



## **CITY OF DUNWOODY**

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### **MEMORANDUM**

**To:** Honorable Mayor and City Council  
**From:** Michael Smith, Director of Public Works  
**Date:** June 14, 2010  
**Subject:** **Proposed Amendment to the City Ordinance Chapter 26-Sidewalk Districts**

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#### **ITEM DESCRIPTION**

Approve an amendment to Chapter 26 that changes the required consent of owners to create a sidewalk district from 51% to 65%.

#### **PURPOSE**

Chapter 26, Article V of the city code outlines a process by which eligible residential areas may petition the city to install sidewalks within their neighborhood. The current version of the ordinance requires 51% of the property owners abutting the sidewalk improvements to consent to pay for the improvements on their property taxes. At the time of adoption of the Sidewalk Improvement Policy on April 28, 2010, Council expressed a desire to increase the required consent to 65%. This higher percentage would be consistent with the consent percentage required for installation of traffic calming.

#### **RECOMMENDED ACTION**

Approve the attached amendment to Chapter 26 which increases the consent of owners required to create a sidewalk district to 65%. Upon enactment of this amendment, Public Works will revise the text of the Sidewalk Improvement Policy to make it consistent with the amended ordinance.

**AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY REVISING SIDEWALK DISTRICT REQUIREMENTS**

**WHEREAS,** the City of Dunwoody is charged with safeguarding the safety, health and welfare of the citizens of the City; and

**WHEREAS,** the City of Dunwoody has heretofore adopted an ordinance for Streets and Sidewalks, as codified in Chapter 26 of the Code of the City of Dunwoody (the “Code”); and

**WHEREAS,** Article V, Sidewalk Districts, currently requires that 51% of owners in a proposed Sidewalk District consent to the creation of said district; and

**WHEREAS,** the Mayor and City Council have determined that it is appropriate to increase the required consent to 65% of owners in the proposed Sidewalk District in order to make sure a clear supermajority of owners in the neighborhood desire and consent to said Sidewalk District and assessments related thereto.

**THEREFORE,** Mayor and City Council of the City of Dunwoody hereby ordain:

**Section 1:** The Streets and Sidewalks Ordinance, Chapter 26 of the City of Dunwoody Code, is hereby amended by changing the language of Sec. 26-132(b) to read as follows:

**ADDITIONS = UNDERLINED**  
**DELETIONS = ~~STRIKETHROUGH~~**

**Sec. 26-132. Procedure**

....

(b) *Signatures.* No assessment shall be made against abutting property unless the same is consented to in writing by the owners of 5465 percent of the properties abutting such improvements. Said consent shall be deemed to have been given if the requisite number of signatures of such abutting property owners is included in the petition requesting the proposed sidewalks and the creation of the assessment district.

....

**Section 2:** The Streets and Sidewalks Ordinance, Chapter 26 of the City of Dunwoody Code, is hereby amended by changing the language of Sec. 26-133(a) to read as follows:

**ADDITIONS = UNDERLINED**  
**DELETIONS = ~~STRIKETHROUGH~~**

**Sec. 26-133. Funding**

(a) *Assessment.* Each owner of property abutting the sidewalks shall be assessed a share of the cost to be funded by the district, which cost shall be added to the ad valorem

property taxes for each owner as provided in this section. No assessment shall be made against abutting property, unless the same is consented to in writing by the owners of ~~54~~<sup>65</sup> percent of the properties abutting such improvements. Abutting shall mean adjacent to, contiguous with, or adjoining.

**Section 3:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this \_\_\_ day of \_\_\_\_\_, 2010.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

\_\_\_\_\_  
Brian Anderson, City Attorney