



# City of Grand Island

Tuesday, September 27, 2022

Council Session

## Item G-10

**#2022-267 - Approving Resolution Directing Property Owner to Repair Sidewalk at 3108 Dixie Square**

Staff Contact: Keith Kurz PE, Interim Public Works Director

# Council Agenda Memo

**From:** Keith Kurz PE, Interim Public Works Director

**Meeting:** September 27, 2022

**Subject:** Resolution Directing Property Owner to Repair Sidewalk at 3108 Dixie Square

**Presenter(s):** Keith Kurz PE, Interim Public Works Director

## Background

Public Works Engineering and Code Enforcement have been working effectively through sidewalk complaints received from citizens in the community. The process set in place has been once a complaint is received by either office an Engineering Technician from the Public Works Department performs a site inspection, marking any areas of the public sidewalk that do not meet the Americans with Disability Act (ADA) requirements. Code Enforcement then attempts to work with the property owner to take the necessary action.

Section 32-58 of the City Code and Section 16-662 R.S. Nebraska Statues, make the property owner responsible for repairing sidewalks adjacent to their property.

## Discussion

An Engineering Technician evaluated the condition of the public sidewalk at the following location and deemed it to be out of compliance with the Americans with Disabilities Act (ADA).

- 3108 Dixie Square (Lot 10, Colonial Estates Ninth Subdivision, City of Grand Island, Hall County, Nebraska)

Both Code Enforcement and Public Works Engineering staff have tried to reach a resolution with the property owner to make the necessary repairs, to no avail. A summary sheet for property contact is attached for reference.

On September 14, 2022 a letter was sent to the affected property owner notifying them the matter would be presented to City Council on September 27, 2022 to prevent accident or injury to citizens using the public sidewalk.

The Public Works Department is requesting that a resolution be passed giving the property owner of the identified address 15 days to obtain the sidewalk permit and 15

days from issuance of such permit to complete the repairs of the public sidewalk, as this is a public safety concern.

If the property owner fails to either obtain the sidewalk permit in the 15 day timeframe or complete the necessary repairs 15 days after such permit is issued, the City of Grand Island will take steps to make the necessary repairs with all costs being the responsibility of the property owner.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

