pursuant to instructions of the City Council of the City of Lodi given by Resolution No. _____, adopted on _____, you are notified and ordered to cause to be constructed sidewalks in front of your property hereinafter described.

You are further notified that the City Council of the City of Lodi will meet at the Council Chambers of said City Council in the City Hall at 221 West Pine Street, Lodi, California at 8:00 p.m. on Wednesday, the _____ day of _____, to hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested person.

The work herein required to be done shall be done in full accord with the specifications therefor, which are attached hereto and made a part of this notice.

You are further notified that if the construction is not commenced within sixty (60) days after receipt of this notice and diligently and without interruption prosecuted to completion, the Superintendent of Streets of the City of Lodi shall cause such construction to be done and the cost of the same shall be a lien on the property.

The property affected by this notice is described as follows:

Shelley F. Jones
Superintendent of Streets
City of Lodi

Dated: _____

REQUEST FOR INFORMAL BIDS

SIDEWALK CONSTRUCTION

Informal sealed bids will be received at the Public Works Department Office, City Hall, 221 West Pine Street, Lodi, California, until 11:00 a.m., on Tuesday, _____, _____, at which time the bids will be opened, for the construction of sidewalk at locations listed in the proposal in full compliance with the Special Provisions for sidewalk construction, the Standard Specifications of the City of Lodi, and Standard Plans 112 or 121.

PROPOSAL

The undersigned declares that he has carefully examined the above described work and he has inspected the site and that he is aware of the extent of the work. He proposes to furnish all labor, materials and equipment to complete the work in conformance with the standards of the City of Lodi, California, for the following amount:

1. _____ Lump Sum \$ _____
 Address
2. _____ Lump Sum \$ _____
 Address
3. _____ Lump Sum \$ _____
 Address
4. _____ Lump Sum \$ _____
 Address
5. _____ Lump Sum \$ _____
 Address

Submitted by:

Address: _____

Bidder

Telephone: _____

By: _____
Name

REPORT OF COSTS

INSTALLATION OF CURB, GUTTERS, SIDEWALKS, AND/OR PAVEMENT

CITY OF LODI
SAN JOAQUIN COUNTY
CALIFORNIA

TO: CITY CLERK

Pursuant to the requirements of Chapter 27 of the Streets and Highways Code of the State of California, I hereby certify that the following costs were incurred by the City of Lodi to install curb, gutter, sidewalk, and/or pavement at the following properties:

<u>Owner</u>	<u>Address</u>	<u>Assessor's Parcel</u>	<u>Cost</u>
--------------	----------------	--------------------------	-------------

TOTAL

\$ _____

Shelley F. Jones
Superintendent of Streets
City of Lodi

Filed this ____ day of _____,
_____, in the Office of the City Clerk
of Lodi, California

Bessie L. Bennett
City Clerk

NOTICE OF COST OF CONSTRUCTION

Lodi, California

YOU ARE HEREBY NOTIFIED that I have caused the construction of sidewalks to be completed in front of your property at the above address and have filed my report of the cost of said work with the City Council of the City of Lodi by filing the same in the office of the City Clerk of said City;

YOU ARE FURTHER NOTIFIED that the City Council of the City of Lodi will meet at the Council Chambers of said City Council in the City Hall at 221 West Pine Street, Lodi, California, at 8:00 p.m., on Wednesday, _____, 19___, to hear and pass upon said report, together with any objections or protests thereto, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons.

Dated: _____

Shelley F. Jones
Superintendent of Streets
City of Lodi

NOTICE OF COST OF CONSTRUCTION

Lodi, California

YOU ARE HEREBY NOTIFIED that I have caused the construction of sidewalks to be completed in front of your property at the above address and have filed my report of the cost of said work with the City Council of the City of Lodi by filing the same in the office of the City Clerk of said City;

YOU ARE FURTHER NOTIFIED that the City Council of the City of Lodi will meet at the Council Chambers of said City Council in the City Hall at 221 West Pine Street, Lodi, California, at 8:00 p.m., on Wednesday, _____, _____, to hear and pass upon said report, together with any objections or protests thereto, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons.

Dated: _____

Shelley F. Jones
Superintendent of Streets
City of Lodi

RESOLUTION NO. _____

RESOLUTION CONFIRMING REPORT OF SUPERINTENDENT OF
STREETS AND CONFIRMING ASSESSMENT AGAINST REAL
PROPERTY

WHEREAS, the Superintendent of Streets of the City of Lodi has heretofore filed with this Council his report on the cost of construction of sidewalks, curbs, gutters, and/or pavement construction for each parcel of real property described as follows:

Address

Parcel

.
.
.

AND WHEREAS, this Council has, pursuant to notice given as required by law, duly and regularly met at the time and place specified in said notice, and did hear and did overrule all protests or objections to said report of the Superintendent of Streets, and now desires to confirm said report of the Superintendent of Streets;

NOW THEREFORE, BE IT RESOLVED that all protests and objections to the report of the Superintendent of Streets, dated _____, 19____, be and the same are hereby overruled; and

BE IT FURTHER RESOLVED that said report of the Superintendent of Streets, dated _____, 19____, be and the same is approved and confirmed; and

BE IT FURTHER RESOLVED that the dollar amount set after the parcel of real property listed in said report, if not paid in full to the City within five (5) days, shall be and it is hereby levied as a lien on said real property and that the amount of said lien shall bear interest at the rate of 6% per annum, commencing on the 31st day after the date of the adoption of this Resolution.

