

ORDINANCE NO. 616 , FOURTH SERIES.

AN ORDINANCE REQUIRING THE SUPERINTENDENT OF STREETS, AFTER RECEIPT OF PERSONAL NOTICE THAT A PORTION OF AN IMPROVED SIDEWALK IN THE CITY OF SACRAMENTO IS OUT OF REPAIR, OR ANY DANGEROUS OR DEFECTIVE CONDITION, OR ANY CONDITION TO ENDANGER PERSONS OR PROPERTY PASSING THEREON, OR ANY CONDITION TO INTERFERE WITH THE PUBLIC CONVENIENCE AND USE THEREOF, TO SERVE A WRITTEN NOTICE UPON THE OWNER OR OCCUPANT OF THE PROPERTY FACING THE SIDEWALK SO OUT OF REPAIR, REQUIRING THAT THE SAME BE IMMEDIATELY REPAIRED; PROVIDING FOR THE FORM OF SUCH NOTICE AND THE METHOD OF ITS SERVICE; REQUIRING THE SUPERINTENDENT OF STREETS TO MAKE SUCH REPAIR AFTER FAILURE OF THE OWNER OR OCCUPANT SO TO DO; PROVIDING FOR THE ASSESSMENT OF THE COSTS OF SUCH REPAIR UPON THE REAL PROPERTY FACING UPON THE SIDEWALK SO REPAIRED, HEARING OF PROTESTS AND MAKING SUCH ASSESSMENTS A LIEN UPON SUCH PROPERTY.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. If any portion of any improved sidewalk in the City of Sacramento shall be out of repair or in a dangerous or defective condition, or in a condition to endanger persons or property passing thereon, or in a condition to interfere with the public convenience in the use thereof, and the Superintendent of Streets shall have personal notice of the same, it shall be his duty to notify the owner or person in possession of the property fronting on that portion of the sidewalk so out of repair, to repair the same.

SECTION 2. Such notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing, 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 tax rolls of the City of Sacramento, and when no address so appears, to the general delivery of the City of Sacramento, a postal card containing a notice to repair such sidewalk so out of repair, and the Superintendent of Streets shall, immediately upon the mailing of said notice, cause a copy thereof, printed on a card not less than 8" x 10" in size, to be posted in a conspicuous place on said property.

SECTION 3. Such notice shall particularly specify what work is required to be done, and how the same is to be done, and what materials shall be used in said repair; that if said repair is not commenced within two days after notice is given as aforesaid, and diligently and without interruption prosecuted to completion, the Superintendent of Streets shall make such repair, and the cost of the same shall be a lien on such property; that if said repair is not commenced as required by said notice, the Superintendent shall forth with repair said sidewalk.

SECTION 4. That upon the completion of such repair, the Superintendent of Streets shall either personally serve upon the owner or person in possession of the property facing upon the sidewalk so repaired, or mail, postage prepaid, a postal card addressed to the person in possession of such property, or the owner thereof at his last known address as the same appears on the tax rolls of the

City of Sacramento, and when no address so appears to the general delivery of the City of Sacramento, setting forth a statement of such cost of repairs, and specifying the date, hour and place when the Council of the City of Sacramento will hear protests of the assessment of the cost of such repair upon such property.

SECTION 5. Upon the day and hour set for the hearing of protests, the Council shall hear and consider all protests, if there be any, and then proceed to affirm or reject the assessment of the cost of such repair upon such property. The date of hearing of protests and affirming or rejecting the assessment may be continued from day to day.

SECTION 6. If the cost of such repair is assessed upon the property fronting upon the sidewalk so repaired, and the assessment is not paid within five (5) days after its confirmation by the Council the cost of such repair shall become a lien upon the property fronting upon the sidewalk so repaired, upon the Superintendent of Street's filing in the office of the County Recorder of the County of Sacramento, State of California, a certificate substantially in the following form, to-wit:

NOTICE OF LIEN.

Pursuant to the authority vested in me by Ordinance No. \_\_\_\_\_, 4th Series, of the City of Sacramento, I did, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause the sidewalk in front of the real property hereinafter described, to be repaired and improved, and the Council of the City of Sacramento did, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by Resolution No. \_\_\_\_\_, assess the cost of such repair and improvement upon the real property hereinafter described, and the same has not been paid, nor any part thereof, and the City of Sacramento does hereby claim a lien on the real property hereinafter described in the sum of \$\_\_\_\_\_, the cost of said repair and improvement; and the same shall be a lien upon said real property until the said sum has been paid in full, and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is hereby claimed, is that certain piece or parcel of land lying and being in the City of Sacramento, County of Sacramento, State of California, and particularly described as follows, to-wit:

(Description)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Superintendent of Streets.

SECTION 7. The Notice of Lien, when recorded as hereinbefore provided, shall be a lien upon such property, and such lien shall so continue until the cost of such repair has been paid in full and discharged of record. Such lien shall be subordinate to all special assessment liens previously imposed upon the same property, but it shall have priority over all special assessment liens which may thereafter be created against the said property; and from and after the recording of said Notice Lien, all persons shall be deemed to have had notice of the contents thereof.

PASSED: March 29, 1934

EFFECTIVE: April 30, 1934

ATTEST:

H. G. Drulton  
CITY CLERK

J. M. P. Sullivan  
MAYOR

ORDINANCE No. 616