

and lands abutting upon the improvement and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement between and including the termini of the improvement; and in describing lands which do not abut it shall be sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds; and this rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments.

Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance, and shall be a lien from the date of the assessment upon the respective lots and parcels of land assessed enforceable in the manner provided by general law.

SECTION 84. DAMAGES ASSESSED.

At the time of the passage of the ordinance determining to proceed with the improvement as hereinbefore provided, the Council shall determine whether the claims for damages so filed shall be judicially inquired into before commencing or after the completion of the proposed improvement. If it decides that the damages shall be assessed before commencing the improvement, the Director of Law shall then make a written application to a court of competent jurisdiction for inquiry into, and assessment of such damages, which inquiry and assessment shall be confined to such claims.

When the Council determines to assess the damages after the completion of the improvement for which a claim for damages has been filed as hereinbefore provided, the Director of Law shall within ten (10) days after the completion of the improvement make written application as hereinbefore provided in the case of the ascertainment of damages before the improvement was made, and the same proceedings shall be had.

No person who claims damages arising from any cause shall commence a suit therefor against the City until he shall have filed a claim for such damages with the Director of Finance and Public Record and sixty (60) days shall have elapsed thereafter, to enable the City to take such steps as it may deem proper to settle or adjust the claim; but this provision shall not apply to an application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity.

SECTION 85. WORK TO BE DONE.

When the Council shall have passed an ordinance directing an improvement to be made, to be paid for in whole or in part by special assessments the Mayor shall, as provided by ordinance, either directly by the employment of labor or by entering into a contract therefor, cause the improvement to be made.

SECTION 86. LANDS UNALLOTTED OR NOT ON DUPLICATE.

When special assessments are levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding and abutting upon the improvement, and there are lands subject to such assessment which are not assessed for taxation, the Director of Finance and Public Record shall fix, for the purpose of such assessment, the value of such lots as they stand and of such lands at such depths as the Director of Finance

and Public Record considers a fair average of the assessed value of other lots in the neighborhood, and where lands are not subdivided into lots but are assessed for taxation, the Director of Finance and Public Record shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

SECTION 87. INTEREST ON ASSESSMENT BONDS.

When bonds or notes are issued in anticipation of the collection of assessments, the interest thereon shall be treated as part of the cost of the improvement for which the assessments may be made.

SECTION 88. LIMITATION ON ASSESSMENTS.

The Council shall limit all assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land any assessments for any or all purposes within a period of five years in excess of thirty-three and one-third percent (33-1/3%) of the actual value thereof after the improvement is made unless the owner or owners of such property shall, in writing waive the said limitation. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of Council, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith.

SECTION 89. CITY'S PORTION OF COST.

(Repealed by Voters 11-8-55)

SECTION 90. REPLACING EXISTING IMPROVEMENTS.

The Council may provide in whole or in part the cost of replacing any improvement existing in the street at the time of the adoption of this Charter, by levying special assessments as hereinbefore provided; but any assessment for such replacement in less than twenty (20) years from the date of a prior assessment for the improvement to be replaced shall be limited to a sum not in excess of thirty-three and one-third percent (33-1/3%) of the cost of such replacement.

SECTION 91. SUBSEQUENT IMPROVEMENTS.

Every ordinance providing for an improvement to be paid for in whole or in part by special assessments passed subsequent to the adoption of this Charter, shall contain an estimate by the City Engineer of the life of the proposed improvement. Any assessment thereafter made for replacing such improvement within such period of estimated life shall be limited to a sum not in excess of thirty-three and one-third percent (33-1/3%) of the cost of such replacement. Assessments for replacements at or after the expiration of such estimated period of life shall be subject to no limitation except as provided for assessments for original improvements.

SECTION 92. SUPPLEMENTARY ASSESSMENTS AND REBATES.