Dated:

I hereby certify that the foregoing resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held _____, 19____, by the following vote:

Ayes:

Noes:

Absent:

Bessie L. Bennett
City Clerk

NOTICE OF LIEN

Pursuant to the authority vested in me by the Improvement Act of 1911, I did on the _____ day of _____, 19____, cause the sidewalk to be constructed and that the City Council of the City of Lodi did, on the _____ day of _____, 19____, by Resolution NO. _____, assess the cost of such construction upon the real property hereinafter described, and the same has not been paid, nor any part thereof, and the said City of Lodi does hereby claim a lien on said real property in the sum of \$ _____, and the same shall be a lien upon said real property until said sum, with interest at the rate of _____% per annum from the said _____ day of _____, 19____, has been paid in full and discharged of record.

That the real property hereinbefore mentioned and upon which a lien is claimed is that certain piece or parcels of land lying and being in the City of Lodi, County of San Joaquin, State of California, and particularly described as follows, to-wit:

Dated: _____

Shelley F. Jones
Superintendent of Streets
City of Lodi

STREETS & HIGHWAYS CODE
STATE OF CALIFORNIA

CHAPTER 27. CONSTRUCTION OF SIDEWALKS AND CURBS

ARTICLE 1. GENERAL PROVISIONS

Sec.

5573. "Cost," "construction cost" defined [New].

§ 5370. "Block" and "driveway" defined

As used in this chapter, "block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street, except that "block" in the case of an alley means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street, and "driveway" means a paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles. Where a "block" exceeds 1,000 feet in length, a length of frontage of 1,000 feet constitutes a "block" as used in this chapter. A determination by the superintendent of streets of such a 1,000-foot block establishes a "block" and cannot later be changed to include a portion of said 1,000-foot "block" in another "block."

(As amended Stats.1961, c. 275, p. 1300, § 1; Stats.1963, c. 616, p. 1494, § 1; Stats. 1967, c. 438, p. 1631, § 1.)

§ 5371. Scope of chapter; definitions

This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and, the installation of storm and sanitary drainage facilities and parkway trees in front of properties in any block where a sidewalk, gutter, pavement, driveway, the installation of storm and sanitary sewer drainage facilities and parkway trees, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 60 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters," "driveways," "pavement" to the centerline of the street, "full pavement" in alleys, "storm and sanitary drainage facilities," "parkway trees," and "superintendent of streets" includes any other person or persons who may be designated by the legislative body to perform any of the duties of the superintendent of streets set forth in this chapter.

"Fronting" and "facing" as used in this chapter means "abutting" in the case of property adjoining an alley improvement. (As amended Stats.1959, c. 1060, p. 3129, § 1; Stats.1961, c. 275, p. 1300, § 2; Stats.1961, c. 1826, p. 3804, § 1; Stats.1963, c. 616, p. 1494, § 2; Stats.1963, c. 1837, p. 3785, § 1.)

§ 5372. Alternative procedure; inapplicability of special assessment investigation, limitation and majority protest act of 1931

This chapter constitutes a separate and alternative procedure for performing the work specified herein, and except as otherwise provided in this chapter, no other provision of this division, excepting definitions, shall apply to proceedings instituted hereunder. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to any proceedings taken under this chapter. (As amended Stats.1963, c. 416, p. 1231, § 34; Stats.1963, c. 1837, p. 3785, § 1.2.)

§ 5373. "Cost," "construction cost" defined

As used in this chapter, "cost," "construction cost," or variants thereof, means and includes both the actual cost of construction of the work and any incidental expenses, as defined in Section 6024. (Added Stats.1963, c. 416, p. 1231, § 33, as amended Stats.1963, c. 1837, p. 3786, § 1.4.)

Purpose of Stats.1963, c. 416, p. 1224, see note under repeal line for §§ 6016-6017.

ARTICLE 2. PERFORMING THE WORK

Sec.

3870.1 Bond Issue (New).

§ 5875. Duty to construct

The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part, shall have the duty of constructing or causing the construction of . . . sidewalks or curbs in front of . . . their properties upon notice so to do by the superintendent of streets. (As amended Stats.1941, c. 1833, p. 3123, § 2; Stats.1961, c. 1828, p. 3895, § 1.1; Stats. 1963, c. 1837, p. 3784, § 2.)

See Step 2

§ 5876. Notice to construct

When the superintendent of streets finds that sidewalks or curbs . . . have been constructed, or that their construction has been guaranteed to his satisfaction, in front of properties constituting more than fifty percent (50%) of the frontage in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the in-

Step 3
Resolution
Directing
Supt. of Sts.

stallation of such improvements in front of said part, said superintendent of streets may, and upon the instructions of the legislative body of the city shall, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no . . . sidewalks or curbs have been constructed therefore, to construct or cause to be constructed . . . sidewalks or curbs in front of his property. (As amended Stats.1959, c. 1069, p. 3129, § 3; Stats.1961, c. 1828, p. 3895, § 1.2; Stats.1963, c. 1837, p. 3784, § 3.)

§ 5877. Service of notice; personal; mail

Notice to construct may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the . . . sidewalks or curbs to be constructed or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk. (As amended Stats.1963, c. 1837, p. 3786, § 4.)

Step 7
Mailing of
Notice to
Construct

§ 5878. Contents of notice; posting

The postal card shall contain a notice to construct the . . . sidewalks or curbs as the case may be, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof, printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. (As amended Stats.1963, c. 1837, p. 3787, § 5.)

