

House Study Bill 185

Conference Committee Text

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1 1 Section 1. Section [364.12](#), subsection 3, Code 1995, is
1 2 amended by adding the following new paragraphs:

1 3 NEW PARAGRAPH. i. Without prior determination and notice,
1 4 cause the repair or replacement of public improvements
1 5 including, but not limited to, sidewalks, water stop boxes,
1 6 and driveway approaches if the property owner does all of the
1 7 following:

1 8 (1) Requests the repair and replacement of the public
1 9 improvements specified in this paragraph abutting the property
1 10 owner's property located outside the lot and property lines
1 11 and inside the curb lines.

1 12 (2) Waives the requirement of a prior finding by the city
1 13 council that the condition of the public improvements
1 14 constitutes a nuisance and the requirement of prior notice.

1 15 (3) Consents to the repair of the public improvements and
1 16 the assessment of the cost of the repair to the abutting
1 17 property.

1 18 NEW PARAGRAPH. j. If, in repairing and replacing
1 19 improvements in the area between the lot or property lines and
1 20 the curb lines pursuant to paragraph "i", it becomes necessary
1 21 for the city to repair or replace adjacent improvements in the
1 22 area, assess against the abutting property the cost of
1 23 repairing or replacing the adjacent public improvements in the
1 24 area.

1 25 NEW PARAGRAPH. k. Accumulate individual assessments for
1 26 the repair and replacement of sidewalks, driveway approaches,
1 27 water stop boxes, or similar improvements or for the abatement
1 28 of nuisances, and may periodically certify the assessments to
1 29 the county treasurer under one or more assessment schedules.

EXPLANATION

1 31 This bill authorizes a city to repair or replace sidewalks,
1 32 water stop boxes, and driveway approaches located outside the
1 33 lot and property lines and inside curb lines, and assess the
1 34 costs of the repair or replacement to the abutting property
1 35 owners. The costs may be assessed and paid as other special
2 1 assessments if the property owners request the repairs, waive
2 2 the requirement of notice that the improvement in its present
2 3 condition constitutes a nuisance, and consent to the
2 4 assessment of the cost. Also, if, during the repairing or
2 5 replacing process, the city finds that adjacent improvements
2 6 in the same area also need repair or replacement, the
2 7 additional improvements to the sidewalks, water stop boxes, or
2 8 driveway approaches may be completed and the costs assessed as
2 9 provided in paragraph "i".

2 10 The bill also authorizes a city to accumulate individual
2 11 assessments for the repair or replacement of sidewalks,
2 12 driveway approaches, and water stop boxes, and periodically
2 13 certify the assessments to the county treasurer.

2 14 LSB 1729HC 76

2 15 tj/jj/8