

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> January 9, 2012
	<b>Agenda Item No.</b> 45 <b>Roll Call No.</b> <u>12-0064</u> <b>Communication No.</b> <u>12-003</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E.</b> <b>City Engineer</b>

**AGENDA HEADING:**

Approving a policy to evaluate removal of existing sidewalks within the city right-of-way.

**SYNOPSIS:**

Staff has received requests from residents to remove segments of existing sidewalk within city right-of-way. There is currently no process in place to handle these requests; therefore, this policy was developed. Recommend approval of the policy to define a process to handle requests made for removal of existing sidewalk.

**FISCAL IMPACT:**

Amount: There will be staff hours allocated to processing the requests received. All cost to remove the existing sidewalk and replace the natural vegetation will be incurred by the property owner.

Funding Source: N/A

**ADDITIONAL INFORMATION:**

In the past few months, requests have been brought forward by property owners to remove existing sidewalk that is in front of their property. Prior to these last few requests, the issue has come up infrequently. Sidewalks are important for safe and efficient pedestrian mobility. Property owners are responsible for the clearing of snow and any necessary repairs of sidewalks adjoining their property. Most requests to remove a sidewalk have been in response to notices to property owners for repair or snow removal.

Staff felt that these decisions may require a process when someone approaches the Council with a request to remove an existing sidewalk. Sidewalks are important to the City and the City’s policy to build and encourage its presence along streets. This policy establishes a process to evaluate requests received as there may be on very rare occasions an isolated location where an existing sidewalk may not be needed now and in the future.

Staff has worked with the Traffic Safety Committee to prepare a policy for the Council’s approval. It outlines the process whereby staff would review these requests, including input from various City departments and the directly-affected neighbors.

The proposed policy is as follows:

## CITY OF DES MOINES

## POLICY TO EVALUATE REMOVAL OF EXISTING SIDEWALKS WITHIN CITY RIGHT-OF-WAY

## Sidewalk Removal Policy

Below is the policy that sets the process to determine if existing sidewalks should be removed on public streets within the City of Des Moines. Sidewalks are an important component of the City's infrastructure and for resident mobility. It is recommended that the property owner read the City's policy on Complete Streets adopted by the City Council on September 22, 2008 before requesting a removal of sidewalk. Removal of existing sidewalks will only be considered in limited circumstances. Those considered will be isolated sidewalk, or sidewalk that does not connect to any other sidewalk. The requested sidewalk for removal will be examined to ensure that it is not along a school walking route, near a pedestrian generator such as a park or community center, in an area where future sidewalk is planned, and its removal is not in conflict with an established Neighborhood Plan.

1. The property owner must submit an application which contains contact information, proof of property ownership, and a map showing the location of existing sidewalk proposed to be removed to Traffic & Transportation Division staff. This process is not necessary for re-construction of existing sidewalks as those are handled by obtaining a sidewalk permit.
2. The Traffic & Transportation Division staff will provide petition form to the property owner. Property owner must circulate the petition form to gather signatures to show support from those affected by the removal. The affected area is defined by the area along the street within 200 feet of removal area. This affected area may be larger if deemed necessary by City staff. The petition must have approval from a minimum of 60% of the surrounding residents in the affected area showing support for the removal. When completed, property owner shall submit the petition back to the Traffic & Transportation Division.
3. The proposed removal location shall be reviewed by Traffic & Transportation staff to determine if the location is on a school route or by other pedestrian generators such as parks, libraries, and community centers; near other existing sidewalks, planned for future sidewalk in area, and other factors.
4. A review of the proposed removal location shall be conducted by Community Development to determine if removal of sidewalk is in conflict with an established Neighborhood Plan, or other planning documents, if applicable.
5. The Traffic & Transportation staff shall gather above information and prepare a recommendation for the Traffic Safety Committee. Affected nearby residents shall also be notified of the meeting by regular mail with a minimum 10 days notice. This notice shall include the meeting time, place, and that there shall be an opportunity for public comment. Notice shall be complete once placed in the mail.
6. The proposed removal location shall be presented to the Traffic Safety Committee with the staff's recommendation. The Traffic Safety Committee will approve or deny the request based upon presentation of information gathered by Traffic & Transportation staff.
7. The Traffic & Transportation staff shall supply a letter stating the Traffic Safety Committee determination of the proposed removal to the property owner.

- a) Recommended removals will be sent to City Council for final approval.

b) If denied, the property owner may appeal the Traffic Safety Committee decision of denial within 60 days to the City Council to overturn the Traffic Safety Committee decision. If City Council determines the sidewalk shall not be removed, the Council's decision shall be final.

8. If approved, the property owner is responsible for the removal and restoration of the sidewalk area. The area to be restored must match existing property landscaping, i.e. grass or rock. The property owner is responsible for obtaining a Sidewalk Permit from Permit & Development before doing the work. The property owner will have one year to have the sidewalk removed and proper landscaping restored.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S):**

Board: Traffic Safety Committee

Date: August 9, 2011

Resolution Number: N/A

Action: Review of Draft Sidewalk Removal Policy

Board: Traffic Safety Committee

Date: September 13, 2011

Resolution Number: N/A

Action: Review of Revised Sidewalk Removal Process

Board: Traffic Safety Committee

Date: November 8, 2011

Resolution Number: N/A

Action: Final Sidewalk Removal Policy approved on November 8, 2011. Motion Carried 6-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

If approved, this policy would be implemented to handle requests for removal of existing sidewalk.

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