Step 7
Posting of
Notice to
Construct

§ 5878.1 Time and place of hearing; hearing; finality of decision

The notice also shall specify the day, hour and place when the legislative body will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested persons but in no case shall such hearing be sooner than 10 days after giving of notice. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon such objections or protests. The decision of the legislative body on all protests and objections which may be made, shall be final and conclusive. The hearing required by this section shall be in addition to the hearing required by Section 5881 of this chapter. (As amended Stats.1961, c. 1828, p. 3895, § 2.)

Step 7
Notice of
Hearing

§ 5893. Alternative method of collection; inclusion of claim in next regular tax bill; notice of lien; collection. As an alternative method of collection of the amount of the lien, the legislative body, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the accounting officer and the tax collector of the city, 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. If city taxes are collected by the county officials, 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. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization. (Added Stats.1945, c. 1339, p. 2511, § 1.)

✓ § 5894. Time and manner of collection; penalties; interest; foreclosure. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes. (Added Stats.1945, c. 1339, p. 2511, § 1.)

§ 5895. Payment of assessments; annual installments; interest

The legislative body shall have the power, in its discretion, to determine that the payment of such assessments of fifty dollars (\$50) or more may be made in annual installments, in any event not to exceed 10, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed . . . 7 percent per annum. Said interest shall begin to run on the 31st day after the confirmation of the assessments by the legislative body. All such determinations may be expressed by resolution of the legislative body at any time prior to the confirmation of the assessments.

(Added by Stats.1957, c. 250, p. 903, § 1. Amended by Stats.1968, c. 980, p. —, § 4, urgency, eff. Aug. 2, 1968.)

§ 5895.1 Bond issue; time for cash payment; rate of interest

If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321. The period for payment in cash stated therein shall be 30 days following the confirmation of the report. Upon completion of such cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5801, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed . . . 7 percent per annum. Thereafter the provisions of Part 5 of this division shall be applicable and payments on assessments at bond shall be made as therein provided. Such bonds may be issued and sold as the legislative body directs and may be dated at any time after the expiration of the cash payment period.

(Added by Stats.1967, c. 615, p. 1965, § 7. Amended by Stats.1968, c. 980, p. —, § 5, urgency, eff. Aug. 2, 1968.)

Step 4
Resolution
Allowing
Installment
Payments

§ 5879. Specification of work required; failure to comply with notice; waiver of compliance period

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the construction and shall further specify that if the construction is not commenced within 60 days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall cause the construction to be done, and the cost of the same shall be a lien on the property. However, upon petition by all of the affected property owners, the 60-day period may be waived and the superintendent of streets may immediately cause the construction to be done, and the cost of the same shall be a lien upon the property. (As amended Stats.1961, c. 1828, p. 3890, § 3.)

Step 7
Specification
of Work to
be done

§ 5879.1 Bond Issue

The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice shall also specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed 10 years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed * * * 7 percent a year, payable semiannually. (Added by Stats.1967, c. 615, p. 1964, § 5. Amended by Stats.1968, c. 980, p. —, § 3; urgency, eff. Aug. 2, 1968.)

§ 5880. Construction by street superintendent

If the construction is not commenced and prosecuted to completion with due diligence, as required by the notice or by the legislative body after the hearing required by Section 5878.1 of this chapter, the superintendent of streets shall forthwith construct the * * * sidewalks or curbs. (As amended Stats.1963, c. 1837, p. 3787, § 6.)

Step 10
Request for
Bids

§ 5881. Notice of cost; service; contents; time for hearing

Upon the completion of the construction, the superintendent of streets shall cause notice of the cost of the construction to be given in the manner specified in this article for the giving of notice to construct, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the construction, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons. In no case shall the hearing provided for in this section be sooner than 10 days after giving of notice. If bonds are to be issued, the notice shall also contain the information required by Section 5870.1.

Step 14
Mailing &
Posting of
Notice of
Cost to Owner

The cost of the construction may include a proportionate share, as determined by the legislative body, of the cost of improvements constructed in a place other than in front of a parcel of property which are required for the proper functioning of the improvements in front of the parcel.

(As amended Stats.1961, c. 1828, p. 3890, § 4; Stats.1963, c. 1837, p. 3787, § 7; Stats. 1967, c. 615, p. 1964, § 6.)

§ 5882. Report of cost. Upon the completion of the construction, the superintendent of streets shall prepare and file with the legislative body a report specifying the work which has been done, the cost of construction, a description of the real property in front of which the work has been done and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include work done in front of any number of parcels of property, whether contiguous to each other or not. (Added Stats.1945, c. 1339, p. 2510, § 1.)

Step 14
Filing of
Report of
Cost with
City Council

§ 5883. Hearing on report; confirmation; finality of decision. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for such construction and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive. (Added Stats.1945, c. 1339, p. 2510, § 1.)

Step 15
Hearing of
Protests by
City Council
on Costs of
Construction
Step 16
Resolution
Confirming Cost

§ 5890. Assessment of cost; lien

The cost of the construction may be assessed by the legislative body against the parcel of property fronting upon the * * * sidewalks or curbs so constructed, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof from the time of recordation of the notice of lien, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record. (As amended Stats. 1933, c. 1837, p. 3787, § 8.)

1963 Amendment. Substituted "sidewalks or curbs" for "sidewalk or curb."

§ 5891. Notice of lien; form; filing

The superintendent of streets may file in the office of the county recorder of the county in which the parcel of property is located, a certificate substantially in the following form, to wit:

Notice of Lien

Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the day of 19.. cause the sidewalk or curb to be constructed, and the legislative body of said city (county, or city and county) did, on the day of 19.., by Resolution No. assess the cost of such construction upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said city (county, or city and county), 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 (insert rate of interest as fixed by legislative body, not to exceed 6 percent) per annum, from the said day of 19.. (insert date of the thirty-first day after confirmation of assessment), has been paid in full and discharged of record.