Upon the completion of any improvement the Director of Finance and Public Record shall rebate to the then owner of the property which shall have been assessed to pay for such improvement, any surplus or excess remaining unexpended for the purpose for which such assessment was made, and in the event of there being a deficit in the fund provided for the making of any such improvement the Director of Finance and Public Record shall report to the Council a supplementary assessment within the limitations hereinbefore provided, which supplementary assessment shall be made by ordinance of the Council and certified for collection as is provided in the case of original assessments, but no such supplementary assessment shall be levied after the expiration of one year from the date of the completion of the improvement.

SECTION 93. SEWER AND WATER CONNECTIONS.

The Mayor shall have authority to compel the making of sewer and water connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer or water connection should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner or the agent of such owner of each lot or parcel of land to which such connections are to be made, which notice to the owner or the agent of such owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated by the Mayor in the manner provided for the service of summons in civil actions. Nonresidents of the City, or persons who cannot be found, may be served by one publication of such notice in a newspaper of general circulation in the City, which notice shall state the time within which such connections shall be constructed; and if they be not constructed within the said time, the work may be done by the City and the cost thereof, together with a penalty of five percent (55tc) assessed against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvements.

SECTION 94. SIDEWALKS.

The Council may by resolution declare that certain specified sidewalks, curbing, or gutters shall be constructed or repaired. Upon the passage of such a resolution the Clerk of the Council shall cause written notice of the passage thereof to be served upon the owner, or agent of the owner, of each parcel of land abutting upon such sidewalk, who may be a resident of the City, in the manner provided by law for the service of summons in civil actions. He shall return a copy of the notice with the time and manner of service endorsed thereon, signed by the person serving it, to the Mayor who shall file and preserve such return. For the purpose of such service, if the owner of any such property be not a resident of the City, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appear in any such

return, however, that the owner is a nonresident, or that neither such owner nor agent could be found, one publication of a copy of the resolution in a newspaper of general circulation in the City shall be deemed sufficient notice to such owner. If such sidewalks, curbing or gutters be not constructed or repaired within thirty (30) days from the service of notice, or the completion of the publication, the Mayor may proceed by direct employment of labor, or by contract to do, or have done, the said construction or repair at the expense of the owner, as in the case of other improvements, and all such expense shall be reported by the Mayor to the Council. The Council shall thereupon by ordinance assess the cost and expense thereof upon the owners of all the property bounding or abutting thereon, and such assessments shall be collected in the same manner with a penalty of five percent (5%) and interest for failure to pay at the time fixed by the assessment resolution.

SECTION 95. FURTHER PROCEEDINGS UNNECESSARY.

No proceedings for the construction or repair of sidewalks, curbing, and gutters, and levying assessments therefor, shall be necessary other than the proceedings required under this and the preceding section. In any case in which special assessments may be made on property for all the cost of constructing or repairing sidewalks, curbing, or gutters, such assessment within the limit of thirty-three and one third percent (33-1/3%) of the real value of the property shall be a valid assessment thereon except as provided in Section 88 of this Charter.

SECTION 96. ASSESSMENT BONDS.

The Council may at any time borrow money and authorize the issuance of notes or bonds therefor in anticipation of the collection of assessments levied for the purpose of paying the cost of constructing or repairing sidewalks, which are to be or have been constructed by the Mayor upon the failure of the owners of the property to construct or repair the same, pursuant to notice as hereinbefore provided.

SECTION 97. ALTERATIONS OR MODIFICATIONS IN CONTRACT.

When it becomes necessary, in the opinion of the Mayor or in the prosecution of any work or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon the order of said Mayor in writing. Provided, however, that such alteration must be approved by the Council in case it involves an additional expenditure exceeding one thousand dollars (\$1,000.00). No such order shall be effective until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and the Mayor in behalf of the City. (Approved by Voters 11-5-63)

SECTION 98. PLAT OF SUBDIVISION.

A proprietor of lots or grounds within the City who subdivides or lays them out for sale, shall cause to be made an accurate map or plat of such subdivision, describing with certainty all grounds laid out, or granted for streets, alleys, ways, commons, or other public uses. Lots sold or intended for sale shall be numbered by