

Sidewalk Special Assessment Program Deferral Guidelines

In 1991, the Urbandale City Council approved a policy for the installation of sidewalks on arterial, collector and residential streets. This policy recognized the role of sidewalks in protecting the health, welfare and safety of pedestrians in the community. It is the City Council's intent that a City-wide sidewalk system be developed and that all residents have access to this sidewalk system. For portions of the system that are not completed, special priority is to be given to sidewalks needed on the Safe School Routes and to accommodate pedestrian traffic on major arterial and collector streets.

It is recognized that unique circumstances may exist that make it difficult to immediately construct a sidewalk. For this reason, the following deferral guidelines have been developed. The guidelines do not apply to sidewalk construction in new developments. These walks are to be constructed in conformance with the City's Community Development regulations.

The City Council will annually adopt a five-year special assessment program for the construction of sidewalks in existing developments. Affected property owners will be notified of the proposed program, prior to its adoption by the City Council. At that time, the City Council may consider any requests for a deferral from the proposed special assessment program.

In order to obtain a deferral from a special assessment sidewalk project, the property owner must submit an application to the City Council. The form of this application will be determined by the City. In the application, the property owner must describe the hardship that would be created from the construction of a sidewalk. This hardship must meet at least one of the following criteria:

1. 25% or more of the area of the lot between the curb and the back of the proposed sidewalk has a slope (either ascending from the curb or descending from the curb) in excess of one may agree to share in the cost of grading for the area exceeding the one foot per ten feet standard.
2. The installation of the sidewalk requires either the removal of or damage to at least one tree exceeding eight inches in diameter as measured at a point four feet above the base of the tree.
3. The installation of the sidewalk requires the removal of or damage to three or more trees each exceeding four inches in diameter as measured at a point four feet above the base of each tree.
4. The installation of the sidewalk requires that large utility facilities be moved (i.e. power poles). Vertical adjustments to stop boxes, gate valves,

manholes and similar structures will not be considered grounds for a deferral.

5. There is an existing concrete or asphalt driveway or parking lot where a sidewalk should be that would exceed the slope and tilt requirements contained in the City's sidewalk specifications. As an alternative, the City may share in the cost for regrading and reconstructing the driveway approach to meet the slope and tilt standards.
6. Snow removal from the new sidewalk would be unreasonably difficult due to inaccessibility.
7. Any other circumstance when the Council determines that the approval of the application for deferral will not unduly jeopardize the implementation and completion of the sidewalk program.

The City Council will consider all requests for deferrals from sidewalk special assessment projects on a case by case basis, keeping in mind that the principal purpose of the policy is to provide safety for pedestrians. If a deferral is granted, it will remain in effect for a time certain or for 120 days after the property owner has been notified that the condition or limitation noted by the property owner no longer in the opinion of the City Council qualifies for exemption. Additionally, notice of the deferral will be recorded with the County Recorder.

If sidewalks are missing from both sides of a street, the residents may petition for the construction of a single sidewalk system. The petition must identify the conditions or limitations that prevent sidewalks from being constructed on both sides of the street. All of the property owners along the affected street must sign the petition and agree to equally share in the cost of the construction of the sidewalk. The side of the street on which the sidewalk will be constructed must also be identified.

Deferrals from sidewalk special assessment projects will not be granted solely on the basis of economic hardship. However, if a resident is sixty-five years in age or older, has a disability or has a limited income, he or she may qualify for assistance with a sidewalk special assessment. Under Chapter 425 of the Code of Iowa, a qualified resident may receive a credit or reimbursement for all or a portion of the annual special assessment installment. This credit is issued by the Iowa Department of Revenue and Finance to the county treasurer. The amount of the credit is determined by the applicant's annual household income. Additional information regarding the credit program is available from the Polk and Dallas County Treasurers.

This policy will become effective on September 10, 1996 and will only apply to sidewalk special assessment projects. The City Council will make the final determination regarding any deferral requests. Deferral requests will only be

granted when a resident's hardship is deemed to be greater than the public's immediate need for a sidewalk.