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TO: Valerie Rosenson, Legislative Officer, Board of Representatives

FROM: Michael Toma, Esq., Assistant Corporation Counsel *MST*

DATE: October 12, 2022

RE: Review of Petitions for Street Acceptance

In response to your inquiry, this memo lays out the process that the Board of Representatives should follow when it receives a petition for acceptance of a private street. This process can be applied to the Mill Brook Road petition that was recently received as well as other petitions that the Board receives in the future. Generally, the Charter grants the Board of Representatives authority over public improvements, such as accepting a street, per Charter Sections C8-60-1, et seq. The process of accepting a street is further defined in Chapter 214, Article III of the Code of Ordinances (Section 214-32, et. seq.). A review of these Charter and Code provisions reveals the following process:

1. Upon receipt of a petition for acceptance of a private street, the Board of Representatives (Board) may vote on a resolution requesting the administration to assess the work required, if any, to bring the private street up to City standards, assess the cost of such work, and assess the need for and cost of any pertinent legal matters (for example, verification through title search of owners of street). This resolution should also declare whether such costs shall be the responsibility of the petitioners/owners or of the City. This resolution may be voted on without a prior vote of the Board of Finance.
2. The Board need not have any of the engineering, title, or cost information before passing such a resolution. But such a resolution would not commit the City to accept the private street.
3. If the Board passes the resolution, the Engineering Bureau, Law Department, and other relevant staff would do the investigation and cost determination work after the Mayor directs such work.
4. The administration may make a recommendation to the Board of Finance and Board of Representatives on whether to accept the street and whether conditions should be attached to such acceptance, such as for example, conveyance of title of the street to the City.

5. The owners of the street take whatever steps deemed necessary by the City Engineer, at their own expense if required by the Board in its resolution, to meet the City's standards for acceptance.
6. Once the City Engineer certifies that the street meets City specifications, the Board has sixty days to act on the petition, or the street is deemed accepted.
7. The Board of Finance must approve the acceptance of the street before the final Board of Representatives resolution accepting the street.
8. If the Board of Finance approves the acceptance of the street, the Board of Representatives may pass a final resolution accepting the street.