



Home of the Tualatin River National Wildlife Refuge

## RESOLUTION 2018-011

### AMENDING THE CONCRETE SIDEWALK REPAIR ASSISTANCE PROGRAM

**WHEREAS**, pursuant to Sherwood Municipal Code Chapter 12.08, the City of Sherwood (City) assigns sidewalk responsibility to abutting property owners; and

**WHEREAS**, by adoption of Resolution 2011-097 on December 6, 2011, the City Council approved implementation of a Concrete Sidewalk Repair Assistance Program to help fund sidewalk repairs; and

**WHEREAS**, the City Council approved implementation of a sidewalk maintenance repair fee in FY2011-12 to help fund sidewalk repairs; and

**WHEREAS**, the previously adopted Concrete Sidewalk Repair Assistance Program was created to provide an assistance program to assist property owners with the costs of repairing certain eligible deficiencies; and

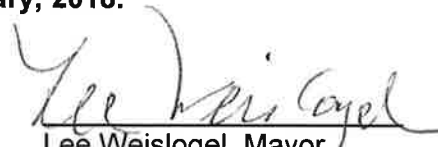
**WHEREAS**, the City Council has conducted a review of the original program created in 2011 and has determined that modifications to the existing program are warranted.

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

**Section 1.** The City Council approves the Concrete Sidewalk Repair Assistance Program, as set forth in Exhibit A, attached hereto, and repeals any and all prior versions of said program.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 6 day of February, 2018.**

  
Lee Weislogel, Mayor

Attest:

  
Sylvia Murphy, MMC, City Recorder

# Concrete Sidewalk Repair Assistance Program CITY OF SHERWOOD OREGON

Public Works Department  
Website: [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov)

## Contents

Overview .....	1
Industry Practices for Responsibility of Sidewalks .....	1
Eligible Repairs .....	1
Cost Sharing .....	2
Prioritizing Program Repairs .....	2
Notice to Property Owners .....	3
Completion of Repairs and Billing Property Owners .....	3

## Overview

The goal of the Concrete Sidewalk Repair Assistance Program is to assist property owners with sidewalk repair costs. The program utilizes limited funds collected from households and businesses in Sherwood pursuant to a fee approved by the Sherwood City Council.

## Industry Practices for Responsibility of Sidewalks

According to the U.S. Department of Transportation, Federal Highway Administration (FHWA), city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Some charters assign complete responsibility of sidewalk maintenance to the owner of the adjacent property (e.g. City of Seattle, City of Portland, and City of Ann Arbor).

Pursuant to the Sherwood Municipal Code Section 12.08, the City of Sherwood (City) assigns sidewalk responsibility to abutting property owners. This assistance program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of repairing or replacing sidewalks.

## Eligible Repairs

The City offers two options for repair under the program: shaving or full replacement. Subject to program funds availability, the program can provide assistance to repair concrete sidewalks that meet the following criteria:

**SHAVING:**

- Vertical separation ¼" to 2"
- Horizontal separation ¼" to 2"
- Less than 25% of the total number of sidewalk panels on any given side of the property needs to be repaired.

**FULL REPLACEMENT:**

- Vertical separation greater than 2"
- Horizontal separation greater than 2"
- Less than 25% of the total number of sidewalk panels on any given side of the property needs to be repaired.

All other sidewalk repairs (e.g. spauling and/or holes) not meeting the criteria above are not eligible for the program.

**Cost Sharing**

Generally, the terms of the program are that, subject to program funds availability, the City will pay 50% of the eligible costs of the eligible repairs and the abutting property owner will pay the other 50%.

However, subject to program funds availability, for sidewalks located within the Old Town overlay district or abutting the following streets, the City may pay up to 100% of the eligible costs of the eligible repairs:

- Baker Road
- Borchers Drive
- Century Blvd
- Copper Terrace
- Ladd Hill Road
- Langer Farms Parkway
- Langer Drive (between SW Holland and SW Baler)
- Meinecke Road
- Murdock Road
- Oregon Street
- Sunset Blvd

Eligible costs include the cost to shave or remove and replace the panel(s); costs associated with an arborist's initial report of findings; costs of associated tree removal; and street tree permit fees.

**Prioritizing Program Repairs**

Due to limited funding, the following priority levels are used for prioritizing the use of funding of repairs under the program:

1. Locations where a pedestrian has tripped are top priority.
2. Sidewalk defects that are considered sidewalk trip hazards and are located within a high-volume pedestrian area are second priority.
3. Sidewalk defects that are considered sidewalk trip hazards and are not located within a high-volume pedestrian area are third priority.
4. Public complaints on sidewalk defects that are not considered sidewalk trip hazards and do not involve actual sidewalk trip incidents are fourth priority.

### **Notice to Property Owners**

When the City identifies a need for eligible repairs in accordance with the prioritization process set forth above, and adequate program funds are available, the City may provide notice to the abutting property owner(s), which will include a description of the necessary repairs, information about the option to participate in the program, and the terms of the program. The Public Works Department, at its option, may also maintain a list of contractors that perform this type of work and include it in the notice.

### **Completion of Repairs and Billing Property Owners**

If a property owner responds to the City's notice by opting to participate in the program, the City will then complete, or contract for the completion of, the repairs and bill the property owner for the property owner's share of the costs through their utility bill, as applicable. The City may, in its discretion, allow property owners to make payments over a period of time not to exceed twelve (12) months from the date of the first bill. Non-payment of these charges may be assessed, at the City's discretion, upon the property in the form of an assessment lien.