# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**DATE: February 23, 2015**

**ITEM:**

Motion – Approving Revised Policy for the Annual Sidewalk Program

**FINANCIAL IMPACT:**

A reduction in staff time and administrative costs is anticipated to occur with the implementation of recommended sidewalk program revisions.

**BACKGROUND:**

The sidewalk program provides a means of annually reviewing the condition of existing sidewalks and the need for new sidewalks throughout the City. Due to concerns expressed by members of the public and Council members, Public Works and Financial Services staff have reviewed current policies, defect criteria, and administrative costs incurred by adhering to current policies. Other municipalities were surveyed in an attempt to be consistent with other sidewalk policies. The revisions recommended are anticipated to provide property owners with a program which is more cost effective to them, and to the City.

The sidewalk program policy changes are recommended to be effective with the 2015 Sidewalk Program.

Staff will perform a comprehensive review of the policy changes in the sidewalk program after the 2015 Sidewalk Program is completed.

**RECOMMENDATION:**

City Council Adopt:

- Motion Approving Public Works and Finance & Administration Recommendation to the Annual Sidewalk Program
- Motion Approving Revision to the Sidewalk Improvement Program

**Lead Staff Member: Joseph C. Cory, P.E., Deputy Director**

**STAFF REVIEWS**

| | |
|---|---|
| Department Director | Bret Hodne |
| Finance Director | Tim Stiles |
| Legal | Richard Scieszinski |
| Agenda Acceptance | RTG |

**PUBLICATION(S)** (if applicable)

| | |
|---|---|
| Published In | |
| Dates(s) Published | |

**SUBCOMMITTEE REVIEW** (if applicable)

| Committee | Public Works | | Finance & Admin. |
|---|---|---|---|
| Date Reviewed | February 17, 2015 | | February 24, 2014 |
| Recommendation | Yes | No | Split |

# CITY OF WEST DES MOINES, IOWA

Sidewalk Inspection and Repair Policy
Deferral of Sidewalk Installation Policy

## I. DEFINITIONS:

PROPERTY: Land situated in the city, whether or not improved with buildings or other structures.

PROPERTY OWNER: A person who, alone or with another person or other persons, holds the legal title to property; except, however, where property has been sold on contract to a person who has the present right to possess the property and the contract has been filed for record in the office of the Polk County recorder, Dallas County recorder, Madison County recorder or the Warren County recorder, the person so purchasing the property, whether alone or with another person or other persons, is the "property owner" and not the person retaining bare legal title to the property as security for the balance of the purchase price.

PUBLIC SIDEWALK: That portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line or within easements on private property that is paved or improved and intended for use by pedestrians. A public sidewalk must be a minimum of four (4) feet in width. A sidewalk's primary purpose is to provide pedestrians with connections to neighborhoods, shopping centers, businesses and other venues of interest.

## II. DUTY OF ABUTTING PROPERTY OWNERS:

Every property owner is required to maintain, at his or her own expense, the public sidewalk on that length and side of the public street or streets to which said property owner's property abuts in accordance with the City's Sidewalk Inspection and Repair Policy ("Repair Policy") approved by the city council. This obligation to maintain includes, without limitation, the duty to keep the public sidewalk open, free of debris, snow and ice and other obstacles as required by this chapter and in a reasonable state of repair so as not to present a hazard to persons using the public sidewalk; provided, however, that this section shall not be construed to require a property owner to take any action with respect to a public sidewalk when said action is made necessary by the excavation or other activity of the city or a public utility.

## III. ANNUAL INSPECTION ZONES:

The City will be responsible for inspecting the public sidewalks on an eight (8) year cycle within the city. These inspections shall be made to determine if any of the public sidewalks within a particular zone of the city are defective as defined. The City will be divided into eight zones as designated in (Appendix "A").

When a sidewalk defect is found to exist outside of the annual inspection zone, the City will initiate appropriate action as directed by this policy to have the sidewalk reconstructed.

## III. RECONSTRUCTION PROCEDURES

It shall be the duty of the abutting property owner at all times to reconstruct, or cause to be reconstructed, all defective public sidewalks in the street right-of-way or within a granted easement abutting his/her property.

The public sidewalk will be considered defective when it exhibits one of the characteristics listed in (Appendix "B") of this policy. When a sidewalk is found to contain such a defect, the City's designated inspector will issue a written notice to repair sent by certified mail to the abutting property owner requiring that the appropriate work be completed within 75 days.

