

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Engineering**

AGENDA DATE: **November 14, 2006**

CONTACT PERSON/PHONE: **Rick Conner, City Engineer ext. 4423**

DISTRICT(S) AFFECTED: **All**

SUBJECT:

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.040 (CONSTRUCTION OF SIDEWALKS ON ORDER OF CITY), OF THE EL PASO CITY CODE, TO DELETE THE ENTIRE SECTION

BACKGROUND / DISCUSSION:

The Engineering, Legal, and Development Services staff had been working on re-writing section 13.04.040 for some time. Our intent was to clarify how new connecting segments of sidewalk would put in place because the wording leaves questions about how the process is to be applied. It is a somewhat reoccurring event to have sidewalks in older subdivisions built on all but a few lots. This makes it difficult to walk safely continuously through an area. We get requests on a regular basis to have these segments (typically a lot width, or even more commonly, the side of a corner lot) constructed, and under the current Section of the Code presented here, it requires the property owner to pay for the work. Implementing this program has always a difficult, highly contentious, and very unpopular process.

The Council recently approved funding to allow new sidewalk connectivity segments to be built. We believe that there will be enough ongoing funding to allow the City to place these missing segments as requests come to the City and the Council. This has therefore changed our approach and we now request that rather than modifying this section, that we delete it and begin doing this work as City capital projects.

As such, we have attached a procedure for prioritizing this effort, so that if the available funds are being depleted in any given year, we can determine which segments will be done first. The ones not completed will remain on the list until further funding is provided. We are therefore asking your approval of the deletion of Section 13.04.040.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Funding will come from bonds already approved to specifically to finance this effort. The Construction Account Number is 508027-99331117-27263.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD: _____



APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.040 (CONSTRUCTION OF SIDEWALKS ON ORDER OF CITY), OF THE EL PASO CITY CODE, TO DELETE THE ENTIRE SECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.040 (Construction of Sidewalks on Order of City) of the El Paso City Code is deleted in its entirety

2. Except as expressly herein amended Title 13 (Streets, Sidewalks and Public Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS _____ DAY OF A _____, 2006.

THE CITY OF EL PASO:

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Guadalupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Rick Conner, P.E.
City Engineer

ORDINANCE NO. _____

SIDEWALK PRIORITY INDEX SCORING SHEET

STREET SEGMENT NAME: _____

FROM: _____ TO: _____

RATER: _____ DATE: _____

FACTORS	POTENTIAL SCORE	SCORE
Zoning of Area	0 for all industrial, 6 for dense residential	
Proximity to Schools	0 for over 1 miles, 10 for under 2 blocks	
Proximity to Libraries	0 for over 1 miles, 5 for under 5 blocks	
Proximity to Public Facilities	0 for over 1 miles, 5 for under 10 blocks	
Proximity to Universities	0 for over 3miles, 8 for under 10 blocks	
Proximity to Senior Centers	0 for over 1 miles, 10 for under 5 blocks	
Proximity to Hospitals	0 for over 1 miles, 4 for under 10 blocks	
Proximity to Transit Routes	0 for over 0.5 miles, 10 for under 2 blocks	
Proximity to Parks	0 for over 0.5 miles, 8 for under 3 blocks	
Proximity to Shopping Areas	0 for over 1 miles, 5 for under 7 blocks	
Bypasses Hazards	0 for none, 5 to miss major hazards	
Bypasses Rough Terrain	0 for none, 5 to miss very rough terrain	
Alternates Ready Available	9 for none, 0 for good alternates	
Connectivity to Sidewalks	0 for over 600 feet, 10 for under 25 feet	
TOTAL	100	

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13.04.040 Construction of sidewalks on order of city.

A. Determination by Traffic Engineer.

1. The traffic engineer shall determine when sidewalks are needed for public safety, protection or convenience within any public or private street right-of-way, whether the sidewalk was previously not required or the sidewalk construction was deferred as part of an approved subdivision.

2. Such determination by the traffic engineer shall take into account the location of the street, the pedestrian and vehicular traffic on the street, and other pertinent conditions. The determination shall be based on independent findings of the traffic engineer and shall not be based solely on citizen complaints.

B. Where sidewalks were not required as part of an approved subdivision, or where the sidewalk construction was deferred by the city council, prior to the passage of Ordinance No. 12835, enacted on June 11, 1996.