Step 17
Notice of
Lien

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 (name of city, or city and county) the County of, State of, and particularly described as follows, to wit:

(Description of Property)

Dated this day of 19..

.....
Superintendent of Streets

(As amended Stats.1957, c. 250, p. 904, § 2.)

§ 5892. Effect of recording notice; consolidation of claims; statute of limitations; foreclosure of lien. From and after the date of the recording of the notice of lien, all persons shall be deemed to have had notice of the contents thereof. The notice of lien may include claims against one or more separate parcels of property, whether contiguous or not, together with the amount due, respectively, from each such parcel. The statute of limitation shall not run against the right of the city to enforce the payment of the lien. If any such lien is not paid the city may file and maintain an action to foreclose such lien in the same manner and under the same procedure, so far as applicable, as that under which delinquent bonds are foreclosed under this division. (Added Stats.1945, c. 1339, p. 2511, § 1.)

When a zone is formed for the purpose of the construction or installation of special facilities in addition to those provided generally by the district or to replace obsolete equipment, the board of supervisors or legislative body may provide at the time of formation for the automatic dissolution of the zone upon payment of all assessments attributable to the special facilities.

(Amended by Stats.1972, c. 852, p. 1511, § 5.)

CHAPTER 27. CONSTRUCTION OF SIDEWALKS AND CURBS

Article Section
4. Construction Outside of Jurisdiction [New] 5895.50

ARTICLE 1. GENERAL PROVISIONS

§ 5870. Block, street and driveway defined

As used in this chapter:

(a) "Block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street. "Street" does not include an alley or other right-of-way unless it is of the same width as a regular residential minimum-width street approved as part of a master plan of circulation or streets by the governmental agency involved. In the case of an alley, "block" means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street. In the case of street lighting, "block" means property facing the side of any street on which the improvement is to be constructed between the next intersecting streets on the side to be improved or between the terminus of a dedicated right-of-way of a street and a street intersecting the side to be improved; or property facing the side of any street on which the improvement is to be constructed between the next intersecting streets on the side to be improved or between the terminus of a dedicated right-of-way of a street and a street intersecting the side to be improved and the property facing the opposite side of the street.

Where a "block" exceeds 1,000 feet in length, a length of frontage of 1,000 feet constitutes a "block" as used in this chapter, if so designated by the superintendent of streets. A determination by the superintendent of streets of such a 1,000-foot block establishes a "block" and cannot later be changed to include a portion of said 1,000-foot "block" in another "block."

(b) "Driveway" means a paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

(Amended by Stats.1969, c. 273, p. 623, § 1; Stats.1971, c. 153, p. 204, § 1.)

§ 5871. Scope of chapter; definitions

This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and, the installation of storm and sanitary drainage facilities, water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service, parkway trees, and street lighting facilities in front of properties in any block where a sidewalk, gutter, pavement, driveway, the installation of storm and sanitary sewer drainage facilities, water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service, parkway trees, and street lighting facilities, or curb or all of them have been constructed theretofore in front of properties

Asterisks * * * indicate deletions by amendment

§ 5871

STREETS AND HIGHWAYS CODE

In said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 50 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters," "driveways," "pavement" to the centerline of the street, "full pavement" in alleys, "storm and sanitary drainage facilities," "water mains," "pipes," "conduits," "tunnels," "hydrants," and "other necessary works and appliances for providing water service," "parkway trees," and "street lighting facilities;" and "superintendent of streets" includes any other person or persons who may be designated by the legislative body to perform any of the duties of the superintendent of streets set forth in this chapter.

"Fronting" and "facing" as used in this chapter means "abutting" in the case of property adjoining an alley improvement.

In the case of street lighting, in determining how much of the front footage of a block has been improved, front footage of property benefiting from existing installations may be included regardless of the side of the street on which the installation has been constructed.

(Amended by Stats.1969, c. 184, p. 464, § 1; Stats.1971, c. 153, p. 204, § 2; Stats. 1975, c. 272, p. 683, § 1.)

Library references
Words and Phrases (Form.Ed.)

STREETS

Installation of such improvements by the city upon its own initiative in front of said part, and construction of the legislative body possession of the property from which no sidewalks or curbs are to be constructed sidewalk (Amended by Stats. 1970, c. 1031, p. 1031.)
Forms: See West's California Forms, Streets & Highways.

§ 5878.1 Time and place of hearing

The notice also shall specify the time and place at which the legislative body will hear and pass upon objection to the proposed improvements by the property owner or other interested person, and the hearing shall be held no sooner than 10 days after giving notice of the hearing. After the hearing, the legislative body shall determine whether to approve the proposed improvements.

If the public convenience and safety require it, the legislative body may, by a vote of four-fifths of its members, make any such improvements in front of property notwithstanding the fact that a petition has been filed with the legislative body for such improvements, the legislative body may, by an affirmative vote of a majority of its members, suspend the provisions of this section on all protests and objections.

The hearing required by this section shall be held in accordance with the provisions of Section 6981.

(Amended by Stats. 1970, c. 1031, p. 1031.)

ARTICLE 3. COLLECTED

for dedications and improvements on land. (Amended by Stats. 1971, c. 484, p. 1031.)

§§ 176, 178.

CONSTRUCTION

Superintendent of streets and improvements; construction of fund. (Amended by Stats. 1971, c. 484, p. 1031.)
Article 4 added
Sections 277, 1059
Superintendent of streets and improvements, which provisions shall be deleted pursuant to the provisions of this section.

Library References

Municipal Corporations § 260(4).

C.J.S. Municipal Corporations § 101S.

Notes of Decisions

Construction and application
The procedure of this chapter is available only for the construction of new

curbs, and may not be used to compel removal of existing curbs at the expense of the lot owners. 11 Op. Atty. Gen. 230.

§ 5872. Alternative procedure; inapplicability of special assessment investigation, limitation and majority protest act of 1931

This chapter constitutes a separate and alternative procedure for performing the work specified herein, and except as otherwise provided in this chapter, no other provision of this division, excepting definitions, shall apply to proceedings instituted hereunder. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to any proceedings taken under this chapter.

(Added by Stats. 1945, c. 1339, p. 2508, § 1. Amended by Stats. 1963, c. 416, p. 1231, § 34; Stats. 1963, c. 1837, p. 3785, § 1.3.)

Section 2800 et seq.

Historical Note

The 1963 amendments inserted the words "except as otherwise provided in" before "this chapter" and "excepting definitions" in the first sentence.

Library References

Municipal Corporations § 260.

C.J.S. Municipal Corporations §§ 103S, 103T.

§ 5873. "Cost," "construction cost" defined

As used in this chapter, "cost," "construction cost," or variants thereof, means and includes both the actual cost of construction of the work and any incidental expenses, as defined in Section 5024.

(Added by Stats. 1963, c. 416, p. 1231, § 35. Amended by Stats. 1963, c. 1837, p. 3786, § 1.4.)

Historical Note

Purpose of Stats. 1963, c. 416, p. 1224.
See Historical Note under repeal line for §§ 5015-5017.

§ 5875

THE IMPROVEMENT ACT OF 1911

Div. 7

Pl.

§

Article 2

PERFORMING THE WORK

Sec.

- 5875. Duty to construct.
- 5876. Notice to construct.
- 5877. Service of notice; personal; mail.
- 5878. Contents of notice; posting.
- 5878.1 Time and place of hearing; hearing; finality of decision.
- 5879. Specification of work required; failure to comply with notice; waiver of compliance period.
- 5879.1 Bond issue.
- 5880. Construction by street superintendent.
- 5881. Notice of cost; service; contents; time for hearing.
- 5882. Report of cost.
- 5883. Hearing on report; confirmation; finality of decisions.

Article 2 was added by Stats.1945, c. 1339, p. 2508, § 1.

§ 5875. Duty to construct

The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part, or whenever the legislative body of the city upon its own motion orders the installation of such improvements in front of said part, shall have the duty of constructing or causing the construction of sidewalks or curbs in front of their properties upon notice so to do by the superintendent of streets.

(Amended by Stats.1970, c. 1031, p. 1843, § 1.)

§ 5878. Notice to construct

When the superintendent of streets finds that sidewalks or curbs have been constructed, or that their construction has been guaranteed to his satisfaction, in front of properties constituting more than fifty percent (50%) of the frontage in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the in-

Underline indicates changes or additions by amendment

hav
to
per
sig
fo
ins
ow
pa
wi
in
in
or
th
co
w
(
C
I

DLLEC

Sec.

5800.5 Credit for dedications and

§ 5890.5 Credit for dedications and
In assessing * * * land *
ties and for improvements const
(Added by Stats.1971, c. 484, p. 6
§ 5.)

Library references
Highways § 294.
C.J.S. Highways §§ 174, 175.

ARTICLE 4. CONSTRUCTION

Sec.

- 5805.50 Superintendent of streets
- 5805.51 Block improvements; cost
- 5805.52 Payment; fund.
- 5805.53 Assessment of cost; lien
- 5805.54 Police power of cities and

Article 4 added

Library references
Municipal Corporations § 277.
C.J.S. Municipal Corporations § 103

§ 5895.50 Superintendent of streets
Whenever the property, which is
to be constructed pursuant to the
Asterisks * * * indicate deletions

the front footage of the front footage of the city, file a petition for such improvements or percent (20%) of the frontage of a block has such improvements in front of a vacant lot, the owner.

stallation of such improvements in front of said part, or whenever the legislative body of the city upon its own motion has ordered the installation of such improvements in front of said part, said superintendent of streets may, and upon the instructions of the legislative body of the city shall, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no sidewalks or curbs have been constructed theretofore, to construct or cause to be constructed sidewalks or curbs in front of his property.

(Amended by Stats.1970, c. 1031, p. 1843, § 2.)

Forms: See West's California Code Forms, Streets & Highways.

§ 5877. Service of notice; personal; mail

Notice to construct may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalks or curbs to be constructed or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the

name and address of the person owning such property as shown in the records of the office of the clerk.

(Added by Stats.1945, c. 1339, p. 2509, § 1. Amended by Stats.1963, c. 1837, p. 3786, § 4.)

Historical Note

The 1963 amendment made the words "sidewalk" and "curb" plural.

Library References

Municipal Corporations § 281(3).

C.J.S. Municipal Corporations § 1074.

§ 5878. Contents of notice; posting

The postal card shall contain a notice to construct the sidewalks or curbs as the case may be, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof, printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property.

(Added by Stats.1945, c. 1339, p. 2509, § 1. Amended by Stats.1963, c. 1837, p. 3787, § 5.)

Historical Note

The 1963 amendment made the words "sidewalk" and "curb" plural.

§ 5878.1 Time and place of hearing; hearing; finality of decision

The notice also shall specify the day, hour, and place when the legislative body will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested persons but in no case shall such hearing be sooner than 10 days after giving of notice. Upon the day and hour fixed for the hearing, the legislative body shall hear and pass upon such objections or protests.