### Sidewalk

All locations where notice to repair has been issued will be re-inspected by the City's designated inspector after the abutting property owner has been given 75 days in which to complete the work. If, upon expiration of the 75 days as provided in said notice, the required work has not been done or is not in the process of completion, the City's designated inspector may cause the same to be reconstructed and the

cost thereof shall be assessed to the abutting property owner. No such assessment shall be made for the repair, reconstruction or replacement of a public sidewalk unless the city has served upon the person shown by the records of the Polk County recorder, Dallas County recorder, Madison County recorder or the Warren County recorder to be the owner of the abutting property, by certified mail, a notice requiring said person to repair, reconstruct or replace the public sidewalk within seventy five (75) days from the date said notice is mailed. All sidewalk improvements shall be performed under the supervision and inspection of the City's designated inspector.

## IV. DETERMINATION OF CITY COST TO REPAIR

### Sidewalk

If work has not commenced following the 75 day notice, the sidewalk will be placed on a list for repair and the City's contractor notified to proceed with the repairs. Upon completion of the repair the property owner will be sent by regular mail an invoice of the actual cost of the repair with no administration fee. The property owner will have 30 days to pay the invoice. If the invoice is not paid within 30 days, the amount will be certified to the County Auditor to be added to the owner's property taxes.

## V - PERMITTING AND REPAIR INSPECTIONS

Any property owner required to or desiring to reconstruct or repair any sidewalk shall, before commencing such reconstruction or repair, apply at West Des Moines Public Works for a Sidewalk & Driveway Approach Permit as illustrated in (Appendix "C").

The City's designated inspector is authorized to inspect, approve or disapprove the reconstruction or repair of sidewalks. The party reconstructing or repairing any sidewalk shall call for inspections by notifying the City's Public Works Department when the slab has been lifted and subgrade has been brought to the proper elevation, or forms have been set for the slab replacement. In the case of slab replacement a further inspection shall be required upon completion after removal of forms, backfill and seeding have been completed.

## VI – DEFERRAL PROCESS

Any residential property owner seeking deferral of sidewalk installation must complete the application as illustrated in (Appendix "D" & "E") and meet the criteria.

## VII – ECONOMIC HARDSHIP PROCESS

Any residential property owner seeking to qualify for economic hardship of sidewalk installation or repair must meet the defined criteria as illustrated in (Appendix "E").

## VIII - DOCUMENTATION

The City will maintain formal permanent records showing the date on which each sidewalk was last inspected, which properties were found to have defective sidewalks, the nature of the defects found, and the action taken to correct the defect. The City's designated inspector will be responsible for issuing all official "Notice to Repair". All official notices will be sent certified mail as required by Iowa Code.

