

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Public Hearing – Removing City-Mandated Curb and Sidewalk Replacement
Program: Subdivision Code Text Amendment
DATE: October 25, 2022

Summary: The City's subdivision code currently contains a provision allowing for the City Council to select locations for mandated sidewalk and curb replacement. The attached draft code amendment would remove that consideration from the subdivision code.

Background: The City has had a curb and sidewalk replacement program since 1994. One part of the program allows for a roughly 50/50 share of the financial burden to replace sections of curb and sidewalk in poor or very poor condition. Residents who wish to replace the deteriorating curb and/or sidewalk can either hire a private contractor to do the work or have the City's annual concrete contractor replace it. The City reimburses at the equivalent of 50% of its commodity bid rate.

The other part of the program allows the City Council to select locations for City-mandated curb and/or sidewalk replacement subject to budgetary considerations. Once the selection and direction is given, staff notifies the property owner of its required financial participation. To the best of staff's knowledge, the Council has never mandated participation in the replacement of curb or sidewalk; participation has been strictly on a voluntary basis that is initiated by the property owner.

During a discussion at the September Committee of the Whole meeting, the consensus of the Council was to remove the City-mandated curb and sidewalk replacement program from the subdivision code. As a result, the draft attached ordinance would remove that while keeping the "50/50 program."

Staff recommends approval of the attached draft code amendment. This is scheduled for a public hearing at the November 2 Planning and Zoning Commission meeting. It would tentatively be scheduled for a first reading ordinance at the November 7 City Council meeting followed by a second reading ordinance and vote on November 21.

Attachment

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would remove the City-mandated sidewalk and curb replacement program from the subdivision code.)

AN ORDINANCE AMENDING THE SUBDIVISION CODE TO REMOVE THE CITY-MANDATED SIDEWALK AND CURB REPLACEMENT PROGRAM

WHEREAS, the City of Washington (the “City”) has previously established sidewalk programs for the replacement of degrading sidewalks and curbs located in the City limits; and

WHEREAS, the City has two (2) different programs that can be used to replace sidewalks and/or curbs: (1) the “50/50 program” where citizens can apply for the program and either hire a private contractor or have the City or the City’s contractor replace the sidewalk/curb, to which the City provides a 50% reimbursement to a citizen using such program and (2) the City-Mandated Sidewalk and Curb Replacement Program, where the City selects sidewalks and/or curbs to be replaced to which the adjacent property owner must financially participates in the replacement; and

WHEREAS, the City Council has determined it is in the best interests of the City that the City-Mandated Sidewalk and Curb Replacement Program be rescinded from Chapter 152, the Subdivision Code, in the Municipal Code of the City of Washington.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by deleting Section 152.022(J), the City-Mandated Sidewalk and Curb Replacement Program, in its entirety and replacing it as follows:

~~“(J) City Mandated Sidewalk and Curb Replacement: The City encourages voluntary private property owner participation in the City of Washington Sidewalk and Curb Replacement Program. The City will periodically inventory and evaluate the condition of existing sidewalks and curbs located in the public right of way, using insurance industry guidelines as a basis of evaluation. Sidewalk and curb in Poor or Very Poor condition will be identified and listed.~~

- ~~1. Poor condition sidewalks are those which have cracks greater than three eighths inch (3/8”) wide and greater than three eighths inch (3/8”) vertical separation between squares or cracks within the same square, significant surface sealing or pitting, broken sections of sidewalk are loose and~~

~~shift easily under the weight of walking, and/or some sections may be entirely missing. Poor condition curb would have multiple spalls per panel.~~

- ~~2. Very Poor condition sidewalks are those which have cracks greater than one and one-eighths inch (1 1/8") wide or one and one-eighths inch (1 1/8") vertical separation between squares or cracks within the same square, excessive cracking, scaling or pitting, and/or sections of broken sidewalk can be lifted out or are entirely missing. Very Poor condition curb would have excessive spalling and exposed reinforcement per panel.~~

~~Subject to budgetary considerations, the City Council will select the locations for City-mandated sidewalk and curb replacement. The City Administrator will develop and implement appropriate procedures to notify property owners abutting the selected replacement sidewalk and curb locations of their required financial participation in the construction of the new sidewalk and curb. Sidewalk replacement is typically reviewed and replaced per full square panel, typically four feet by five feet (4'x5'). Curb replacement is typically reviewed and replaced per full jointed segment, typically ten to fifteen feet (10-15')."~~

(J) Intentionally Omitted.

Section 3: That Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by deleting Section 152.022(K)(4) in its entirety and replacing it as follows:

"4. Property owners may request for sidewalk and/or curb abutting their property to be replaced. In order to either be placed on the City's replacement program or reimbursed for the cost of concrete material when the property owner contracts with a private contractor to have the work done, the sidewalk and/or curb must be in Poor or Very Poor condition. The following identifies and lists Poor or Very Poor conditions:

- (a) Poor condition sidewalks are those which have cracks greater than three-eighths inch (3/8") wide and greater than three-eighths inch (3/8") vertical separation between squares or cracks within the same square, significant surface scaling or pitting, broken sections of sidewalk are loose and shift easily under the weight of walking, and/or some sections may be entirely missing. Poor condition curb would have multiple spalls per panel.**
- (b) Very Poor condition sidewalks are those which have cracks greater than one and one-eighths inch (1 1/8") wide or one and one-eighths**

inch (1 1/8") vertical separation between squares or cracks within the same square, excessive cracking, scaling or pitting, and/or sections of broken sidewalk can be lifted out or are entirely missing. Very Poor condition curb would have excessive spalling and exposed reinforcement per panel.

The amount of material reimbursement is based on the City's annual concrete bid price per lineal foot and the City's final inspection measurements. Sidewalk replacement is typically reviewed and replaced per full square panel, typically four feet by five feet (4'x5'). Curb replacement is typically reviewed and replaced per full jointed segment, typically ten to fifteen feet (10-15')."

Section 4: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section 5: If any provision of this ordinance is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section 6: This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this _____ day of _____ 2022.

AYES: _____

NAYS: _____

ATTEST:

MAYOR

CITY CLERK