

2014-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By B. Johnson and Glidden

Amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 427.20 of the above-entitled ordinance be amended to read as follows:

427.20. ~~Street widths~~ City Council to Control Streets. The City Council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the City. The City Council may lay out and open new streets and alleys, and extend, widen and straighten any that now exist, or which may hereafter exist. For the purpose of drainage, construction of bridges, or making other necessary public improvements, or for the improvement of the health or sanitary condition of the people of the City, the City Council may, through its designated agents or contractors, enter upon, lower, raise, change the course of or divert any stream of water, in accordance with federal and state law, (except the Mississippi River) or any ditch or drain within the limits of the City, and may build, maintain and repair bridges across streams or railway tracks, in accordance with state and federal law, and may provide for the pavement of gutters or of the roadbeds of any street or alley. The widths of streets shall be as established by the council and shall be filed with the city engineer. The City Council shall have authority to designate districts or portions of the streets and alleys of the City, for the purpose of cleaning the same, and may provide for the cleaning of these districts by city forces or by contract on such terms as the City Council shall deem advisable.

Section 2. That Section 427.50 of the above-entitled ordinance be amended to read as follows:

427.50. ~~Notice of proposed grade changes~~ Street Grades. The City Council may establish the grade of any street when such grade has not been established, and may by vote of two-thirds of the members of the Council change the grade of any street after such grade has been established. Accurate profiles of the grades of all streets shall be made and kept in the Department of Public Works. Before any ordinance is passed providing for a change of grade on any street or alley, the city engineer shall notify by mail all owners of property abutting on the street when ~~said~~ the proposed grade change is to be made, so far as ~~such~~ the owners can be readily ascertained by ~~such~~ the city engineer.

Whenever the grade of any street shall be established or changed by the City Council, the owner of abutting property may file with the City Clerk, within twenty days after the City Council votes to establish or change the grade of a street in front of an abutting property, notice that the owner of the abutting property will claim damages by reason of the establishment or change of grade in front of the owner's abutting property, giving the description of the land and the buildings thereon, together with the amount of the value of such land and buildings, in the owner's judgment, and the amount of the alleged damages which such establishment or change

of grade will, in the owner's judgment, cause to the owner's land and buildings, which notice shall be sworn to and shall be accompanied by the certificate of the City Assessor of the City of the value in the City Assessor's judgment of such land and buildings, and of the damages which in the City Assessor's judgment such establishment or change of grade will cause to the land and buildings and the City Assessor shall examine said buildings and land, and the change of grade, as so voted, and make the requested certificate pursuant to the request of the owner of such property. After the expiration of the twenty (20) days and within thirty (30) days after the expiration of the twenty (20) days, if the City Council shall, from the amount of damages claimed by such notices, deem it unwise to establish such grade or to make such change of grade of such street, it may reconsider the vote by which such establishment or change of grade was made, which reconsideration of such vote shall be by a majority of all the members of the City Council. But if no such reconsideration of such vote shall be had within fifty (50) days after the vote of the City Council so establishing or changing the grade of the street, where damages are so claimed, or if on such reconsideration two-thirds (2/3) of the members of the Council shall again vote for such establishment or change of grade, then after the expiration of six months after the work of grading such street shall have been fully completed, the City Council shall appoint five free-holders of the city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of such abutting property and permanent buildings who have filed the sworn notices and certificates of such City Assessor required herein, and to assess the amount of such damages and compensation upon the lands and property to be benefited by the improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation. It shall take at least four of these Commissioners to make any award of damages. The Commissioners shall be sworn by the Clerk or any officer authorized to administer oaths, to discharge their duties as such Commissioners in the matter, with fidelity and impartiality, and make due return of their action to the City Council.

They shall give notice by two publications in the official paper of the City that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in the notice on or near the lands and buildings which it is claimed shall have been damaged by the establishment or change in the grade of such street, and view the same, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon, in proportion to benefits, the amount necessary to pay the compensation and damage, and that they will then and there hear such allegations and proofs as interested persons may offer, and the Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time after having viewed the premises, and may for the hearing of evidence and the preparation of their award and assessment, adjourn or go to any other convenient place in the City, and may have the aid and advice of staff of the Department of Public Works and of any other officer of the city. After viewing the premises, and hearing the evidence offered, the Commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose land or buildings shall have been damaged by the establishment or change of grade of the subject street. But if the remainder of the land or of the property on which the subject buildings stand, or the remainder of the lot or parcel connected therewith, shall be benefited by such establishment or change of grade of the street, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award the owner only the excess of the compensation or damages over and above such benefits. The Commissioners shall then assess the amount of such compensation and damages so awarded upon the land and real property benefited by such change of grade, and in proportion to the benefits, but in no case shall the amount of the