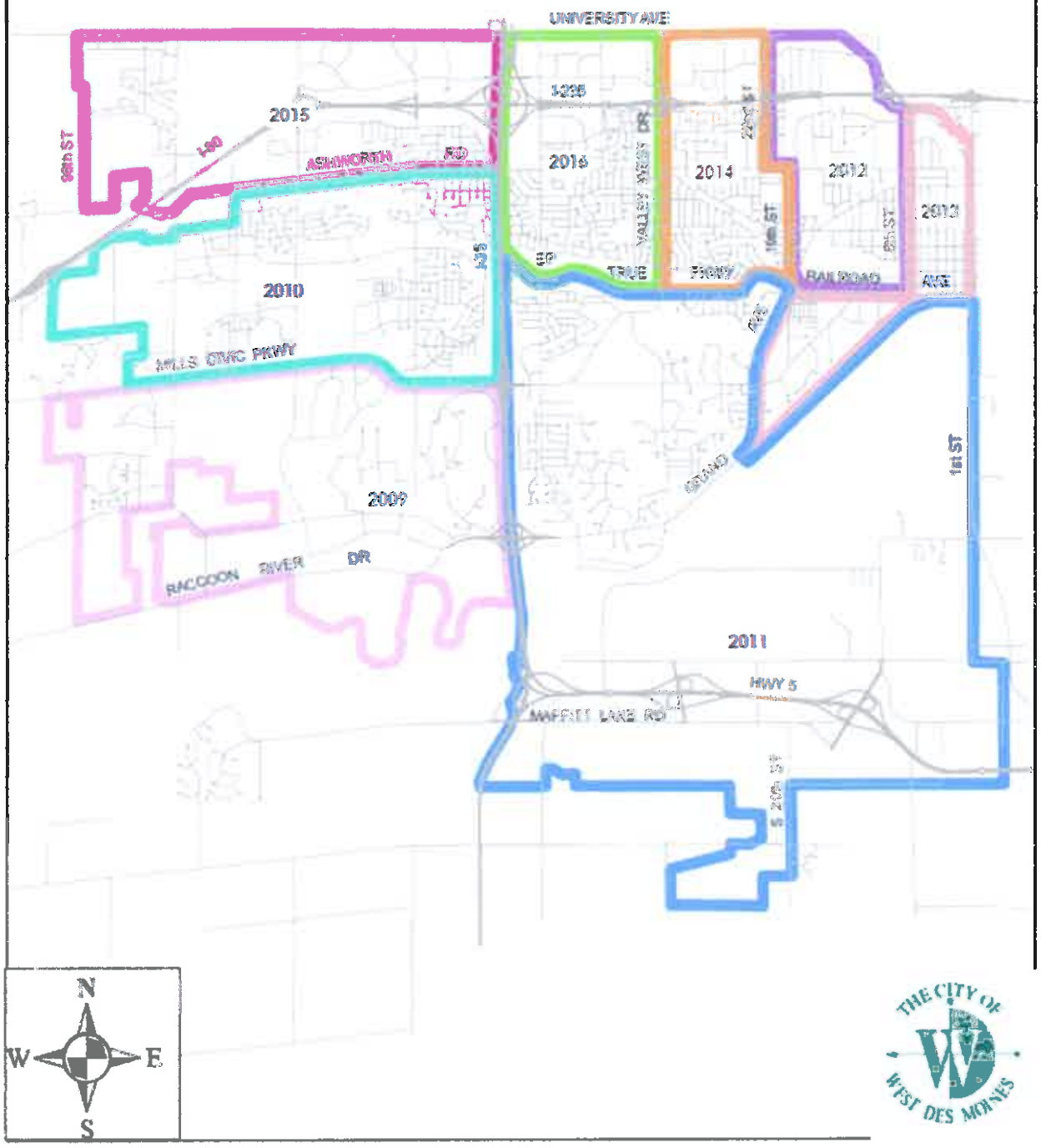
## VII - DISCLAIMER

To the extent that any previous rule, regulation, policy or past practice, written or unwritten, is in conflict with the provisions of this policy, such is hereby withdrawn, voided and all personnel should conduct themselves in conformity with this policy.

This Sidewalk Inspection and Repair Policy is not intended to create and should not be construed in any manner as creating a guaranty that any hazard associated with sidewalk conditions is eliminated by the City's efforts to maintain public sidewalks in accordance with this Policy.

**Appendix "A"**

# 2009 - 2016
# Annual Sidewalk Improvement Project



## APPENDIX "B" -- CITY STANDARDS FOR SIDEWALK DEFECTS

**Defect "A"**

**Sidewalk faulted at a joint or cracked with 1" or more vertical deflection.**

**Defect "B"**

**Sidewalk raised or sunken more than 2" in 8 feet from normal profile of sidewalk.**

**Defect "C"**

**Sidewalk constructed from improper material such as asphalt or brick or spalling has occurred over 50% of a single panel.**

**Defect "D"**

**Sidewalk is not present.**

**Defect "E"**

**Cross slope exceeds one inch in one foot.**

Defect A or B (Sunken Sections)

Sidewalk slabs marked as defective under Defects A or B (Sunken Sections) may be repaired without total replacement if the sidewalk slabs are in otherwise good condition and in one piece. The sidewalk slab or slabs may be lifted up and the subgrade excavated or filled and the sidewalk slabs reset to a safe uniform grade condition. Repositioning existing slabs may be done under the direction of the City's designated inspector. The property owner may grind Defect A utilizing a minimum transition of six inches or until a level transition is achieved. The City will only utilize the remove and replace panel(s) method for repair.

Defect B (Raised Sections), C or E

Sidewalk marked as Defect B, C (Raised Sections) or E requires complete replacement of these sidewalk panels. At a minimum, the property owner shall use a commercial concrete mix with 4,000psi rating. The property owner shall follow the minimum manufacturer's recommendation to ensure proper mixing and placing of the concrete.

Defect D

Sidewalk missing under Defect D requires the installation of concrete sidewalk as defined under the policy.

