

ORDINANCE NO. 2518

AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION, AND REPAIR OF SIDEWALKS AND REPEALING ORDINANCE NO. 1727.

The City of Cottage Grove ordains as follows:

Section 1. Duty to Construct, Repair, or Improve Sidewalks. It is the duty of any person owning any lot, parcel of land or portion of land adjoining a street within the corporate limits of the City of Cottage Grove to construct, repair, or improve the adjacent sidewalk when required by order of the city council.

Section 2. Standards and Specifications. All sidewalks shall be constructed in accordance with current construction standards on file in the office of the city engineer. All walks shall be constructed under the supervision of the city engineer.

Section 3. Required Sidewalk Work.

(1) When the council determines that a sidewalk needs construction, repair, or improvement, a notice shall be issued to the adjoining landowner by the city engineer.

(2) The notice shall require the owner of the property adjacent to the sidewalk to complete the sidewalk work within 30 days after service of notice. The notice shall also state that if said property owner shall refuse or neglect to construct, repair, or improve said sidewalk within the 30-day time period, the city may do the sidewalk work and assess the cost of the work against the property adjacent to the sidewalk.

(3) The city engineer shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the sidewalk, or the notice may be served by registered or certified mail, return receipt requested, to the owner's address as shown on the Lane County tax assessor's rolls. If after diligent search the owner is not discovered, the city engineer shall cause a copy of the

notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

(4) The city engineer shall file with the city recorder a statement of the time, place, and manner of service of notice.

Section 4. Lien May Attach. If the owner of the real property refuses or neglects to construct, improve, or repair any sidewalk within the time prescribed by the order of the council, after having been duly notified by the city engineer, the sidewalk work may be done by the city engineer and the expense of the improvement shall attach to and become a lien upon the property abutting on or adjoining the improvement.

Section 5. Lien Records and Foreclosure Proceedings:

(1) The assessment levied in pursuance of this ordinance shall be entered in the docket of city liens by the city recorder. This statement shall contain the amount assessed upon each particular lot, parcel of land, or portion of land, together with a description of the improvement, the name of the owner and the date of the assessment. Upon entry in the lien docket, the amount so entered shall become a lien as of that date.

(2) All assessment liens of the city shall be superior and prior to all other liens or encumbrances on property insofar as state law permits.

(3) Interest shall be at a rate to be determined by the city and a commercial lending institution within the city. The interest rate shall not exceed the prime interest rate generally available at other lending institutions within the city.

(4) The city may cause the real property to be sold, as provided by state law, for any assessment, lien or installment thereof at any time after one year from the date the assessment, lien or installment becomes due or payable, if bonded; otherwise, at any time after 60 days from the time it is entered in the docket.

(5) The city may enter a bid for the property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under state law to redeem the property.

Section 6. Repeal. Ordinance No. 1727, enacted October 12, 1964, is repealed.

Passed by the Council and approved by the Mayor
this 30th day of July, 19 84.

ATTEST:

Lois B. Hower
City Recorder

APPROVED:

William B. Fisk
Mayor