

RESOLUTION R-88-12

A RESOLUTION AMENDING THE NEW PUBLIC SIDEWALK CONSTRUCTION POLICY

WHEREAS, the City of Wheaton, DuPage County, Illinois ("City") is a Home Rule Municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution, 1970, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City Council, by the adoption of Resolution R-57-12, on August 6, 2012, approved a New Public Sidewalk Construction Policy; and

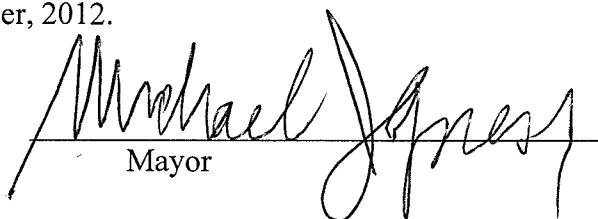
WHEREAS, the Wheaton City Council desires to amend the previously adopted New Public Sidewalk Construction Policy.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and City Council of the City of Wheaton, Illinois, hereby approves the City of Wheaton New Public Sidewalk Construction Policy attached to this resolution as Exhibit A.

ADOPTED this 5th day of November, 2012.

ATTEST:


Sean Barrett Hagan
City Clerk


Michael Gresk
Mayor

Ayes:

Roll Call Vote:

Councilwoman Ives
Councilman Mouhelis
Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Suess

Nays:

None

Absent:

None

Motion Carried Unanimously

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Exhibit A

New Public Sidewalk Construction Policy

Overview

The City is committed to advancing quality infrastructure as a strategy to the development of bike, pedestrian, and transit networks. The City's Comprehensive Plan encourages a strategy that will provide a complete system of pedestrian facilities to encourage walking and enhance safety in neighborhood areas, and between neighborhoods and neighborhood commercial areas, with the goal of having a sidewalk on one side of every street.

The City has established a program for the construction of new public sidewalks within the City. The program is offered to all property owners within the City to construct new public sidewalks only. This program is not available to property owners developing or redeveloping their property. Applications may be evaluated on their merits to determine the highest priority.

There is no implied or guaranteed commitment from the City to fund any or all applications for new public sidewalk construction. The City Council will consider the funding for this program during annual budget preparation. If funding is budgeted, the procedure outlined below shall be used. Generally, property owner's will be responsible for 50% of all costs associated with the new public sidewalk installation including but not limited to surveying, engineering design, construction and construction management costs. The City will be responsible for the remaining 50%. The City will deduct from the property owners' 50% share any previous "cash-in-lieu of" payment* made on behalf of the affected properties.

Procedure

The following procedure shall be used to implement the New Public Sidewalk Construction Policy.

- I. Petition Requesting Participation and Expressing Interest – to initiate consideration for construction of a new public sidewalk, interested property owners should submit the following information:
 - A. Location of New Public Sidewalk - using a map or indicate by address which properties the new public sidewalk will abut.

- B. Connecting the New Public Sidewalk - one terminus of the new public sidewalk MUST connect to an existing public sidewalk or street crosswalk to an existing sidewalk, show or describe the location of the exiting connecting public sidewalk.
- C. Length of New Public Sidewalk – the lineal length of the new public sidewalk MUST be greater than or equal to 180 feet (three residential lots).
- D. Financially Responsible Property Owners - List names and addresses of those property owner(s) who will be financially responsible for 50% of all costs; indicated percentage break down of cost responsibility for each property owner listed. All financially responsible property owners will need to execute the Petition.
- E. Submission Deadline – for the petition request to be reviewed in sufficient time to allow for sidewalk design, bidding and construction, the petition request should be submitted to the City no later than August 1.

II. Review of Petitions

- A. The Engineering Department will review petition requests and develop a preliminary feasibility analysis and preliminary cost estimate. The preliminary cost estimate will include, but not limited to, surveying, design engineering, construction staking, construction, and construction management costs.
- B. The Engineering Department will determine if sufficient funds are budgeted given City's 50% share responsibility.
- C. The Engineering Department will send a letter within 30 days of receipt of petition request to petitioning property owners documenting the preliminary cost estimate and total property owner share of preliminary cost estimate.
- D. If multiple petition requests are received which will exceed the annual funding level, the Engineering Department will rank petition requests based upon the procedure set forth in Appendix A.

III. Property Owner Response - Within 60 days of City sending the preliminary cost estimate to petitioning property owners, property owner(s) shall submit a fully executed letter of intent to participate and payment of the property owners' 50% share of all costs based upon the preliminary cost estimate.

IV. Design of New Public Sidewalk - Upon the City's receipt of the letter of intent to participate and property owner payment of cost share, the Engineering Department will hire a professional engineer to complete a survey, design and cost estimate of

the proposed public sidewalk. It may be necessary, in order to obtain proper grade and elevation of the planned public sidewalk, to prepare a preliminary design of the planned sidewalk beyond the limits proposed. Once design is completed, a final cost estimate will be prepared by engineer consultant. The Engineering Department will send a letter to petitioning property owners documenting the final cost estimate and total property owner share of the final cost estimate. If the final cost estimate is greater than the preliminary cost estimate, property owners will submit the difference to the City before bidding the new public sidewalk. If the final cost estimate is less than the preliminary cost estimate no refund will be made until all work is completed and actual costs are determined.

- V. Bidding New Public Sidewalk- the City will bid out the new public sidewalk design plan as developed by consultant engineer. Once bids are received, the City Council will award the bid to the lowest responsible bidder. Should the lowest responsible bid exceed the final cost estimate, the City will seek additional funding from property owners before authorizing a notice to proceed to the lowest responsible bidder.
- VI. Actual Costs – upon completion of the new public sidewalk project, all actual costs will be documented and sent to petitioning property owners. Should actual costs be less than final cost estimate a refund will be made to property owners based upon prorated basis paid by property owners.

Summary of New Public Sidewalk Construction Policy Schedule

August 1 – submission deadline for petition requesting participation

September 1 - Engineering Dept. submit preliminary cost estimate to property owners

November 1 - property owners submit letter of intent and cost share

December 1 - design work completed and final cost estimate submitted to property owners

February 1 - bidding completed

*The City collected “cash-in-lieu of” payments from builders/property owners for locations where sidewalks, although required, were not built due to lack of other sidewalks in the geographical area.

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