UNKNOWN PROPERTY LINES

The inspector will determine as best he/she can, the location of property lines in order to determine the proper owner to whom a notice to repair will be sent. It is the responsibility of the property owner to notify the City if they have received a notice for property other than theirs. If a defective sidewalk overlaps on two properties, a notice will be sent to both properties and they will share proportionately to their frontage on the defective sidewalk.

Revised 2/17/2015

Appendix "C"

THE CITY OF WEST DES MOINES

Public Works

# SIDEWALK & DRIVEWAY APPROACH PERMIT

Note: Multi-Family Residential Driveways and Commercial Driveways require and approved site plan before this permit can be issued.

If Drive Approach, check the appropriate box

☐ Single Family Residential
☐ Multi-Family Residential
☐ Commercial

PERMIT #

City Fees
$16.00 Sidewalk Construction or Driveway Approach

Contractor/Owner Name (print) _____

Phone # _____

Property Address _____

The undersigned agrees that no excavating or construction work on said sidewalk or driveway will commence until the grade stakes have been reviewed by a City Inspector. The undersigned further agrees to construct or cause to have constructed said sidewalk or driveway to conform with said grade stakes, compliance with signage according to the Manual on Uniform Traffic Control Devices (**MUTCD**) and with the provisions of the City ordinances and specifications thereof. The contractor/property owner further agrees to call the Department of Public Works at **222-3480** for an inspection of grade prior to pouring the concrete, **giving 24 hours notice to schedule the inspection**.

X _____
Applicant's Signature

Permit Issued: _____, 20 _____

☐ Fee waived for Sidewalk Program

☐ $ _____ paid by Cash / Check # _____

Received by X _____
Issuer's Signature

Appendix "D"

# DEPARTMENT OF PUBLIC WORKS
# POLICY GUIDELINE

## CRITERIA AND SPECIFIC DESIGN STANDARDS FOR DEFERRAL OF SIDEWALK REQUIREMENT DUE TO NATURAL OR PHYSICAL LIMITATIONS

### SECTION 1. INTENT AND PURPOSE

A. The intent and purpose of these criteria and specific design standards is to establish a procedure which will enable the City of West Des Moines to ensure the orderly and harmonious development of a city-wide sidewalk system to safeguard the public's health, safety and general welfare.

B. Sidewalks shall be installed in new and existing developments in compliance with City specifications for sidewalks. However, when the strict application of those standards or requirements causes substantial hardship or imposes unreasonable restrictions because of natural or physical conditions or limitations not created by the property owner, the Council may grant deferrals and/or variances pursuant to the following definitions, rules, requirements, eligibility criteria and specific design standards.

### SECTION 2. DEFINITIONS, RULES AND REQUIREMENTS

The following definitions, rules and requirements shall apply when considering and processing deferral requests for sidewalk installation because of substantial hardship or unreasonable restrictions caused by natural or physical conditions or limitations:

A. "*Sidewalk*" means a PCC sidewalk at least four inches (4") thick and at least four feet (4') wide. A sidewalk shall have a longitudinal slope not exceeding one foot (1') per ten feet (10') and a tilt not exceeding one-half inch (1/2") per one foot (1'). However, a sidewalk through an existing concrete or asphaltic driveway may have a tilt not exceeding one inch (1") per one foot (1') where it passes through the driveway. Sidewalks that pass through a driveway and have a tilt exceeding one-half inch (1/2") per one foot (1') shall make a smooth transition to a tilt not exceeding one-half (1/2") per one foot (1') within eight feet (8') on either side of the driveway.

B. "*Sidewalk(s) on the same block*" means sidewalks on one side of the street between intersecting streets on that side of the street. However, if the distance between intersecting streets exceeds six hundred feet (600'), then "*sidewalk(s) on the same block*" means sidewalks on one side of the street between intersecting streets on the opposite side of the street.

C. "*Damage to a tree*" means the cutting of any limbs, the trunk or roots within a distance from the trunk that is 2.5 times the diameter (as measured two feet (2') above the ground) of the tree's trunk to such an extent that it is unreasonable to believe that the tree will live.

D. "*Utility facilities*" include, but are not limited to, electric power poles, guy wires, anchors, water lines, meter pits, hydrants, gas lines and telephone lines.

E. Sidewalks should, if possible, be parallel to the back of the curb.

F. Sidewalks shall be installed no closer than three feet (3') from the back of the curb.

G. Sidewalks shall match up to other sidewalks on the same block.

H. Minimum elevation of sidewalks shall be four inches (4") per one foot (1') below the top of the curb unless water run-off will have an adverse effect on existing structure(s). Maximum elevation shall be four inches (4") per one foot (1') above the top of the curb. However, sidewalks through existing driveways shall have minimum and maximum elevations of two inches (2") per one foot (1') below or above the top of curb, respectively.

I. Sidewalks shall have a minimum of eight feet (8') of overhead clearance.

J. A deferral for a corner lot or a lot with double fronts shall specify in sufficient detail which sidewalk(s) is (are) subject to the deferral. A deferral for a sidewalk on one side of a corner lot or a lot with double fronts does not necessarily mean the deferral applies to other sidewalks on that lot.

K. All sidewalk installation plans shall be approved and permitted through the Department of Public Works before installation to ensure proper location of the sidewalk within the lot and to ensure all other requirements are met. Public Works is hereby authorized and directed to locate sidewalks consistent with the aforementioned Definitions, Rules and Requirements in such a manner so as to avoid grade and obstruction problems.

## SECTION 3. ELIGIBILITY FOR DEFERRAL

A. NEW DEVELOPMENTS: In order to qualify for either a deferral of the requirement to install sidewalks in new developments, the developers shall have the burden of proof to show that there are compelling physical constraints that make the installation of sidewalks not feasible. Economic hardship shall not be considered.

B. EXISTING DEVELOPMENTS: After all of the above definitions, rules, and requirements are met (including, but not limited to the review of sidewalk location mentioned in Subsection 2(K) above), a lot or lots upon which an existing dwelling or non-residential building or use is located may be eligible for a Deferral of Sidewalk Requirement or Installation Covenant if any of the following questions are answered "yes". *(Note: The granting of deferrals remains within the sole discretion of the City Council even though a lot or lots may be deemed to be eligible for deferrals under the above Definitions, Rules, and Requirements.)*

1. Does twenty five percent (25%) or more of the area of the lot between the curb and the back of the proposed sidewalk have a slope (either ascending from the curb or descending from the curb) in excess of one foot (1') per ten feet (10')?

2. Will the installation of the sidewalk require either the removal of or damage to at least one tree exceeding eight inches (8") in diameter as measured at a point four feet (4') above the base of the tree?

3. Will the installation of the sidewalk require the removal of or damage to three (3) or more trees each exceeding four inches (4") in diameter as measured at a point four feet (4') above the base of each tree?

4. Will the installation of the sidewalk require that utility facilities be moved? (Practical vertical adjustments to stop boxes, gate valves, or manholes, etc. are not considered moving utilities.)

5. Is there on file with the City Clerk a valid and approved Deferral of Sidewalk Requirement or Installation Covenant issued after January 1, 1996, for another sidewalk on the same block? This subsection has no application if the proposed sidewalk connects to and extends a pre-existing sidewalk on the same block.

6. Is there an existing concrete or asphaltic driveway or parking lot where a sidewalk should be that would exceed the slope and tilt requirements described in Subsection 2(A) above?

7. For multiple frontage lots: 1) Would installation of a <u>second</u> or <u>third</u> frontage of sidewalk(s) duplicate a pedestrian travel route already safely available on the opposite side of the street? OR 2) Would snow removal be unreasonably difficult due to inaccessibility?

8. a) Have property owners representing ninety percent (90%) or more of the houses in a definable subdivision plat expressed their desires individually in writing that no sidewalks or additional sidewalks are needed and wanted in that subdivision plat; AND b) is there little or no likelihood of pedestrian school routes or other through foot traffic needing sidewalks in that subdivision plat? *NOTE: If a deferral was approved under this paragraph, and later the plat property owners express a desire for sidewalks, the Council may rescind the deferral if more than fifty percent (50%) of the current property owners of the same definable plat waived in this Section 8 express their desire for sidewalks to the City in writing.*

9. Would installation of the sidewalk and any directly resulting grade/site work result in an average total cost (as estimated by the Public Works Department) to the lot owner of more than two and one half times the current average cost per linear foot of standard, uncomplicated sidewalk?

C. ECONOMIC HARDSHIP CRITERIA: In order for residential property owners to qualify for Economic Hardships for waived or deferred responsibility for installation of sidewalks, they must be able to qualify under <u>both</u> of the following criteria: *(Note: The granting of deferrals of property owners' responsibilities to fund sidewalk installations remains within the sole discretion of the City Council even though property owners may be deemed to be <u>eligible</u> for deferrals under the following criteria.)*

1. <u>Income</u> - The income guidelines for eligibility for deferral of the responsibility for the installation of a sidewalk are based on HUD's Section 8 Housing Assistance guidelines for the Des Moines SMSA. Each applicant will be required to meet the income eligibility requirements for that year. The prescribed limits will be fifty percent (50%) of the HUD determined median family income for the Des Moines metropolitan area. These income limits vary by family size.

