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REPAIR from A1

rent width throughout the section is 4.5 feet, while minimum sidewalk width according to the city standards is five feet.

It was also noted that one property owner has replaced his sidewalk within the last five years and he was allowed to construct a 4.5-foot sidewalk because he was matching that width on both sides of his property.

Resident Responsibility
 According to Cottage Grove's city code, both sidewalk responsibility and liability are allocated to the abutting property owner.

Under its chapter on nuisances, the code states that "the owner of real property abutting a sidewalk shall maintain the sidewalk in good repair and safe condition" and "the owner of real property abutting a sidewalk shall be liable to any person injured because of failure by the owner to maintain the sidewalk in good repair and safe condition."

Another municipal ordinance in place since 1996 describes the duties of Cottage Grove landowners to improve adjacent streets and sidewalks that have fallen into disrepair when required by order of the city council.

The code states that the order should require the owner to complete the sidewalk work within 30 days of the notice. The city may also do the sidewalk work and assess the cost of the work against the adjacent property, in which case a lien may be placed

on the property.

Liability is also a concern for residents.

Oregon case law over sidewalk responsibilities and liabilities go back more than 100 years. For many cases, the issues revolved around liability for injuries sustained as a result of poorly maintained sidewalks rather than property owner responsibility for maintenance.

In 1917, the Supreme Court of Oregon ruled in favor of the City of Vale over a citizen complaint in which a sidewalk had fallen into disrepair. The plaintiff was seeking to recover damages for an injury sustained while stepping into a hole of a defective sidewalk.

The court ruled that "by virtue of its city charter, the city was exempt from liability."

Furthermore, the court held that in order to exempt a municipal corporation, an equivalent remedy must be provided. Here the primary duty of constructing and repairing sidewalks was placed upon the owner of abutting property and expressly declared the owner liable for failure to perform that duty.

This point has uniformly been upheld and was further established as doctrine that while the city may exempt itself, it can only do so when it leaves the injured person a remedy against someone.

In Cottage Grove's case, both responsibility and liability have been allocated to property owners, thus meeting the standards for the city to exempt itself.

In exploring solutions for residents, City Engineer Ron Bradsby laid out some options, starting with city responsibilities.

"The city has to hire a contractor to replace the

rolled curb. That's on the city," he said. "We're going to explain to the property owners that if they want, they have an opportunity to let the city's contractor come in and do their sidewalk as well if they do not want to perform it."

Bradsby was also able to obtain some quotes on construction costs.

With each of the 11 lots at 60 feet in length, and at \$10.50 per square foot, it would cost the property owners \$3,150 each for removal and replacement of a five-foot sidewalk.

Resident driveways, however, vary in width and construction costs were quoted at \$18.50 per square foot to bring them up to code.

Bradsby recommended that the one resident who had already improved his sidewalk be given an exception.

"We felt he's made an investment to try to improve his property. Staff allowed the four-and-a-half-foot sidewalk, basically because that's what he was matching to at the time. And we propose that the city pay," said Bradsby.

Mayor Jeff Gowing opened the topic up for public comment as many residents were in virtual attendance.

A resident identified as Yve said she felt the 30-day notice was an "undue burden" as the "unprecedented times" would make it hard for residents to get construction done in time.

She also reported that after briefly talking with neighbors about their financial situations, "it sounds like the consensus would be to go for that grant," referring to the possibility of applying for a future Safe Routes to School grant.

Resident Gerren Castle

told the council he didn't think old sidewalks should be grandfathered into the 1996 city code in regards to land owner responsibility as not all residents would be responsible for equally aged sidewalks.

Councilor comments were sympathetic to the situation. Councilor Mike Fleck advised that waiting for grant funding may not be a reliable way to pay for the construction and recommended low-interest loans by way of lien.

He did agree, though, that extending the amount of time residents have to improve their sidewalks until the next construction cycle would be a beneficial move and proposed a six-month window.

Councilor Greg Ervin agreed with Fleck on the extension, but cautioned that "the thing we are up against is repeated injuries."

City Manager Meyers echoed the warning by saying that "any kind of extension on time is going to put some risk on the property owners because they are responsible for the maintenance of those sidewalks and injuries that occur could be a liability against them and their property insurance."

Councilor Jon Stinnett supported the time extension as well.

"I can understand that this feels like a raw deal for some people that came to us looking for help," he said. "I do think the sidewalk needs to be replaced and that recent incidents have brought that to light ... So I think we need to do it, but give some time for things to happen."

Councilors were unanimous in amending the sidewalk order to extend the window to six months.

Bradsby added that more construction quotes will be obtained to bring more options to the table.

The next regular city council meeting is scheduled for Oct. 25, 2021 at 7 p.m. in the Council Chambers at City Hall. Virtual attendance is possible by clicking on the link on the corresponding meeting's agenda page. This can be found by going to the city's website at www.cottagegroveor.gov, selecting the "Your Government" tab, clicking on "Agenda and Minutes" and viewing the details of the appropriate agenda.

Past council meetings can be viewed on the City of Cottage Grove's YouTube channel.

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HALLOWEEN Hootinanny



OCT 29

Trick or Treat in Bohemia Park
 3pm to 6pm
 10th Street, Cottage Grove

Bring your "Ghosts and Ghouls" out for a spook-tacular time in Bohemia Park.

Wear your masks and stay socially distanced

For more information contact the Chamber:
info@cgchamber.com or 541-942-2411

Your Business is INVITED!

WHAT: HALLOWEEN HOOTINANNY!!
 CG's FIRST EVER:
 "Walk Through Bohemia Park" TRICK OR TREAT EVENT

WHEN: OCT 29
TIME: SET UP AT 1. Participant Walk Through 3-6
WHERE: BOHEMIA PARK

*Business locations will be assigned
 ** A 10x10 Pop Up Tent WILL BE PROVIDED (for the first 40 businesses that respond)

WHAT'S DIFFERENT THIS YEAR:
 *Participants will wonder the sidewalks of Bohemia Park in a one way only fashion, stopping by businesses tents to 'trick or treat'!
 *Businesses will be spread out throughout the park (along the sidewalk) 50+ feet in order to keep social distance
 *Businesses are encouraged to dress up and get creative, participants will be voting on an array of categories!
 *Mask must be worn by anyone 3 and older while 'in the park'.

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