If the public convenience and necessity require the installation of such improvements in front of . . . such part, the legislative body, by an affirmative vote of four-fifths of its members, may overrule such objections and protests. However, when a petition has been filed with the city clerk requesting the installation of such improvements, the legislative body may overrule such objections and protests by an affirmative vote of a majority of its members. The decision of the legislative body on all protests and objections which may be made, shall be final and conclusive.

The hearing required by this section shall be in addition to the hearing required by Section 5881 . . .

(Amended by Stats.1970, c. 1031, p. 1844, § 3; Stats.1973, c. 784, p. 1403, § 1.)

§ 5879. Specification of work required; failure to comply with notice; waiver of compliance period

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the construction and shall further specify that if the construction is not commenced within 60 days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall cause the construction to be done, and the cost of the same shall be a lien on the property. However, upon petition by all of the affected property owners, the 60-day period may be waived and the superintendent of streets may immediately cause the construction to be done, and the cost of the same shall be a lien upon the property.

(Added by Stats.1945, c. 1339, p. 2509, § 1. Amended by Stats.1961, c. 1826, p. 3896, § 3.)

Historical Note

The second sentence was added in 1961.

Library References

Municipal Corporations \Rightarrow 291(4).

C.J.S. Municipal Corporations §§ 1075, 1077.

§ 5879.1 Bond Issue

The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice shall also specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed 10 years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

(Added by Stats.1967, c. 615, p. 1964, § 5. Amended by Stats.1968, c. 956, p. —, § 3, urgency, eff. Aug. 2, 1968.)

Historical Note

The interest rate was increased from 6 to 7 percent a year in 1968.

Library References

Municipal Corporations \Rightarrow 185(1).

C.J.S. Municipal Corporations §§ 1452, 1458.

§ 5880. Construction by street superintendent

If the construction is not commenced and prosecuted to completion with due diligence, as required by the notice or by the legislative body after the hearing required by Section 5878.1 of this chapter, the superintendent of streets shall forthwith construct the sidewalks or curbs.

(Added by Stats.1945, c. 1339, p. 2509, § 1. Amended by Stats.1963, c. 1837, p. 3787, § 6.)

Historical Note

The 1963 amendment made the word "sidewalk" plural and added the words "or curbs".

Library References

Municipal Corporations § 281(4).

C.J.S. Municipal Corporations §§ 1075, 1077.

§ 5881. Notice of cost; service; contents; time for hearing

Upon the completion of the construction, the superintendent of streets shall cause notice of the cost of the construction to be given in the manner specified in this article for the giving of notice to construct, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the construction, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons. In no case shall the hearing provided for in this section be sooner than 10 days after giving of notice. If bonds are to be issued, the notice shall also contain the information required by Section 5879.1.

The cost of the construction may include a proportionate share, as determined by the legislative body, of the cost of improvements constructed in a place other than in front of a parcel of property which are required for the proper functioning of the improvements in front of the parcel.

(Added by Stats.1945, c. 1339, p. 2509, § 1. Amended by Stats.1961, c. 1826, p. 3896, § 4; Stats.1963, c. 1837, p. 3787, § 7; Stats.1967, c. 615, p. 1964, § 6.)

Historical Note

The 1961 amendment added the second sentence.

The 1967 amendment added the third sentence of the first paragraph.

The second paragraph was added in 1963.

Cross References

Notice to construct, see § 5876.

Library References

Municipal Corporations § 283(1).

C.J.S. Municipal Corporations § 1033.

§ 5882. Report of cost

Upon the completion of the construction, the superintendent of streets shall prepare and file with the legislative body a report specifying the work which has been done, the cost of construction, a description of the real property in front of which the work has been done and the assessment against each lot or parcel of land proposed

to be levied to pay work done in front contiguous to each

(Added by Stats.1911)

§ 5883. Hearing

Upon the day shall hear and pass together with any of the property owner any other interested make such revisions may deem just, as submitted, or as The legislative body The decisions of which may be made

(Added by Stats.1911)

Municipal Corporation

COLLECTION

- See.
- 5890. Assessment
- 5891. Notice of hearing
- 5892. Effect of restriction limitation
- 5893. Alternative regular tax bond
- 5894. Time and manner
- 5895. Payment of
- 5895.1 Bond issue;

Article 3

§ 5890. Assessment

The cost of the body against the curbs so constructed days after its completion special assessment

to be levied to pay the cost thereof. Any such report : y include work done in front of any number of parcels of property, whether contiguous to each other or not.

(Added by Stats.1945, c. 1339, p. 2510, § 1.)

§ 5883. Hearing on report; confirmation; finality of decision

Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for such construction and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

(Added by Stats.1945, c. 1339, p. 2510, § 1.)

Library References

Municipal Corporations ⇐288(1).

C.J.S. Municipal Corporations § 1083.

Article 3

COLLECTION OF COST OF CONSTRUCTION

Sec.

- 5890. Assessment of cost; lien.
- 5891. Notice of lien; form; filing.
- 5892. Effect of recording notice; consolidation of claims; statute of limitations; foreclosure of lien.
- 5893. Alternative method of collection; inclusion of claim in next regular tax bill; notice of lien; collection.
- 5894. Time and manner of collection; penalties; interest; foreclosure.
- 5895. Payment of assessments; annual installments; interest.
- 5895.1 Bond issue; time for cash payment; rate of interest.

Article 3 was added by Stats.1945, c. 1339, p. 2510, § 1.