2. <u>Assets Limitations</u> - Applicants will be required to meet assets eligibility requirements. If an applicant's total accumulated net assets (including real and personal property) total more than $25,000, the applicant is not eligible. Only property assessed, valued, or appraised at $5,000 or more will be included when calculating this total. The burden of verification for valuing these assets rests on the applicant. Examples of property to be claimed include, but is not limited to, motor homes, cars, travel trailers, motorcycles, campers, boats, jewelry, rental or investment real estate, certificates of deposit, Treasury Bills, savings, stocks, and bonds but does <u>not</u> include the property for which the deferral is being requested.

Appendix "E"

City of West Des Moines

# APPLICATION FOR DEFERRAL OF SIDEWALK INSTALLATION

(Residential Property Owners)

**DIRECTIONS: Complete any sections that apply to your property using descriptions and/or sketches, as applicable.**

**Section 3B1 (Lot Slope)**

- Do you have any areas that slope up or down from the curb more than one (1) foot in height per ten (10) feet laterally? ☐ Yes ☐ No
- **If so, do these areas comprise 25% or more of the area between the curb and the back of the proposed sidewalk?** ☐ Yes ☐ No

**Section 3B2 and 3B3 (Tree Interference)**

- Do you have any trees in the way of or would be damaged by a new sidewalk? ☐ Yes ☐ No
- **Does at least one of them have a trunk diameter more than eight (8) inches?** ☐ Yes ☐ No
- **Do three or more of the trees have trunk diameters more than four (4) inches?** ☐ Yes ☐ No
- **Measure tree diameter four (4) feet above the ground, include sketch of tree location(s) in relation to curb:**

**Section 3B4 (Utility Interference)**

- Do you have any utility features that would be in the way of a new sidewalk? ☐ Yes ☐ No
- Sketch locations and label type of feature:

**Section 3B5 (Same Block Deferral Approved)**

- Do you know of any other property on your block with a deferral approved after January 1, 1996? ☐ Yes ☐ No
- Would the new sidewalk connect to and extend any sidewalk already on your block? ☐ Yes ☐ No
- Include property address of any known, approved deferral:

**Section 3B6 (Driveway Slope or Tilt)**

- Would the new sidewalk have an up or down slope of more than one (1) foot in height change per ten (10) feet of length? ☐ Yes ☐ No
- Would the tilt of the sidewalk (side-to-side) where it crosses your driveway or parking area exceed one (1) inch height change per one (1) foot of sidewalk width? ☐ Yes ☐ No
- Sketch and label approximate slope or tilt. If not sure, apply and Public Works will measure.

**Section 3B7 (Multiple Frontage Lots Only)**

- Is a pedestrian travel route already safely available on the other side of the street from the proposed new sidewalk? ☐ Yes ☐ No
- Would snow removal access to the proposed sidewalk be unreasonably difficult? ☐ Yes ☐ No
- Describe situations, sketch location(s) of existing sidewalk, proposed sidewalk, and access to proposed sidewalk.

**Section 3B8 (Subdivision Property Owners Desires) (90% or more of house owners must indicate "YES" on both of the following conditions for this deferral provision to apply.)**

- Do you certify that you are the owner(s) of the property at the address shown below? ☐ Yes ☐ No
- Do you certify that you do not need or want additional sidewalks in your subdivision? ☐ Yes ☐ No

Name(s)_____

Property Address_____

**Section 3B9 (Excessive Installation Costs)**

- Would all new sidewalk work (grading, drainage, retaining walls, etc.) cost more than two and one-half times the current average cost per linear foot of "standard" sidewalk? ☐ Yes ☐ No

- List complicating factors and roughly sketch them, such as slopes, retaining walls, or other site problems. If not sure, apply and Public Works will estimate.

**Section 3C (Economic Hardship)**

- You must qualify under both the income and assets limitations described. For more details, contact the Community and Economic Development Department at 273-0770.

