

RESOLUTION NO. 06-1933

VOTE: Passed on a roll call vote.

Voting aye: Trustees Hendrick,

Hickey, Madell, Rodeghier and

Hartigan **Voting nay: Trustee**

Bures

DATE: September 25, 2006

OTHER:

**A RESOLUTION APPROVING THE
CREATION OF A VILLAGE
SIDEWALK INSTALLATION
POLICY FOR THE VILLAGE OF
WESTERN SPRINGS, COOK
COUNTY, ILLINOIS**

WHEREAS, the Village officials have discussed the policy of installing sidewalk throughout the Village for several decades; and

WHEREAS, in 2001, the Infrastructure Commission passed Recommendation No. 01-01 recommending the installation of sidewalks throughout the Village; and

WHEREAS, in 2004, the Village received a Federal Transportation Grant which could be used for pedestrian improvements within the corporate limits of the Village, including the installation of sidewalks; and

WHEREAS, in 2004, the Village Board passed Ordinance No. 04-2304 which amended the Western Springs Municipal Code of 1997 to require the installation of sidewalks on residential property where none exist when property owners construct additions or new residences; and

WHEREAS, responses to the 2004 Citizen Attitude Survey favored the installation of sidewalks throughout the Village; and

WHEREAS, numerous Village property owners have contacted the Village regarding the creation of a sidewalk policy that provides a funding mechanism for installing sidewalks throughout the Village (records of the Village property owners' comments in this regard are on file with the Department of Municipal Services); and

WHEREAS, the President and Board of Trustees of the Village of Western Springs find that it is desirable to create a sidewalk policy that provides Village property owners with a funding mechanism for installing sidewalks throughout the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each of the whereas paragraphs set forth above are incorporated by reference into this Section 1 as material terms and findings of fact.

SECTION 2: The President and Board of Trustees of the Village of Western Springs desire to establish for Village property owners a sidewalk policy for purposes of assisting them with the installation of sidewalks throughout the Village where none currently exist. Under this policy, the Village agrees as follows:

- A. To cooperate with Village property owners upon receipt of a written application or petition requesting the installation of a sidewalk in a certain localized area within the Village.
- B. Create a Special Service Area (SSA) (35 ILCS 200/27-5 *et seq.*) or establish a Special Assessment (65 ILCS 5/9-2-1 *et seq.*) or use such other statutorily authorized funding mechanism to collect funds from the property owners located within a designated project area to pay for the private share of the costs of the sidewalk installation project. The Village Board shall decide which type of funding mechanism to use for a particular project.
- C. To assist Village property owners with the funding of the sidewalk installation by contributing a 30% public share of the total cost of the sidewalk installation, subject to annual budgetary and grant funding constraints. The Village property owners included within the project area shall contribute a 70% private share of the total cost of the sidewalk installation.
- D. That designated, available Federal Transportation Grant funds for sidewalk installation may be used to fund the Village's public share of such project costs, provided that the use of such funds follows standard Village Public Works Department expenditure procedures upon recommendation by the Public Works and Water Committee and approval by the Village Board.
- E. That the Village shall pursue the establishment of a SSA when the Village sends a survey to the owners of record within a proposed project area and at least 50% of the initial responding owners of record within the proposed area demonstrate support for the sidewalk installation project and creation of the SSA. Any property owner may request in writing that the Village send out a survey that proposes a sidewalk installation project. The establishment of a Special Assessment will be done only after the Village Board finds that it is in the public interest to (1) construct the proposed project and (2) fund it under the Special Assessment process.
- F. The boundaries of the sidewalk installation projects will be determined by the Village Board and will be established as large as possible and in a manner to make the project economically feasible and practical. However, a project area could encompass just one side of one block.
- G. The Infrastructure Commission, the Public Works and Water Committee or the Village Manager may recommend the omission of certain properties from a proposed project area where it is in the public interest. Factors that support the omission of certain properties include but are not limited to: the existence of a sidewalk; engineering, topographical or access considerations; physical

impediments or other unique situations; the lack of benefit to the property; or the fact that the property undermines any of the statutory requirements for creating or establishing the project funding mechanism (e.g., a SSA and Special Assessment require that the project area be compact and contiguous). The Village Board shall have the final authority to approve the omission of such properties from a proposed project area, which may be given prior to or as part of its approval of the project funding mechanism.

A copy of the Sidewalk Installation Policy that incorporates the items A through G above is attached hereto as **Exhibit "1"** and made a part hereof.

SECTION 2: The President and Board of Trustees of the Village of Western Springs approve the "Sidewalk Installation Policy" a copy of which is attached hereto as **Exhibit "1"** and made a part hereof.

PASSED by the Board of Trustees of the Village of Western Springs, Cook County, Illinois, at a Regular Meeting thereof, held on the 25th day of September 2006, and approved by me as President, and attested by the Village Clerk, on the same day.


Village President

ATTEST:

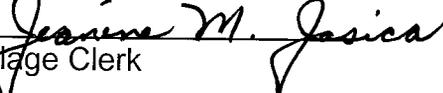

Village Clerk

EXHIBIT "1"

VILLAGE SIDEWALK INSTALLATION POLICY DATED SEPTEMBER 25, 2006

In response to the ongoing discussions regarding future installations of sidewalk throughout the Village where none currently exist, the Village establishes this sidewalk policy. This policy shall guide the Village in future installations in the near term while Federal Transportation funds are available. In general, installations will conform to the guidelines set forth below.

- A. To cooperate with Village property owners upon receipt of a written application or petition requesting the installation of a sidewalk in a certain localized area within the Village.
- B. Create a Special Service Area (SSA) (35 ILCS 200/27-5 *et seq.*) or establish a Special Assessment (65 ILCS 5/9-2-1 *et seq.*) or use such other statutorily authorized funding mechanism to collect funds from the property owners located within a designated project area to pay for the private share of the costs of the sidewalk installation project. The Village Board shall decide which type of funding mechanism to use for a particular project.
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- E. That the Village shall pursue the establishment of a SSA when the Village sends a survey to the owners of record within a proposed project area and at least 50% of the initial responding owners of record within the proposed area demonstrate support for the sidewalk installation project and creation of the SSA. Any property owner may request in writing that the Village send out a survey that proposes a sidewalk installation project. The establishment of a Special Assessment will be done only after the Village Board finds that it is in the public interest to (1) construct the proposed project and (2) fund it under the Special Assessment process.
- F. The boundaries of the sidewalk installation projects will be determined by the Village Board and will be established as large as possible and in a manner to make the project economically feasible and practical. However, a project area could encompass just one side of one block.
- G. The Infrastructure Commission, the Public Works and Water Committee or the Village Manager may recommend the omission of certain properties from a proposed project area where it is in the public interest. Factors that support

the omission of certain properties include but are not limited to: the existence of a sidewalk; engineering, topographical or access considerations; physical impediments or other unique situations; the lack of benefit to the property; or the fact that the property undermines any of the statutory requirements for creating or establishing the project funding mechanism (e.g., a SSA and Special Assessment require that the project area be compact and contiguous). The Village Board shall have the final authority to approve the omission of such properties from a proposed project area, which may be given prior to or as part of its approval of the project funding mechanism.