

Revised Practice for Constructing Missing Sidewalk or Filling Gaps

Issue to be addressed:

There are numerous locations throughout the City where sidewalks do not exist along public rights-of-way and streets. There are many reasons why those gaps exist: inadvertently omitted, old neighborhoods or subdivisions where sidewalks were not originally required, or they simply did not get constructed. Today there may be a need and a desire for those sidewalks to be constructed for appropriate public access and mobility in the community. In some cases, the requirements for sidewalks adjacent to a subdivision or a new development were waived because there wasn't an existing need, with the understanding there is a mechanism for the City to require sidewalk construction when needed.

Legal authorization exists for the City to have sidewalks completed by abutting owners. Chapter 14.80.070 of the City Code states, "The City Council shall pass a resolution ordering the owner or owners of the abutting lot or lots to construct said sidewalk." Chapter 14.80.075 states, "The Mayor, by executive order, shall cause sidewalks to be constructed without any other authorization by the City Council being necessary whenever there are existing sidewalks on one side of a street for more than two-thirds of the frontage between street intersections, and it is deemed necessary to have such sidewalks constructed." This legislation allows for sidewalk gaps to be filled at an appropriate time when the need is demonstrated. The Mayor or Council can make that determination and order them to be constructed.

These legislations also provide that property owners be given a reasonable time to construct said sidewalk. In the event that they choose not to do that, Council can then create a sidewalk assessment district by ordinance. The City can design and construct those sidewalks and have the costs assessed against the benefitted and abutted property. The property owner would then be able to pay those costs back over a period of five years.

Past Practice:

The practice of Public Works has been to accumulate a number of requests for new sidewalks or sidewalk gaps to be filled and take a large, proposed project to City Council and/or Mayor to order these sidewalks constructed. Often there was significant property owner opposition to the sidewalks being requested, primarily due to their cost. The public hearings were often large, disruptive and attended by a number of upset people. That made it difficult for the Council to give full attention to the appropriateness and the need for each sidewalk segment with so many citizens in opposition.

Proposed Practice:

After discussions with Council Chair Trent Fellers and the Beutler Administration, it is recommended that each request for constructing sidewalks be brought forward as an individual request. Each specific request can then be reviewed, have cost estimates created and be forwarded to City Council for consideration of a resolution to order it constructed. The intent of this action is to be able to provide immediate attention and response to a request for construction of sidewalk. Detail would be specific to the request, giving the Council a better opportunity to focus on each location individually and review it based on its merits, the impacts to the abutting properties and needs of the requesting person. The requestor will be asked to testify and be an advocate for the sidewalk request.

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