**Applicants Signature(s)**

| Property Owner(s) Names (print) | Signature(s) |
|---|---|
| Property Address | Phone Number |

**Department of Public Works Comments:**

Recommend: ☐ Approval ☐ Disapproval ☐ Other _____

| Signature | Date |
|---|---|

**City Council Comments:**

Recommend: ☐ Approval ☐ Disapproval ☐ Other _____

| Signature | Date |
|---|---|

SAMPLE

THE CITY OF
West Des Moines®
www.wdm.iowa.gov

**Public Works**

560 South 16th Street
P.O. Box 65320
West Des Moines, IA 50265-0320

Phone
515-222-3480

FAX
515-222-3478

E-mail
publicworks@wdm.iowa.gov

May 15, 2015

**Property No. 823**

Jaime Longnecker

1233 20th St.
West Des Moines, IA 50265-2210

**RE: Notice to Repair**
**Sidewalk Improvements at: 1233 20th St.**
**Property Owner(s) Jaime Longnecker (T1)**

Notice to Residents

Dear Property Owner(s):

To help assure the safety of pedestrians, the City of West Des Moines is continuing its annual program to monitor sidewalks throughout the city. We conducted a sidewalk survey in your area and determined that portions of the sidewalk at your property are in need of repair. Enclosed is a copy of the field survey form that shows the section(s) of sidewalk that requires repair and a copy of the defect criteria used for evaluation of the sidewalk.

You have the option to hire a contractor or perform the work yourself. **If you intend to exercise this option, the work must be completed by August 1st, 2015.** The $16.00 fee for the sidewalk permit will be waived since the City is initiating the sidewalk improvement. The permit must be obtained prior to having the work performed and may be obtained from the Department of Public Works located at 560 South 16th Street. Please call Public Works at 222-3475 for questions and to **schedule an inspection once you have removed the defective panel(s) and before you pour the concrete.**

Another option for property owners is to allow the City to make the repairs, and it is anticipated the City's Contractor will perform repairs during the 2015 construction season. Based on previous years' programs under the City's contract, a property owner could estimate that a typical 4'x4' sidewalk panel may cost $200 each, or $11.00 per square foot to repair, and/or $225 per 4'x4' panel to repair a 6" sidewalk through a driveway approach. After construction is complete you will receive an invoice for the cost and should receive that invoice in the Fall of 2015. If, after 30 days, the invoice is not paid the amount owed will be assessed to your property tax.

Should you need assistance determining which sidewalk panels are in need of repair please contact our office to schedule a time for Kelly Sand (Public Works Inspector) to meet with you.

We appreciate your assistance and understanding as we continue our efforts to make West Des Moines an even better place to live and work. Should you have any additional questions concerning the repair of sidewalks, please call Kelly Sand, Monday thru Friday between 7:30 a.m. and 4:00 p.m. at 222-3475.

Sincerely,

Clint Carpenter

Clint Carpenter
Construction Supervisor
West Des Moines Public Works

0510-015-2015

For additional sidewalk information:
www.wdm.iowa.gov | Your Government | Public Works | Right-Of-Way | Sidewalks

SAMPLE

# SIDEWALK REPAIR SURVEY FORM – 2014 Sidewalk Program Phase I
## City of West Des Moines

| | | |
|---|---|---|
| | | Property No.: 582 |
| Project 0510-036-2014 Surveyed By: | City Staff | Survey Date: 03/19/2014 |
| Name of Property Owner:<br>Address if different than Property Address: | Matthew E. Wheeler (T1)<br>216 33rd St.<br>West Des Moines, IA 50265-4008 | |
| Property Address: | **216 33rd St.** | |
| Legal Description of Property: | LT 16 ASHAWA ESTATES PLAT 3 | |
| **112 Sq. Ft. 4-Inch Remove and Replace** | | If not completed, Special Assessment Program Year Proposed: 2015 |

Any additional requirements are listed below:

**90 SF Sod 90 SF Concrete Removal**

**Legend**
L=Length

4" Sidewalk

6" Sidewalk

**Note:**
Areas needing repair will be indicated on the above drawing and measured along the property line. Drawing is not to scale.

