



● **McQUISTON ASSOCIATES**

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November 16, 2015

**ITEM 1 JOINT CMTE B&F 11/16**

**CF 14-0163-S3**

R. Williams

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**STATEMENT of J.H. McQUISTON on  
SIDEWALK REPAIR MATTERS**

Honorable Chairmen and Members of the Joint Committees:

**This matter is clearly delineated by the Streets & Highways Code, the Municipal Code, and the State Supreme Court: CONSTRUCTION, RECONSTRUCTION OR REPAIR OF "SIDEWALKS" IS THE RESPONSIBILITY OF THE PROPERTY OWNER, the OWNER ABUTTING THE "SIDEWALK".**

It is UNCONSTITUTIONAL for the City to absorb any portion of the cost to construct, reconstruct, or repair a property improvement not actually owned by the City.

The City may do such work **only after giving notice to the property owner to construct, reconstruct or repair the "sidewalk"** <sup>1</sup> Thereafter it is REQUIRED BY LAW to bill the property owner for the work.

**Tree damage is the responsibility of the property owner. The property owner agreed to maintain the tree before it was installed on the property owner's property underlying the easement.**

**SUBSTANTIAL "SIDEWALK" DAMAGE IS NOT DUE TO TREES.**

Do not invite lawsuits by attempting to enact a proposition whereby the City would not bill for such construction, reconstruction or repair of "sidewalks".

Respectfully submitted,

c: Interested parties

J. H. McQuiston

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<sup>1</sup>"sidewalk" includes by law also curb, gutter, alley, hydrant, parking strip, trees poles, etc. Property ownership extends to center of street, not to edge of sidewalk. The appropriate laws were shown to these Members many times. Ignoring known law destroys immunities.