1. Where the traffic engineer determines that a sidewalk is needed on a public or private street right-of-way where the sidewalk improvement was not required as part of the subdivision approval, or where a construction deferral was approved, the deputy director for building services shall require that the sidewalk be constructed. Notice shall be provided by the deputy director for building services by certified letter in the order prescribed below.

a. Within public street right-of-way:

i. To the original subdivider(s) of the subdivision where the sidewalk is being ordered; or

ii. To the builder(s) of the lots abutting the street where the sidewalk is being ordered when the original subdivider(s) of the subdivision are not found; or

iii. To the property owner(s) abutting the street where the sidewalk is being ordered when the original subdivider(s) and builder(s) are not found;

b. Within private street right-of-way:

i. The homeowner's association or other entity which maintains the private street.

2. The sidewalk construction shall be completed within sixty days from receipt of the certified letter. One sixty-day extension shall be granted by the deputy director for building services; provided, however, that the extension request is made in writing and is received within the first sixty-day period.

3. Where a property owner is required to construct the sidewalk, the property owner shall have the option to either:

a. Pay the entire cost of constructing the sidewalk, whether the property owner constructs the sidewalk or employs other persons to construct the sidewalk; or

b. Make written request to the deputy director of building services to have the city construct the sidewalk. The written request shall be received by the deputy director for building services within sixty days from receipt of the certified letter ordering the sidewalk construction. Where the city constructs the sidewalk, the property owner shall be responsible for payment of one-half the total cost of the sidewalk construction. Payment to the city from the property owner shall be due within thirty days of receipt of billings, and shall be paid in full in the office of the city comptroller in cash or by cashier's check.

C. Where sidewalks were not required as part of an approved subdivision, after the passage of Ordinance No. 12835, enacted on June 11, 1996. Where the traffic engineer determines that a sidewalk is needed on a public or private street right-of-way where the sidewalk improvement was not required as part of the subdivision approval, the deputy director for engineering shall report to the city council the requirement that the sidewalk be constructed. The sidewalk improvement shall be made by the city. The city council may order the sidewalk construction utilizing city forces, or through an agent of the city. The total cost of the sidewalk construction shall be borne by the city.

D. Where the sidewalk construction was deferred as part of an approved subdivision by the city plan commission, after the passage of Ordinance No. 12835, enacted on June 11, 1996. Where the traffic engineer determines that a sidewalk is needed on a public or private street right-of-way where the sidewalk improvement was deferred as part of the subdivision approval, the deputy director for building services shall notify, in writing, the owners of the abutting property where the sidewalk is required. Notice shall be provided by certified letter. Where no appeal is filed, the city shall construct the sidewalk within sixty days from the expiration of the appeal period. When an appeal is filed the city shall construct the sidewalk, if the appeal is denied, within sixty days of the denial of the appeal. The sidewalk shall be constructed by the city using the funds paid for that purpose at the time of the building permit issuance. Where the total cost of the sidewalk construction exceeds the funds paid by the builder for that purpose, the city shall fully bear the difference in cost.

E. General Requirements.

1. The construction shall be in accordance with all requirements of this chapter and the subdivision improvement design standards of Title 19 (Subdivisions) of the this code.

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2. The determination of the traffic engineer or the sidewalk construction ordered by the deputy director for building services may be appealed to city council by the owner of property abutting the required sidewalk. An appeal is made by filing a written request with the city clerk within thirty days of receipt of notice that a sidewalk is required. The certified letter from the deputy director for building services shall state the appeal procedure available.
3. Failure to construct the sidewalk as ordered by the city, and where an appeal was not filed or was denied by the city council, shall be reported to the mayor or the mayor's designee by the deputy director for building services. The city may construct the sidewalk. The full cost of the sidewalk construction shall be assessed to either the subdivider(s), the builder(s), the property owner(s), or the homeowner's association, as applicable, as provided in state law.
4. In the event any person fails to pay any cost which the person is required to pay for the construction by the city of a sidewalk, the city may impose a lien on the property of that person to the extent permitted by law. (Ord. 13956 §§ 7--12, 1999; Ord. 13152 § 106, 1997; Ord. 13062 § 17, 1997; Ord. 12846 § 1, 1996; Ord. 12248 (part), 1995; Ord. 10905 § 4, 1992; Ord. 10600 § 3, 1991; prior code § 19-13.1)

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