

PUBLIC WORKS AND UTILITIES COMMITTEE

09-023-0

ORDINANCE NO. _____

AN ORDINANCE ADDING NEW SECTIONS 45-82.4 AND 45-82.5 TO THE DULUTH CITY CODE, 1959, AS AMENDED, AUTHORIZING PRIVATE WORK IN CONJUNCTION WITH CITY SIDEWALK CONTRACTS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 45 of the Duluth City Code, 1959, as amended, is hereby amended by the addition of a new Section 45-82.4, which reads as follows:

Sec. 45-82.4 Public sidewalk repair-private initiation-assessment.

The city engineer is authorized to contract with private property owners to repair or replace the public sidewalk located on said owner's property subject to the owner or owners of benefitted property agreeing, in the form of an agreement which is approved by the city attorney, to either reimburse the city for all of the city's direct and indirect costs of such work or agreeing that the benefitted property be assessed for all of such costs. The term of any such assessment shall be established by the city engineer.

Section 2. That Chapter 45 of the Duluth City Code, 1959, as amended, is hereby amended by the addition of a new Section 45-82.5, which reads as follows:

Sec. 45-82.5 Incidental private repair-assessments.

When the city is itself or by means of a contract repairing or replacing any public sidewalk, the city engineer or his or her designee is hereby authorized to enter into an agreement to repair or replace private sidewalks, curbs, stairs, railings or concrete curb aprons on property on or adjacent to property upon which said public sidewalks are located subject to the owner or owners of benefitted property agreeing, in the form of an agreement which is approved by the city attorney, to either reimburse the city for all of the city's direct and indirect costs of such work or agreeing

that the benefitted property be assessed for all of such costs. The term of any such assessment shall be established by the city engineer.

Section 3. This ordinance shall take effect 30 days from and after its passage and publication.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

PW&U/ATTY REA:blj 5/4/2009

STATEMENT OF PURPOSE: This ordinance formally approves a process that has been in place for many years which allowed the city, as a convenience to property owners, to repair public sidewalks and to repair sidewalks and other related facilities on private property at the request of the owners when the city was otherwise doing related work in on or adjacent to the property.

Historically, the city has accepted and aggregated the requests of owners to repair or replace their public sidewalks and have then contracted citywide to have the work performed. In addition, when the city has been doing sidewalk repair in an area, it has been a frequent occurrence that adjacent property owners would request that the city's contractor make repairs to their property at the same time. While the city has historically cooperated with these requests, there is no technical authority for the engineer's on-site supervisor to authorize this work.

This ordinance would create the formal authority to do what the city has been doing by practice.