

**RESOLUTION NO. 4003**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS PROVIDING A PROGRAM TO HOMEOWNERS AND BUSINESS OWNERS FOR SIDEWALK REPLACEMENT AND/OR REPAIR; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, consistent with the City of Denison's (the "**City**") ordinance regulating sidewalks, Section 21-10, "Maintenance of sidewalks, driveways, etc., by property owners or occupants", directs responsibility for maintenance and routine repair of sidewalks on property owners; and

**WHEREAS**, adjacent property owners are required by ordinance to maintain sidewalks, including, without limitation, the repairing of cracks and/or holes or any other condition that constitutes a trip hazard to pedestrian traffic; and

**WHEREAS**, the City recognizes that sidewalks are an integral transportation system for the citizens of Denison and providing a safe location for pedestrian traffic through the City is important; and

**WHEREAS**, it is the intent of the City Council of the City of Denison (the "**City Council**") to create the sidewalk improvement program by providing assistance to homeowners, property owners, and business owners to repair or replace damaged sidewalks through the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:**

SECTION 1. Findings. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct and are hereby adopted as part of this Resolution incorporated herein.

SECTION 2. Program Established. The City Council does hereby resolve that the following program for sidewalk maintenance within the City be provided:

General Requirements

- This program is available to residential property owners and to business owners alike to repair or replace existing sidewalks.
- The cost will be split evenly with the property owner.
- The City will coordinate with a contractor and provide a quote to the property owner.

- The property owner or business owner will pay 50% of the quote after the quote is presented by the City.
- The City will have two application periods, September to February and March to August. The first application period should have concrete poured in March or April, weather dependent, while the second application period should have concrete poured in September.
- The funding will be on a first come, first served basis.
- The homeowner or business owner shall be responsible for all costs associated with sprinkler repair, tree removal, driveway repair/replacement, and retaining wall repair/reconstruction.

#### Ineligible Sidewalk Repairs

- Sidewalk that is requested to be replaced due to a driveway replacement or reconstruction.
- Brick sidewalks that are being requested to be replaced with brick. Brick sidewalks will be replaced as concrete.
- Sidewalk that does not connect to any other sidewalks.

#### Program Procedure

- The City will provide an application, to be on the City maintained website, and a process for submittal.
- Any application received between September and February will be placed in Application Period One for concrete to be poured in March or April, weather dependent.
- Any application received between March and August will be placed in Application Period Two for concrete to be poured in September, weather dependent.
- The City will set aside approximately \$30,000 per application period for the Sidewalk Repair Program. The amount may change due to budgetary constraints. The amount set aside annually for sidewalk repairs will be split evenly between the two application periods.
- In the event the City does not receive applications from homeowners and business owners to reach the budgeted amount for the application period, the City will have a list of sidewalk repair priorities, approved by the Street Subcommittee, for the zone that is assigned that year. Any remaining funding will be utilized on priority projects from the list.

SECTION 3. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Resolution or the application thereby shall remain in effect, it being the intent of the City Council of the City of Denison, Texas, in adopting this Resolution, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any portion or provision.

SECTION 4. Savings/Repealing Clause. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending action for violation of the repealed resolution, nor shall the repeal prevent an action from being commenced for any violation if occurring prior to the repeal of the resolution. Any remaining portions of said resolutions shall remain in full force and effect.

SECTION 5. Open Meetings. It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 6. Effective Date. This Resolution shall be in full force and effect beginning September 1, 2020, and it is so resolved.

On motion by Council Member Hander, seconded by Council Member Spiegel, the above and foregoing Resolution was passed and approved at a Regular Meeting of the City Council of the City of Denison, Texas, on this the 2<sup>nd</sup> day of March, 2020.

Ayes: Hander, Adams, Greenleaf, Gott, Doty, Crawley and Spiegel.

Nays:

Abstentions:

Absent:

  
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JANET GOTT, MAYOR

ATTEST:

  
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Christine Wallentine, City Clerk

