

ORDINANCE NO. 3618

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING A SCHEDULE OF CHARGES FOR VARIOUS STREET SERVICES FOR THE 50/50 COST SHARE PROGRAM FOR REPLACING EXISTING SIDEWALKS, CURBS AND GUTTERS, AND DRIVEWAY APPROACHES; ESTABLISHING CERTAIN RESTRICTIONS PERTAINING TO SUCH REPLACEMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, on January 16, 1989, the City Council elected to participate with property owners for the replacement of sidewalks, curbs and gutters, and driveway approaches; and

WHEREAS, the property owner prepays 50 percent of established unit prices and City Street Division personnel performs the work; and

WHEREAS, due to the increased cost of such replacement it has become necessary for the City to increase its unit pricing for the materials.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the schedule of charges to the property owner for various street services in connection with the 50/50 Cost Share Program ("Program") is hereby established as follows:

SCHEDULE OF CHARGES
FOR 50/50 COST SHARE PROGRAM

Sidewalk Replacement	\$4.00	Per Square Foot
Curb and Gutter Replacement	\$21.00	Per Linear Foot
Driveway Approach Replacement	\$5.00	Per Square Foot

SECTION 2. That the following restrictions shall also apply to the Program:

- (a) The City will not be responsible for damage to sprinkler systems, trees, shrubs or other improvements in the City's right-of-way. It shall be the responsibility of the property owner to protect such improvements prior to the beginning of reconstruction and during the reconstruction.
- (b) The cost of repairs calculated pursuant to Section 1 above does not include any necessary tree or tree root removal expense. Any such costs shall be the responsibility of the property owner and must be resolved prior to the beginning of reconstruction.


- (c) In the event the replaced sidewalk, curb and gutter, or driveway approach reconstructed through the Program fails within one year of the completion of the replacement under the Program, the City shall make appropriate repairs to this failed section at no further cost to the property owner.
- (d) The property owner who participates in the Program shall be eligible for reimbursement of his portion of the cost of replacements if within two years of the completion of the replacements the City undertakes a capital improvement project to reconstruct the street and/or underlying utilities abutting the property owner's property and the sidewalk, curb and gutter, or driveway approach reconstructed through the Program is replaced in connection with such capital improvement project. Reimbursement shall apply only to affected areas included in the capital improvement project.
- (e) There shall be no eligibility for reimbursement for the portion of a driveway approach that has been widened beyond the original approach width, or in the case of capital improvement projects occurring more than two years from the date of replacement.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall be affected and shall remain in full force and effect.

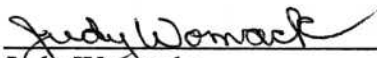
SECTION 5. That this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of November, 2003.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney