

CITY OF BRISTOL – PUBLIC WORKS

PRIVATE PROPERTY WITHIN THE CITY’S RIGHT-OF WAY

1. Policy Name:

Private Property within the City’s Right-of-Way

2. Identify Author and effective date:

Public Works, effective 7/19/07

3. Rationale or Purpose:

This policy addresses the City’s liability for damage sustained during construction activities to private property that is within the City’s Right-of-Way. This will limit claims made against the City for damage sustained to personal property once construction is complete.

4. Policy Statement:

To avoid claims made for damage to personal property placed near the City’s Right-of-Way, the City will communicate upcoming construction plans and allow the resident time to take corrective action to avoid damage.

Code of Ordinances under 21-4 c prohibits installation of permanent obstructions in the City’s right-of-way without a permit, however the City generally allows property owners to place plantings, mailboxes and other ornamental items in the right-of-way.

5. Scope:

This policy will apply to residents and business whose property borders the City’s Right-of-Way where construction will occur. Paving and sidewalk construction may impact personal property near the tree (pole) border, and advance communication will alert residents to take precautions.

6. Procedures

Prior to the start of construction, the City will notify residents (via letter, Press Release and notice on the Public Works web site) in the affected area that construction activities are scheduled to begin and that resident should take action to move any lawn sprinklers, high value mailboxes, posts, lawn ornaments, plantings, or other personal property that may be located in the vicinity of the construction area. If needed, the City will provide temporary mail boxes to ensure continuous mail delivery if a high value mail box is moved.

Notice will include a statement advising residents that the City will not be responsible for damage to these items if they are left near the City’s Right-of-Way during construction.

7. Roles/Responsibilities:

The City of Bristol Public Works Divisions will notify the Public Works Administration group a minimum of 3 weeks prior to any construction that will occur in or near the City’s Right-of-Way. A list of addresses should be provided that will be directly in the construction area so that appropriate notice can be sent to affected homes and businesses. Public Works Administrative Support will mail letters to the affected addresses a minimum of two weeks prior to the start of construction. Copies of the letters will be provided to Claims for future reference.

8. Definitions :

Right-of-Way: A right-of-way is a type of easement that gives someone the right to travel across property owned by another person.

See also City Ordinances, Chapter 21, Article III, Division 1, Section 21-92 Street Line

9. Consequences of Non-Compliance:

The City will follow its standard process for claims made by residents whose personal property was damaged during construction activities in the City's right-of-way.

Approval Authority: Board of Public Works

Approved date: 7/19/07

Review cycle: Annually