

CITY COUNCIL MEETING

February 17, 1982

CC-45(2)

104

Continued February 17, 1982

ACTION DEFERRED ON
REQUEST FOR
SIDEWALK INSTALLA-
TION ON SUNSET
DRIVE

A report regarding sidewalk installation under the Improvement Act of 1911 as prepared by the City Clerk was presented for Council's perusal. A lengthy discussion followed with questions being directed to the Assistant City Manager, City Attorney and the City Clerk. Council deferred action regarding the request for sidewalk installation on Sunset Drive for additional information from the City Clerk and City Attorney relative to the possibility of such improvements being mandated at the time of change of property ownership.

2-16-82

Ladies Mayor & Councilmen

I'm sorry I cannot attend
this meeting due to illness.

I'm opposed to putting
in sidewalks on the east
side of Sunset Blvd.

We'll lose a lot
of beautiful trees.

Most of this property
is owned by retired
people. And cannot afford
to put in sidewalks.

Very few people walk on
this street. Being it's a
dead end street.

Yours Truly
Gottlieb Bader
306 S. Sunset St.

COUNCIL COMMUNICATION

TO THE CITY COUNCIL
FROM THE CITY MANAGER'S OFFICE

DATE
February 17, 1982

NO.

SUBJECT

Sidewalk Installation - Sunset Drive (The Improvement Act of 1911)

At its February 3, 1982 meeting, Council directed the City Clerk to provide procedural information regarding sidewalk installation under the provisions of the State of California Streets and Highways Code.

Under this act, the duty to construct is defined as follows: "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."

Further, "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 installation 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."

This notice may either be mailed or delivered personally to the owner or the person in possession of the property facing upon the sidewalks to be constructed. The notice shall specify the time and place when the legislative body will hear and pass upon objections or protests of property owners or other interested persons. This hearing may not be held sooner than 10 days after giving notice.

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 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.

The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced. In such event, the notice shall also specify that bonds shall be issued to represent the security of the unpaid assessment, 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% a year, payable semi-annually.

Upon the completion of the construction, the Superintendent of Streets shall cause notice of the cost of construction, and will set forth a time 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 which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons. This hearing shall be set no sooner than 10 days after giving notice.

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.

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 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.

An alternate 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 be delivered to the County Auditor and the amount of the assessment shall be collected together with all other taxes thereon against the property. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are applicable to special assessment taxes.

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.

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. The period for payment in cash 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 giving notice that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed 7% per annum. 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.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

UNDER THE IMPROVEMENT ACT OF 1911

the duty to construct is defined as - when

~~Property owners shall construct sidewalks when~~

- a) that street has been improved by the construction of sidewalks for a total frontage of more than 50% on one side street in any block
- b) a petition signed by the owners of more than 60% of the front footage of the block has been filed with the City clerk requesting the installation of such improvements
- c) a petition signed by the owners of more than 50% 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 property
- d) or when the legislative body of the city upon its own motion orders the installation of such improvements

If anyone of the above actions occur, the superintendent of streets may, and upon the instructions of the legislative body of the City shall notify the owners of the unimproved property to construct or cause to constructed sidewalks in front of his property.

No sooner than 10 days after receiving such notice, the legislative body will hear and pass on objections or protests. If such action was commenced by receipt of a petition, a majority vote will over-rule protests, otherwise, it will take a 4/5th vote of the members of the Council.

The notice shall specify what work is required and the fact that if construction is not commenced within 60 days after the notice is given, the superintendent of streets shall cause the construction to be done.

Upon the completion of the construction, the Superintendent of Streets shall cause notice of the cost of construction, which notice will set a time 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 protests which may be raised by any property owner liable to be assessed for the costs of such construction and any other interested person. The subject report, subject to amendment or modification by the legislative body shall be confirmed.

The cost of the construction may be assessed by the legislative body against the parcel of property fronting the sidewalks or curbs so constructed. If the assessment is not paid within five days after its confirmation, it shall become a lien against the property.

An alternate method of collection is for the legislative body to order the notice of lien be delivered to the County Auditor and the amount of the assessment shall be collected together with all other taxes against the the property.

The legislative body shall have the power to determine that the payment of such assessments of \$50.00 or more may be made in annual installments, not to exceed 10, at an interest rate not to exceed 7% per annum.

The Act also provides for issuance of bonds for these assessments.