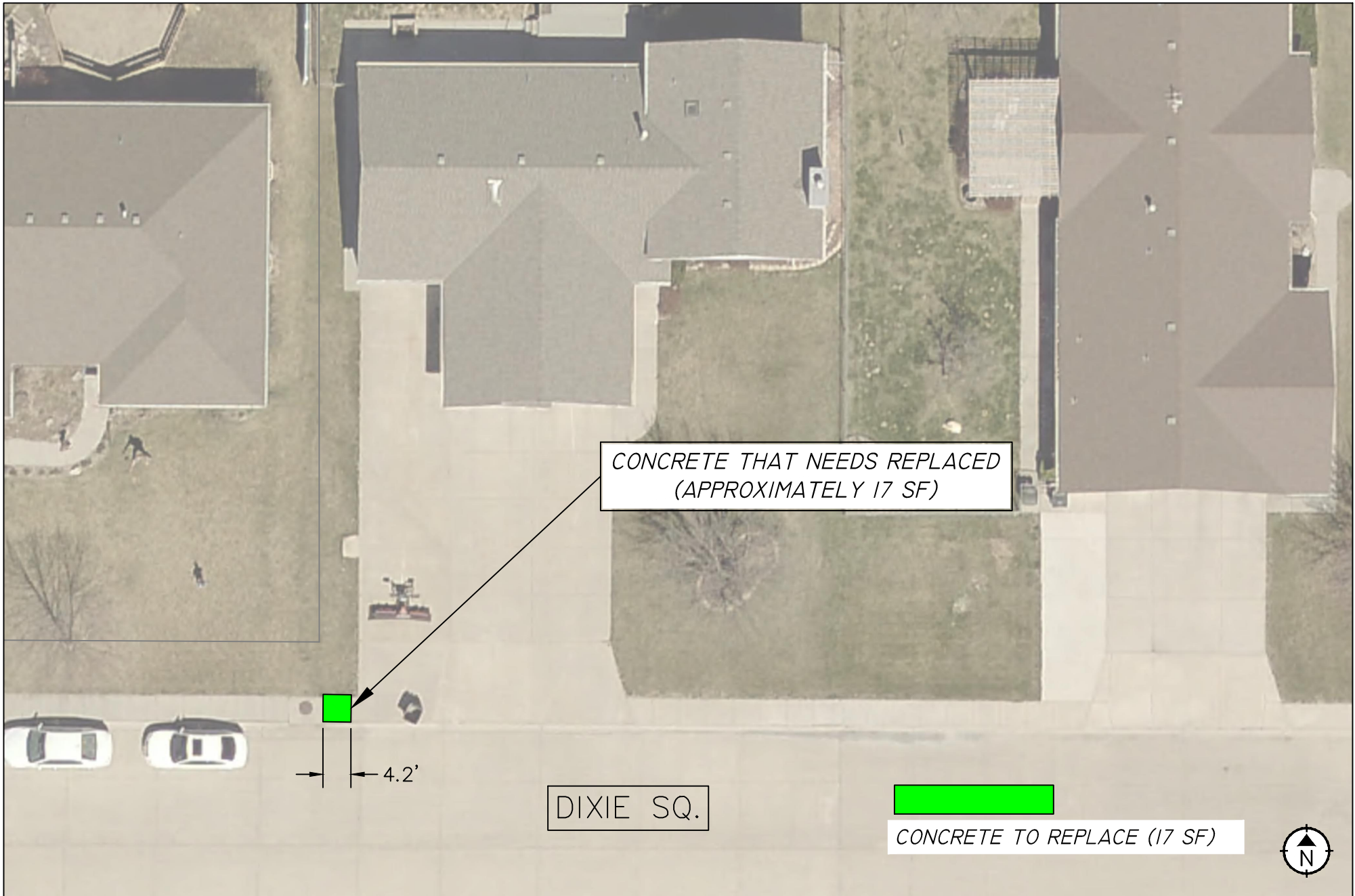
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve a resolution directing the identified property owner to obtain a permit and repair the sidewalk at the subject locations.

### **Sample Motion**

Move to approve a resolution.



CONCRETE THAT NEEDS REPLACED  
(APPROXIMATELY 17 SF)

4.2'

DIXIE SQ.

CONCRETE TO REPLACE (17 SF)



### CODE ENFORCEMENT - SIDEWALK



3108 Dixie Square

- 2022/6/17- Complaint of sidewalk condition received via Government Outreach
- 2022/6/21- Public Works Engineering Technician verified sidewalk repairs needed
- 2022/6/22- Code Enforcement officer attempted contact, none made. Issued a 30 day yellow notice asking that the section of sidewalk marked by the Public Works Engineering Technician be replaced/repared and that a letter would be forthcoming.
- 2022/6/23- a 30 day sidewalk letter was sent concerning violation of City Code 22-58, with Sidewalk Cost Share Program information included
- 2022/7/22- Code Enforcement officer rechecked- no action taken. Case will stay open as other properties in the area have taken action through the Sidewalk Cost Share Program.
- 2022/8/12- Code Enforcement officer rechecked- no action taken.
- 2022/8/23- Code Enforcement officer rechecked- no action taken. Case forwarded to Public Works Administration for Council action.

RESOLUTION 2022-267

WHEREAS, the City has the authority under Neb. Rev. Stat., §16-662 and Section 32-58 of the City Code, to direct the repair and replacement of sidewalks by owner of the abutting property; and

WHEREAS, the sidewalk abutting 3108 Dixie Square (Lot 10, Colonial Estates Ninth Subdivision, City of Grand Island, Hall County, Nebraska) has been determined to be in need of repair and replacement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that notice be sent to the property owner to obtain a sidewalk permit within 15 days and within 15 days of such permit issuance to make the necessary repairs to the sidewalk abutting the property previously listed. If the property owner fails to either obtain the sidewalk permit in the 15 day timeframe or complete the necessary repairs within 15 days of such permit issuance, the City will cause the work to be done and assess the cost against the property.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 27, 2022.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form    ✕ \_\_\_\_\_  
September 23, 2022    ✕ City Attorney