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ORDINANCE AMENDMENT TO CODE OF GENERAL ORDINANCES, TITLE III,
CHAPTER 27 – STREETS, SIDEWALKS AND PUBLIC WAYS – SECTION 27-154a
PROCEDURE FOR REQUESTING THE BOARD OF ALDERS TO ORDER
IMPROVEMENTS TO AN UNACCEPTED STREET.

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WHEREAS, the Mayor of the City of New Haven desires to amend Title III, Chapter 27 of the Code of General Ordinances to include a procedure for requesting the Board of Alders to order improvements to an unaccepted street) to ensure that there is a fair and open procedure for approving City expenditures that benefit private property owners of private roads; and,

WHEREAS, there are thirty-three unaccepted streets in the City of New Haven; and,

WHEREAS, some unaccepted streets are or may be in need of improvements but cannot be repaired because of the prohibitive cost of improvements, disagreement, or lack of cooperation by some of the owners of the private road; and,

WHEREAS, the cost of improvements to those unaccepted streets can impose a significant financial burden to homeowners; and,

WHEREAS, improving an unaccepted street will promote harmony among homeowners, provide safer streets for all City residents and reduce the financial burden for those required to make the necessary repairs; and,

WHEREAS, Article IV, Section 5A of the New Haven Charter gives the Board of Alders authority to order the improvement of any unaccepted street, alley or highway within the City and to, in its discretion, to assess persons whose property is, in the Board's judgment, benefitted thereby, and,

WHEREAS, a fair and open procedure for the Board of Alders' consideration of whether to grant a request for the improvement of unaccepted streets is needed.

NOW, THEREFORE BE IT ORDAINED, by the Board of Alders of the City of New Haven that the proposed amendment to the Code of General Ordinances, Title III, Chapter 27 – Streets, Sidewalks and Public Ways is hereby approved.

Code of General Ordinances

Article VI

Chapter 27

Section 27-154a. Procedure for requesting the Board of Alders to order improvements of an unaccepted street.

(a) Definition:

- i. For the purposes of this ordinance, an "unaccepted street" is a street, road, alley or other right of way that has been identified for public use where no or only partial improvements have been made, and where the City has not accepted the perpetual

maintenance of same, as defined in Sec. 27-151 of the Code of General Ordinances, as amended from time to time.

- ii. "Owner" shall mean any person or entity that owns any portion of an unaccepted street.
- (b) Upon the written request for improvements to an unaccepted street, by the majority of the owners of the unaccepted street, the Board of Alders shall follow the following procedure:
- (c) A majority of owners of an unaccepted street may submit a written request for improvements to the Board of Alders, which shall include the specific improvements requested and the reasons therefor.
- (d) The Board of Alders will assign the request to the _____ Committee for review and recommendation.
 - 1. Review of the request by the _____ Committee. In advance of a public hearing on the request, the Committee shall obtain, from the Director of Public Works and/or other appropriate City department, an estimate of the cost of the project, and such other information as it deems necessary to evaluate the request.
 - 2. Schedule a public hearing on the request. At the hearing, the Committee will consider the estimated cost of the project, the benefits to City residents if the Board of Alders were to approve the project, and any other information it deems relevant. In making its decision, the Committee shall consider some or all of the following factors:
 - a. The extent to which the proposed improvement will render the unaccepted street safe and maintainable;
 - b. The availability of practical alternatives to the requested improvements;
 - c. The effect of a denial on the property owners, including whether a denial would adversely affect public safety;
 - d. The anticipated duration of the requested improvement;
 - e. The extent to which the property value of each owner will increase due to the improvement, or;
 - f. Any other factor the Committee deems relevant and appropriate.
 - 3. Conduct a vote by members of the Committee for approval or denial of the request.
 - 4. In making its decision, the Committee may recommend that a proportional and reasonable cost of the improvement be levied as a special assessment against each of the properties abutting the unaccepted street. The Committee may further provide that the assessment be paid off over a specified period of time and may impose a reasonable rate of interest on payments made over time. Any special assessment shall be recorded on the land records of each of the property owners.
 - 5. Refer the matter to the full Board of Alders for consideration and vote.
- (e) If approved, the Board of Alders shall issue an order to the Director of Public Works and/or relevant City department to make the improvement to the unaccepted street
- (f) After the project is completed, the Director of Public Works shall report to the Board of Alders the total cost of the project.
- (g) Pursuant to Article IV, Section 5.A. of the New Haven Charter, the Board of Alders may determine a proportional and reasonable part of the cost of the project to be levied upon each property abutting the unaccepted street.

- (h) The Board of Alders may adopt or modify any special assessment recommended by the Committee.
- (i) The Board of Alders shall record notice of the assessments in the New Haven land records. The Board of Alders shall record notice of full payment of the assessment on the New Haven land records when payment in full is received.

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