§ 5890. Assessment of cost; lien

The cost of the construction may be assessed by the legislative body against the parcel of property fronting upon the sidewalks or curbs so constructed, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien

on the property for the amount thereof from the time of recordation of the notice of lien, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

(Added by Stats.1945, c. 1339, p. 2510, § 1. Amended by Stats.1963, c. 1837, p. 3787, § 8.)

Historical Note

The 1963 amendment substituted "side-walks or curbs" for "sidewalk or curb."

Library References

Municipal Corporations § 120, 519(5). C.J.S. Municipal Corporations §§ 1349, 1354, 1360.

Sec.

5800.5 Credit for dedications and improvements [New].

§ 5890.5 Credit for dedications and improvements

In assessing . . . land . . . credit may be . . . given for dedica-tions and for improvements constructed at private expense . . .

(Added by Stats.1971, c. 484, p. 969, § 1. Amended by Stats.1974, c. 739, p. 1637, § 5.)

Library references

Highways § 2914. C.J.S. Highways §§ 176, 178.

§ 5891. Notice of lien; form; filing

The superintendent of streets may file in the office of the county recorder of the county in which the parcel of property is located, a certificate substantially in the following form, to wit:

Notice of Lien

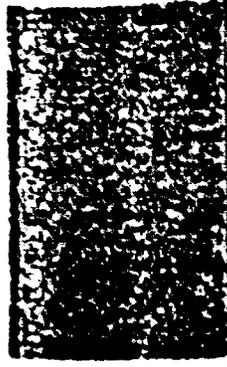
Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the day of, 19.., cause the sidewalk or curb to be constructed, and the legislative body of said city (county, or city and county) did, on the day of, 19.., by Resolution No. assess the cost of such construction upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said city (county, or city and county), 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 (insert rate of interest as fixed by legislative body, not to exceed 6 percent) per annum, from the said day of, 19.. (insert date of the thirty-first day after 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

(name

(Add c. 25

Sec



pers
The
parc
and
tati
me
mal
der
linc
(A

M
§

the
ter
the
sh
me

(name of city, or city and county) the County of, State of, and particularly described as follows, to wit:

(Description of Property)

Dated this day of, 19...

.....
Superintendent of Streets

(Added by Stats.1945, c. 1339, p. 2510, § 1. Amended by Stats.1957, c. 250, p. 904, § 2.)

Forms

See West's California Code Forms, Streets and Highways.

Historical Note

The provision in the form of notice relating to interest was rewritten in 1957. Previously it had read: "with interest at the rate of 6 percent per annum, from the said . . . day of . . . , 19.. (insert date of confirmation of assessment), has been paid in full and discharged of record."

Library References

Municipal Corporations §519(1-7). C.J.S. Municipal Corporations § 1561-1571.

§ 5892. Effect of recording notice; consolidation of claims; statute of limitations; foreclosure of lien

From and after the date of the recording of the notice of lien, all persons shall be deemed to have had notice of the contents thereof. The notice of lien may include claims against one or more separate parcels of property, whether contiguous or not, together with the amount due, respectively, from each such parcel. The statute of limitation shall not run against the right of the city to enforce the payment of the lien. If any such lien is not paid the city may file and maintain an action to foreclose such lien in the same manner and under the same procedure, so far as applicable, as that under which delinquent bonds are foreclosed under this division.

(Added by Stats.1945, c. 1339, p. 2511, § 1.)

Library References

Municipal Corporations §519(1). C.J.S. Municipal Corporations § 1561 et seq.

§ 5893. Alternative method of collection; inclusion of claim in next regular tax bill; notice of lien; collection

As an alternative method of collection of the amount of the lien, the legislative body, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the accounting officer and the tax collector of the city, 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. If city taxes are collected by the county officials, 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. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

(Added by Stats.1945, c. 1339, p. 2511, § 1.)

Library References

Municipal Corporations § 521.

C.J.S. Municipal Corporations §§ 1572, 1574, 1580.

The Inter to 7 percent

See West

Municipa

§ 5894. Time and manner of collection; penalties; interest; foreclosure

Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes.

(Added by Stats.1945, c. 1339, p. 2511, § 1.)

Cross References

Chartered cities, change of time of tax proceedings, see Government Code § 43122.

Cities and counties, collection of taxes at time and in manner of county taxes, see Government Code § 51513.

City taxes, collection at time and in manner of county taxes, see Government Code § 43000.

County taxes,

Collection generally, see Revenue and Taxation Code § 2001 et seq.

Levy, see Revenue and Taxation Code § 2151 et seq.

Library References

Municipal Corporations § 524.

C.J.S. Municipal Corporations § 1570.

§ 5895

If b assessm the supe publicat and 432 days fol such ca with th out in S rate to percent sion sh made a legislat ration o

(Added 986, p.

§ 5895. Payment of assessments; annual installments; interest

The legislative body shall have the power, in its discretion, to determine that the payment of such assessments of fifty dollars (\$50) or more may be made in annual installments, in any event not to exceed 10, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed 7 percent per annum. Said interest shall begin to run on the 31st day after the confirmation of the assessments by the legislative body. All such determinations may be expressed by resolution of the legislative body at any time prior to the confirmation of the assessments.

(Added by Stats.1957, c. 250, p. 903, § 1. Amended by Stats.1968, c. 986, p. —, § 4, urgency, eff. Aug. 2, 1968.)

The In to 7 perc

Munic

Historical Note

The interest rate was increased from 6 to 7 percent a year in 1968.

Forms

See West's California Code Forms, Streets and Highways.

Library References

Municipal Corporations § 521, 522.

C.J.S. Municipal Corporations §§ 1572-1574, 1580.

§ 5895.1 Bond issue; time for cash payment; rate of interest

If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321. The period for payment in cash stated therein shall be 30 days following the confirmation of the report. Upon completion of such cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5891, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed 7 percent per annum. Thereafter the provisions of Part 5 of this division shall be applicable and payments on assessments at bond shall be made as therein provided. Such bonds may be issued and sold as the legislative body directs and may be dated at any time after the expiration of the cash payment period.

(Added by Stats.1967, c. 615, p. 1965, § 7. Amended by Stats.1968, c. 986, p. —, § 5, urgency, eff. Aug. 2, 1968.)

ARTICLE 4. CONSTRUCTION OUTSIDE OF JURISDICTION [NEW]

Sec.

- 5895.50 Superintendent of streets; authority.
- 5895.51 Block improvements; consent of legislative body.
- 5895.52 Payment; fund.
- 5895.53 Assessment of cost; lien; collection.
- 5895.54 Police power of cities and counties.

Article § added by Stats.1969, c. 276, p. 625, § 1.

Library references

Municipal Corporations § 277.
C.J.S. Municipal Corporations § 1059.

§ 5895.50 Superintendent of streets; authority

Whenever the property, which fronts on an area where improvements are required to be constructed pursuant to the provisions of this chapter, lies entirely or partial-

Asterisks * * * indicate deletions by amendment

§ 5895.50 STREETS AND HIGHWAYS CODE

ly within a city or unincorporated territory of a county and the improvement area or portions thereof lie within one or more other cities or unincorporated territory of one or more other counties, the superintendent of streets of any city or county having jurisdiction over all or a portion of the area to be improved shall have full authority to serve notices, to construct, and to do all work contemplated by Article 2 (commencing with Section 5875) and Article 3 (commencing with Section 5890) of this chapter, notwithstanding the fact that the property fronting on the improvement area lies entirely or partially within another city or unincorporated territory of another county.

(Added by Stats.1969, c. 276, p. 625, § 1.)

§ 5895.51 Block improvements; consent of legislative body

Whenever a block, on which improvements are required to be constructed pursuant to the provisions of this chapter, lies within a city or unincorporated territory of a county and within one or more other cities or unincorporated territory of one or more other counties, the superintendent of streets of any city or county having jurisdiction over a part of the block shall have full authority to serve notices, to construct, and to do all work contemplated by Article 2 (commencing with Section 5875) and Article 3 (commencing with Section 5890) of this chapter in that portion of the block lying in the territory of another jurisdiction after the superintendent obtains consent from the legislative body of that jurisdiction.

The consent of the legislative body shall be given by resolution adopted by a majority vote of the body's membership. Thereafter, except as provided in Section 5893.54, the city or county whose superintendent of streets obtained the consent shall have jurisdiction over such areas for the purpose of sidewalk or curb construction.

(Added by Stats.1969, c. 276, p. 625, § 1.)

§ 5895.52 Payment; fund

The city or county proceeding under the provisions of this article may pay for such work out of the road fund or any other fund available for such purposes.

(Added by Stats.1969, c. 276, p. 625, § 1.)

§ 5895.53 Assessment of cost; lien; collection

The legislative body of the city or county which undertakes the construction of improvements pursuant to the provisions of this article shall have the authority to levy an assessment to pay the cost of any such construction of improvements, notwithstanding the fact that the improvements or the property fronting on the improvements lies outside the territory of the city or county. * * * Such assessment shall be levied, shall be a lien * * *, and shall be collected in accordance with the provisions of Article 3 (commencing with Section 5890) of this chapter.

The assessments so collected shall be paid to the treasurer of the city or county under whose authority the improvements were constructed.

(Added by Stats.1969, c. 276, p. 626, § 1. Amended by Stats.1970, c. 210, p. 464, § 1.)

1970 Amendment. Combined the former two paragraphs into a single paragraph, adding the second sentence and deleting the former last sentence of the first paragraph and former first sentence of the last paragraph, which deleted sentences read:

"The assessment shall be a lien on the property for the amount thereof until the

assessment and all interest thereon is paid or until it is discharged of record.

"The provisions of Sections 5892, 5891, and 5895 shall be applicable to the collection and enforcement of all liens levied pursuant to the provisions of this section."

§ 5895.54 Police power of cities and counties

Nothing contained in this article shall limit in any manner the police power of any city or county with reference to any sidewalk or curb constructed under the provisions of this article.

(Added by Stats.1969, c. 276, p. 626, § 1.)

STRE

CHAPTER 23. CONVERSION AND C...

§ 5896.5 Initiation of petition; date

Proceedings for a conversion of the legislative

(a) In order to initiate p

(1) Describe t

5181 * * *

(2) Generally describe th

(3) Request that proceed
sion.

(b) In order to initiate
city or a public utility ha
conversion, excluding com
munication facilities.

(Amended by Statr.1972, c.

§ 5896.6 Number of sign

A petition for proceedi
five owners of assessable
last equalized assessment
than one-half of the are
district.

(Amended by Stats.1970, c.

§ 5896.8 Resolution of l

Upon presentation of
termination pursuant to
adopt a resolution declar
(Amended by Stats.1972, c.

§ 5896.14 Work to be d

Subject to applicable
communication facilities, in
any lot or parcel of land
constructed, relocated or co
pense. Such work may b
or city performing the c
ment to be levied upon
written request therefor
expressly authorize the
respective officers, agen
purpose and shall waive
of such work and the inc

The provisions of thi
owner of a lot or parcel
(Amended by Stats.1970,

Asterisks * * * indicate

Underline indicates changes or additions by amendment