



## **RESOLUTION 2011-045**

### **A RESOLUTION ADOPTING A TIME-LIMITED PEDESTRIAN PATHWAY CONSTRUCTION FEE NEAR SCHOOLS**

**WHEREAS**, the City has areas of high pedestrian traffic near schools that do not have safe pedestrian access; and

**WHEREAS**, there is no existing financial mechanism to construct sidewalks or pedestrian paths near schools; and

**WHEREAS**, the City has the authority to create specific fees for services that the City provides to its residents; and

**WHEREAS**, the City has reviewed a variety of revenue options and believes, as a result of that review, that a time limited pedestrian pathway construction fee collected as a part of water and sewer utility billings is an appropriate mechanism to pay the costs associated with the provision of pedestrian pathways near schools in the City; and

**WHEREAS**, the principal purpose of sidewalks and pathways is to provide safe pedestrian access, and this is of particular concern near schools; and

### **NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1:** (1) There is hereby established a time-limited pedestrian pathway construction fee for a period of 5 years to raise funds to construct pedestrian pathways in the vicinity of school areas.

(2) Pedestrian pathways shall be either a concrete sidewalk adjacent to roadways or asphalt walkways adjacent to roadways or in public easements if the City Manager determines that an asphalt walkway is more appropriate than a concrete sidewalk in the particular instance, given right of way configuration, construction limitations, pedestrian safety, topography or other similar relevant considerations.

(3) The City shall use fees collected pursuant to this Resolution to construct pedestrian pathways on the pedestrian pathway construction list as identified below:

- One side of Edy Road east of Copper Terrace
- Missing sidewalk segments near Laurel/Edy Ridge schools
- Missing sidewalk segments near Middleton Elementary school

(4) The City may add additional projects to the construction list above by amending this resolution.

**Section 2:**

(1) All fees generated by this Resolution shall be placed in the street fund and shall be used for the installation, maintenance, engineering, administration and operation of pedestrian pathways as identified herein.

(2) The City shall seek other alternative means of financing the construction of these projects so they may begin as soon as practical. Reimbursement to those alternative funding sources is hereby authorized from funds collected pursuant to this Resolution as those funds become available.

(3) It is the intent of this resolution to provide a utility-based funding mechanism to pay for benefits conferred on City residents and businesses by pedestrian pathways near schools using the authority conferred upon the City by Charter.

(4) The structure of this pedestrian pathway construction fee is intended to be a fee for service and not a charge against property. The person responsible for paying the water and sewer utility charges is responsible for paying the fee, which in most cases is the occupant of improved property. Therefore, the fee is not necessarily imposed on the owner of the property and no provision is made herein for making unpaid charges a lien on the owner's property.

(5) The obligation to pay pedestrian pathway construction fees arises when a person responsible uses street services. It is presumed that street services are used whenever there is an improved occupied premise.

(6) Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the City, the person(s) paying the water and/or sewer utility charges shall pay the pathway construction fee. If there is no water or sewer service to the property or if water and sewer service is discontinued, the pathway construction fee shall be paid by the person(s) occupying the property.

**Section 3:**

(1) The fee for pedestrian pathways shall be reviewed and approved annually as a part of the budget process and should be set at an amount calculated to generate sufficient funds to construct the pathways identified on the pedestrian pathway construction list.

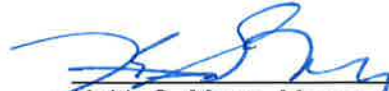
(2) The amount of the pathway construction fee shall be included in and adopted as part of the annual schedule of fees adopted by the City Council, with opportunity for public comment as required by ORS 294.160.

(3) The fee for pedestrian pathways shall be administered in the same manner as the street utility fee established by Resolution of the City Council, and collected on City water bills together with the street utility fee.

**Section 4:**

This Resolution takes effect immediately upon its adoption. The effective date of the pedestrian pathway fee shall be July 1, 2011. The pedestrian pathway fee shall sunset on June 30, 2016 unless extended by an amending resolution.

Duly passed by the City Council this 17<sup>th</sup> day of May 2011.

  
Keith S. Mays, Mayor

Attest:

  
Sylvia Murphy, CMC, City Recorder