assessment exceed the actual benefit to the lot or parcel of land, or other real property so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisement and award, and if, in the judgment of the Commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of the excess. The Commissioners shall also report to the City Council an assessment list containing their assessment of such compensation and damages, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of real property assessed, the name or names of the owner or owners thereof, if known, and the amount assessed thereon and the amount of the excess of such compensation and damages aforesaid, which they shall return unassessed. The report shall be presented by the Commissioners to the City Clerk of the City, who shall give notice by one publication in the official paper of the City that the report and assessment list will be presented to the City Council for confirmation at the next meeting or session of the Council occurring at least one week after the publication of the notice, at which meeting or at any subsequent meeting or session of the Council, the City Council may act upon the report and hear any complaint touching any award or assessment, or it may refer the matter to a committee of the Council to hear any complaints and report thereon. The Council may confirm the award and assessment, or either, or send the same back to the the Commission for further consideration; and the Commissioners may in such case again, upon giving notice, published once in the official paper of the City, meet at any time and place to be designated in the notice, which time shall be at least two weeks after the publication of the notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in the award and assessments and alter and revise the same as they shall deem just and again report the same to the City Council, who may thereupon confirm or annul the same, or the City Council may appoint a new Commission, with like powers, duties and obligations of the first Commission to make such assessment and awards, and to report the same to the City Council in like manner that the first Commission might do, and when the report and assessment lists are finally confirmed by the City Council, such confirmation shall make the award and assessment final and conclusive upon all parties interested. The City Council shall proceed, at the same time or any subsequent meeting, to levy the assessment upon the several parcels of land described in the assessment list reported by the Commissioners in accordance with the assessment so confirmed, and cause to be made, and adopt, an assessment roll of the same which may be in any form which the City Council may adopt, and from which award and assessment as so confirmed by the City Council the owner of an affected parcel may appeal to district court by serving notice of appeal upon the Mayor or the City Clerk within thirty (30) days after the City Council has adopted the assessments and by filing the notice with the clerk of district court within ten (10) days after its service; and the City Clerk, under the instruction of the City Council, shall make and prepare all forms necessary to carry out the provisions of this Section. Provided, that no award shall be greater than the amount so claimed in the sworn notice filed with the City Clerk. Provided further, that the damages and compensation to be awarded shall be the damages and compensation which shall be apparent at the end of six (6) months after the final completion of the work of the grading of the subject street.

Section 3. That Chapter 427 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 427.90 to read as follows:

427.90. Owners to Build and Repair Sidewalks. (a) It is the duty of all owners of land adjoining any street, lane or alley in the City, to construct, reconstruct and maintain in good repair any sidewalks along the side of the street, lane or alley next to the lands of such owner of land as may have been previously constructed, or as shall hereafter be constructed, or directed by the City Council to be built. It is the duty to build it of such material and width, and upon such place and grade as the City Council, acting through the Director of Public Works, may prescribe. Whenever the City Council shall deem it necessary that any sidewalk in the City of Minneapolis shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built to construct the same, and unless such owners shall each along the owner's respective land construct and fully complete the sidewalk within two weeks after the publication of the resolution as aforesaid, the City Council shall proceed to ascertain the expense of constructing the same and assess and levy the expense upon and against each lot and parcel of land upon which the sidewalk shall front. The assessment shall be collected as provided for generally in this Code. The City Council may either before or after making the assessment cause such portion of such sidewalks as have not been built by the owners of the lands fronting on the same, and all street crossings, to be built by the City. Before ordering the construction of any new sidewalk the City shall, if reasonably necessary, cause the ground on which it is built to be graded in a reasonable manner.

(b) If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten, or out of repair, it shall be the duty of the Director of Public Works to ensure the repair of the same within a reasonable time in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed and preserved by the City Clerk. The City Council shall once in each year, at or as near as conveniently may be to the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired the cost of making the repairs. In each case the assessments for all the repairs within the year may be combined in one assessment roll and be collected as provided for in this Code. In the case that any sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of the rebuilding, it shall be the duty of the Director of Public Works to ensure the removal of the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for the reconstruction.

Section 4. That Chapter 427 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 427.290 to read as follows:

427.290. Bridges. All bridges in the city crossing the Mississippi River or any natural stream or water course in the city, whatever the form or material used in the construction thereof, together with the guards and embankments connected therewith, and the immediate approaches thereto which form a necessary part of the same, and also all such bridges crossing railway tracks,

canals and the approaches thereto or any portions thereof that are not the responsibility of any railway company, any other governmental unit or any other entity, shall be built, maintained and kept in repair by the City as a general city charge unless otherwise determined by the Director of Finance.

Section 5. That this ordinance shall take effect on January 1, 2015.