

City of Madison Heights
Sidewalk Gap and Special Assessment District Policy

Section 22-2.1 of the Code of Ordinances provides that City Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City. This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to sidewalk gaps and special assessments to cover the costs thereof.

Definition of Terms

New Development – All projects that require site plan review, plat (subdivision review), or a building permit.

Sidewalk – Any sidewalk adjoining a public street, not including cross-walks or portions of driveways between the street and the proposed or existing sidewalk.

Sidewalk Gap – Any portion of any site where there is no sidewalk adjacent to an existing public street right of way that is currently developed and used as a public road, or where any portion of the existing sidewalk is not constructed to the standards set forth in Article 23, Division 2.1 Sidewalks, of the City Code.

Sidewalk Gap Connection Construction Criteria

The following criteria were used as the basis for determining sidewalk gap construction and funding contributions:

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| <input type="checkbox"/> Pedestrian Safety | <input type="checkbox"/> Funding Resources |
| <input type="checkbox"/> Current / Projected Use / Demand | <input type="checkbox"/> Maintenance – Public / Private |
| <input type="checkbox"/> Physical / Right of way constraints ("Constructibility") | <input type="checkbox"/> Property Ownership – Public, Schools, Private |
| <input type="checkbox"/> Proximity / Links to Schools, Parks, Employment Centers | <input type="checkbox"/> Provision of sidewalks on both sides of Major Roads |
| <input type="checkbox"/> Coordination with other public / private projects | |

Determining Sidewalk Gap Projects and Sidewalk Funding Contributions

General: All sidewalks shall comply with Sections 23-31 through 23-38 of the Code of Ordinances, except as specified below.

Gap Map Created: There is hereby established as a part of this policy a "Sidewalk Program and Gap Map". This map shall be located in the City's annual Capital Improvement Plan and establishes sidewalk gap locations throughout the City and denotes those gaps that are "to remain" and those that are "to be installed".

New Development: All new developments occurring within the City that are located on a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall install said sidewalk at the time of construction. Provision for such sidewalk construction shall be included as a part of site plan review, subdivision approval, or building permit application. Cost of sidewalk gap construction shall be the sole responsibility of the property owner or developer.

Public Road / Utility Projects: All Public road and utility projects occurring within the City that are located on or adjacent to a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall include installation of said sidewalk as a part of the scope of project. Cost of sidewalk gap construction shall be allocated between the City and the property owners in accordance with the percentage allocations in the City's Special Assessment District Policy for Road Improvements (July 12, 1999, as amended) through a special assessment district, if applicable. All sidewalks repaired, replaced or installed as part of public road or utility projects shall be in compliance with City Code.

All Other Gaps "To Be Installed": All other sidewalk gaps shown as "To Be Installed" on the Gap Map shall be installed during the City's scheduled annual sidewalk program in accordance with the "*Sidewalk Program*" years on the Gap Map. All gaps in existing sidewalks identified during the scheduled annual sidewalk program shall be repaired or installed as required to bring the sidewalk into compliance with City Code. Cost of sidewalk gap construction shall be the entire responsibility of the property owner either directly or through a special assessment district in conjunction with the City's annual sidewalk program.

Gaps to Remain: Construction of sidewalks shown on the Gap Map as "*Sidewalk Gaps to Remain*" shall not be required. However, nothing in this policy should be construed as preventing installation of said sidewalks where the property owner and / or City voluntarily seek such installation.

Existing Substandard 4' Wide Sidewalk: Substandard 4' wide sidewalk that is damaged shall be replaced with standard 5' wide sidewalk, included in the annual sidewalk repair program and paid for by the property owner through the SAD. The City shall replace substandard existing 4' wide sidewalk that is otherwise undamaged with standard 5' wide sidewalk during the annual sidewalk repair program.

Corner Lots – Sideage: The City shall pay 50% of the cost of damaged sideage sidewalk, 100% of the cost of undamaged 4' wide substandard sideage sidewalk, and 50% of sideage gaps, replaced during the annual sidewalk repair program.

Hardship Claims: Qualifying senior property owners can make application to the State's Special Assessment Deferral Plan as the means to address claims for hardship. Where a non-senior property owner has made successful application to the Board of Review for a reduction in property taxes based on financial hardship, that finding shall entitle the property owner to an automatic reduction to \$300 in total sidewalk special assessment.

Estimation of Sidewalk Gap Project Costs

The City Engineer, in accordance with Section 22-4 of the Code of Ordinances, shall determine estimated costs of all sidewalk gap construction.