Type of defect noted: A

(See attached "Sidewalk Defect" sheet for defect definition)

## APPENDIX "B" -- CITY STANDARDS FOR SIDEWALK DEFECTS

**Defect "A"**

**Sidewalk faulted at a joint or cracked with 1" or more vertical deflection.**

**Defect "B"**

**Sidewalk raised or sunken more than 2" in 8 feet from normal profile of sidewalk.**

**Defect "C"**

**Sidewalk constructed from improper material such as asphalt or brick or spalling has occurred over 50% of a single panel.**

**Defect "D"**

**Sidewalk is not present.**

**Defect "E"**

**Cross slope exceeds one inch in one foot.**

Defect A or B (Sunken Sections)

Sidewalk slabs marked as defective under Defects A or B (Sunken Sections) may be repaired without total replacement if the sidewalk slabs are in otherwise good condition and in one piece. The sidewalk slab or slabs may be lifted up and the subgrade excavated or filled and the sidewalk slabs reset to a safe uniform grade condition. Repositioning existing slabs may be done under the direction of the City's designated inspector. The property owner may grind Defect A utilizing a minimum transition of six inches or until a level transition is achieved. The City will only utilize the remove and replace panel(s) method for repair.

Defect B (Raised Sections), C or E

Sidewalk marked as Defect B, C (Raised Sections) or E requires complete replacement of these sidewalk panels. At a minimum, the property owner shall use a commercial concrete mix with 4,000psi rating. The property owner shall follow the minimum manufacturer's recommendation to ensure proper mixing and placing of the concrete.

Defect D

Sidewalk missing under Defect D requires the installation of concrete sidewalk as defined under the policy.

**UNKNOWN PROPERTY LINES**

The inspector will determine as best he/she can, the location of property lines in order to determine the proper owner to whom a notice to repair will be sent. It is the responsibility of the property owner to notify the City if they have received a notice for property other than theirs. If a defective sidewalk overlaps on two properties, a notice will be sent to both properties and they will share proportionately to their frontage on the defective sidewalk.

# QUESTION\ANSWER SHEET
# SIDEWALK REPAIR

Dear Property Owner:

The work needed on your sidewalk is shown on the enclosed survey form, with more specifics referenced on the City Standards sheet. You may complete the sidewalk work on your own and are encouraged to do so. The City has a list of other sidewalks needing repair in your area in case you would want to join with your neighbors to complete your repair work, or jointly retain a contractor to do the work. The following questions and answers should help you understand the program; however, please contact Public Works at 222-3475, if you have any additional questions.

**"What is required?"** The enclosed Sidewalk Repair Survey Form and City Standards for Defective Sidewalks sheets show the work required, the location, and specific reason for repair. Please contact Public Works if you need assistance interpreting the work required on the sidewalk.

**"Why must I pay for it?"** The State Code of Iowa (Chapter 364.12 and 364.13) and West Des Moines City Code places the responsibility for repair and maintenance of sidewalks on each property owner. More important, however, is the fact that courts have held property owners responsible for injuries when people have fallen on defective sidewalks.

**"Who is responsible for repairing my damaged irrigation system?"** Any irrigation system (lines or heads) that are in the public right-of-way are susceptible to damage and are the responsibility of the homeowner to repair. These lines are not approved by the City to be in the public right-of-way and are not part of the utility Iowa One Call System. Often they are in direct conflict with the necessary work.

**"What happens if I sell my property either before or after I receive the final bill for this project?"**
If you sell your property before the final bill is received it will be up to you and the buyer to determine the best method of handling the estimated amount due. If your property is sold after the final bill is received (and you decided to pay nothing on the amount due) it will again be up to you and the buyer to determine the best method of handling what remains to be paid.

**"May I mud jack or raise (Defect A) or (Defect B – Sunken Sections) repairs?"** Mud jacking is permitted for these repairs unless the panels are already cracked; then it must be replaced. Raised sidewalks must be properly supported with stable suitable fill material.

**"What if trees are damaging the sidewalk?"** If the damage to the sidewalk is caused by a tree in the right-of-way the City will repair the sidewalk at no cost to the property owner. If the tree is on private property and damaging the sidewalk then the resident will be responsible for all costs associated to the necessary repair. The City will trim the necessary tree roots out of the sidewalk corridor. Please contact us as in advance so we can schedule the work.

**"What if I qualify for a deferral of installation?"** There is a deferral application that may be filled out and submitted to Public Works for review. Should your application be approved the installation will be deferred at that time. The City Council reserves the authority to require the sidewalk installation at a future date should site conditions change.

**"May I apply for economic hardship?"** A property owner may fill out a HUD application for consideration. Should the property owner meet the criteria then they will be eligible for an economic hardship and the costs will be absorbed by the City from the sidewalk program budget.

**For additional questions or information,** please call Public Works at 222-3475, or visit our facility at 560 South 16th Street. You will also find information on our City's website at:

www.wdm.iowa.gov | Your Government | Public Works | Right-Of-Way | Sidewalks.