

SIDEWALKS, CURBS, GUTTERS AND CITY OWNED UTILITIES

General

- A. Nothing herein shall relieve the property owner from the burden of initially installing concrete sidewalks, curbs, and gutters.
- B. Nothing herein shall relieve the property owner of his obligation under Newport Beach Municipal Code (“NBMC”) Section 13.01.100, or any successor section.
- C. Nothing herein shall prevent the City of Newport Beach (“City”) from performing any repair work within the public right-of-way when it is in the best interest of the City to do so.

Cost Sharing Of Repairing Sidewalks, Curbs, and Gutters And Other City Owned Utilities

- A. The City shall pay 100% of the cost of repairing concrete curbs and gutters.
- B. The City shall pay 100% for approaches at alley intersections.
- C. The City shall pay 100% of the cost of repairing standard concrete sidewalk adjoining private property where damage is caused by other than the adjacent property owner, including damage caused by City parkway trees.
- D. The property owner shall pay 100% of the cost of repairs to sidewalks, curbs, gutters, water services, water mains, sewer mains and laterals where the damage was caused by trees on private property, and/or where the damage was caused by acts or omissions of the property owner.
- E. The property owner shall pay 100% of the cost of repairs to non-standard improvements installed in the public right-of-way by the property owner or his predecessors in accordance with the terms of the non-standard improvement agreement, regardless of the cause of damage.
- F. The property owner shall pay 100% of the cost of repairs to non-standard improvements installed without a permit in the public right-of-way by the property owner or his predecessors, regardless of the cause of damage.

- G. Where ground cover and sprinkler systems, or standard flatwork installed in accordance with City policy and pursuant to an approved encroachment permit, are damaged as a result of City construction work, the repairs shall be performed by the City's Contractor and/or by City forces, as provided for in the contract.
- H. The City shall not pay for the cost of repairing private concrete driveway approaches within the City right-of-way, including the sidewalk areas; except that the City shall pay such costs if the damage was caused by City parkway trees (for standard approaches, only).
- I. A sum of money shall be appropriated every year in the Capital Improvement Budget to be applied to the City's share of concrete repair work.
- J. City participation under this policy shall be discretionary and subject to the availability of funds.

Lido Isle

The City shall cooperate with the Lido Isle Community Association ("LICA") to replace specially colored and scored sidewalk in kind, provided that City costs shall not exceed that of plain concrete with standard scoring. LICA color is "Chromix Adobe Tan No. C-21" by the L.M. Scofield Company.

Streets That Are More than Fifty Percent Improved

It shall be the policy of the City Council to initiate street and sidewalk improvements on streets that are more than fifty percent (50%) improved and to assign the cost of these improvements to the adjoining property owners. The methods used to finance the improvements are as follows:

- A. Voluntary payment of construction funds by benefited property owners.
- B. Advancement of construction funds by the City.
- C. Use of Chapter 27 provisions of the 1911 Act (Cal. Streets and Highways Code Sections 5870 *et seq.*).

If the method whereby the benefited property owners advance the construction funds is used, the engineering, inspection, and incidental costs shall be borne by the City. Projects financed in this manner shall be given a high priority.

If the method whereby the City advances the construction funds is used, the engineering, inspection, and incidental costs shall be borne by the City. Under this method the City

shall advance the funds only after an agreement between the property owners and City has been signed in which the property owners agree to repay the construction costs over a three-year period at prevailing interest rates.

If the provisions of Chapter 27 of the 1911 Act are used, the cost of engineering and inspection and identifiable incidentals shall be borne by the adjoining property owners.

In cases where Chapter 27 of the 1911 Act is used to improve unpaved alleys, the staff may advance up to \$50,000 per year from the Street and Alley Maintenance Program for alley paving. All funds advanced for construction, engineering and inspection shall be collected from the benefited property owners using the legal provisions of Chapter 27.

On streets that are more than fifty percent (50%) improved, owners shall be required to construct/reconstruct the curb, gutter, sidewalks and/or pavement when obtaining building permits for remodeling, new construction or additions.

History

(1965, 03/22) - L-1 - Adopted (Sidewalk, Curb, and Gutter)

(1966, 08/30) - L-1 - Amended

(1966, 10/24) - L-5 - Adopted (Street and Sidewalk Improvements)

(1967, 09/25) - L-1 - Amended

(1968, 11/12) - L-5 - Reaffirmed

(1968, 12/12) - L-1 - Amended

(1970, 03/09) - L-1 - Reaffirmed

(1970, 03/09) - L-5 - Reaffirmed

(1972, 02/14) - L-1 - Reaffirmed

(1972, 02/14) - L-5 - Reaffirmed

(1972, 05/22) - L-5 - Amended

(1982, 10/12) - L-1 - Amended

(1982, 10/12) - L-5 - Amended

(1982, 10/25) - L-1 - Amended

(1982, 10/25) - L-5 - Amended

(1986, 10/27) - L-1 - Amended

(1988, 11/28) - L-1 - Amended

(1988, 11/28) - L-5 - Amended

(1992, 12/14) - L-1 - Amended

(1994, 01/24) - L-1 - Amended

(1994, 01/24) - L-5 - Amended

(1996, 02/26) - L-1 - Amended

(1966, 02/26) - L-5 - Amended

(1997, 02/24) - L-1 - Amended

(1997, 06/09) - L-1 - Amended

(2006, 10/10) - L-1 - Amended

(2018, 08/14) - L-1 - Amended - incorporating L-1 & L-5