

ORDINANCE NO. 2754

TITLE: An Ordinance to amend Ordinance No. 2754, relating to driveways by addition thereof sections providing for the change or abandonment of use, requiring notice to construct or reconstruct sidewalk, parking strips and curbing and construction or reconstruction of sidewalks, parking strips and curbing by the city.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: ADDITION OF SECTIONS TO ORDINANCE NO. 2754

Ordinance No. 2754 is hereby amended by the addition of sections as follows:

"Section 7a: CHANGE OR ABANDONMENT OF USE OF DRIVEWAYS.

Whenever the use of any service driveway in connection with any premises is changed, discontinued or abandoned, either application shall be made as provided in this Ordinance for a service driveway appropriate to the owner's property use or the sidewalk, parking strip and curbing shall be made to conform to the adjoining sidewalk, parking strip and curbing, within sixty (60) days after such change of use."

"Section 7b:

Whenever the city engineer shall determine the use of any service driveway in connection with any premises has been changed, discontinued or abandoned, he shall cause notice to be posted upon the property in front of which a sidewalk, parking strip or curbing is to be constructed in lieu of such driveway, which notice shall, in legible characters, direct the owner, agent or occupant of the property, within sixty (60) days from the date of such posting, to construct or reconstruct said sidewalk, parking strip and curbing, as is such notice is provided, to conform to the adjoining sidewalk, parking strip and curb, as the engineer may direct. The authorized representative of the city engineer posting the notice shall file with the Recorder an affidavit of the posting of such notice, stating the date and place where the notice is posted. The recorder shall, upon receiving the affidavit, send by mail a notice to construct the sidewalk, parking strip or curbing to conform to the adjoining sidewalk, parking strip and curbing, as the city engineer may direct, in lieu of the driveway, such notice to be mailed to the owner, if known, of such property or to the agent, if known, and directed to the post office address of such agent or owner when such post office address is known to the recorder. If such post office address is unknown to the recorder, such notice shall be directed to the owner or agent as is shown by the assessment records of the assessor of the County of Linn, State of Oregon. A mistake in the name of the owner or agent, other than that of the true owner or agent of such property shall not remedy the notice void, but, in such case, a posted notice shall be sufficient. The owner, agent or occupant, before constructing or reconstructing the sidewalk, parking strip or curbing, as in the notice provided, shall obtain from the city engineer a permit to do so in accordance with Section 2 of Ordinance No. 2754."

"Section 7c: CONSTRUCTION OR RECONSTRUCTION OF SIDEWALK, PARKING STRIP OR CURBING BY THE CITY.

If the owner, agent or occupant fails, refuses and neglects to construct or reconstruct the sidewalk, parking strip and curbing as provided in a notice given under the preceding section within sixty (60) days from the date of posting of a notice, the city engineer is hereby authorized to construct or reconstruct the sidewalk, parking strip and curbing to conform with the adjoining sidewalk, parking strip and curbing as in the notice provided. In all cases where the city engineer shall construct or reconstruct the sidewalk, parking strip and curbing, where the notice has been duly posted as provided, the city engineer shall keep an accurate account of the cost of labor and material and constructing and reconstructing the sidewalk, parking strip and curbing in front of the parcel of land and shall file a written report with the account of costs thereof and a description of the real property fronting or abutting on the sidewalk upon which the labor and materials were expended. The cost thereof, plus 10% additional to the further expense of preparing and serving notice and engineering, shall constitute the cost of construction or reconstruction of the sidewalk, parking strip and curbing and shall constitute a lien upon the property abutting the sidewalk, parking strip or curbing, which lien shall be entered by the city recorder in the lien docket and shall be collected and foreclosed in the same manner as liens for street improvements.

Passed by the Council: June 8, 1960

Approved by the Mayor: June 8, 1960

W. L. Fitzgerald
Mayor

Effective date: July 8, 1960

ATTESTED:

Emmett Islam
City Recorder