

**AGREEMENT FOR SIDEWALK RENOVATION COST SHARE PROGRAM
FOR SIDEWALK ADJACENT TO PRIVATE PROPERTY**

This Agreement is made and entered into on the date of the last signature below, by and between the City of Columbia, Missouri, a municipal corporation, (hereinafter "City") and Forest Ridge Homeowners Association (hereinafter "Owner") of the premises located at:

Address: Common Area behind 4904 & 5200 Aspen Ridge Dr.
Columbia MO 65202

Whereas, Owner acknowledges the described property has been inspected by the City for sidewalk deficiencies in meeting Americans with Disabilities Act (ADA) requirements and has a sidewalk that does not meet ADA requirements, including trip hazards and excessive cross slope, in violation of Section 24-12 and 24-33 of the City Code, and

Whereas, Owner acknowledges all sidewalk deficiencies must be repaired at the owner's expense and failure to repair the sidewalk is subject to all other remedies the City may have at law or equity, and

Whereas, pursuant to Ordinance 025490, the City has a cost reimbursement program available to reimburse participating property owners for work listed above that meets all the requirements of the program and would otherwise be Owner's sole responsibility, and Owner wants to participate in the program,

Now, therefore, in consideration of the mutual covenants contained herein, the City and the Owner hereby agree to the following terms and conditions:

- Owner has read and understands the program requirements attached to and made a part of this Agreement.
- Upon compliance of Owner with all terms and conditions as stated in the program requirements, the City will provide a reimbursement to the Owner 50-percent of actual cost for sidewalk repairs and 100-percent cost of actual curb ramp repairs, up to and not to exceed **\$1,100.00**.
- In no event shall any provision of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental or official immunities and protections provided by federal and state constitution and laws except as expressly stated herein.
- Owner releases and discharges the City of Columbia, Missouri, its Council, Employees, Engineers and Agents, and agree to indemnify them and hold them

harmless from and against all liability, damage, loss, claims, demands and actions of any nature whatsoever resulting from, arising out of, or relating in any way to the sidewalk deficiencies or participation in this cost share program.

- Owner states that they are the property owner of the premises listed above, that they have read and understand this Agreement, and further acknowledged that they executed this instrument as their free act and deed for the purpose therein stated.

[Signatures appear on the next page.]

In Witness Whereof, the parties hereto have been duly authorized to execute this agreement as of the above-referenced date.

Owner(s)

Must be signed and dated by all owners of record. If more than two, duplicate this page for additional owners to sign and attach the extra pages to this agreement.

Signature: Don McCarty Date: 2/6/2025
CF7795R01490473

Printed Name: Jon McCarty

Signature: _____ Date: _____

Printed Name: _____

CITY OF COLUMBIA, MISSOURI

SSC

By: _____ Date: _____
De'Carlon Seewood, City Manager

Attest:

Sheela Amin, City Clerk

Approved as to form:

Nancy Thompson, City Counselor

Certification: I hereby certify that the above expenditure is within the purpose of the appropriation to which it is charged, Account No. **44008830 604990 00171**, and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor.

By: _____
Matthew Lue, Director of Finance

Introduced by Buffaloe
First Reading 10-16-23 Second Reading 11-6-23
Ordinance No. 025490 Council Bill No. B 251-23

AN ORDINANCE

repealing Ordinance No. 019747 which established a sidewalk maintenance and construction policy and enacting new provisions related thereto; establishing a sidewalk renovation cost share program; and fixing the time when this ordinance shall become effective.

WHEREAS, Ordinance No. 019747 passed by the City Council on December 3, 2007 established a sidewalk maintenance and construction policy; and

WHEREAS, the City Council finds it is in the best interest of the City to repeal Ordinance No. 019747 and new reenact provisions related thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Ordinance No. 019747 is hereby repealed.

SECTION 2. The City Manager shall periodically submit a list of sidewalk maintenance, repair and reconstruction priorities and funding recommendations to the City Council.

SECTION 3. The Director of Public Works is authorized to use City employees without specific City Council authorization to repair hazardous sidewalks less than one-half (1/2) block in length.

SECTION 4. The following policies shall apply to maintenance, repair and construction of sidewalks in the central business district, being bounded on the north by Park Avenue; on the south by Elm Street; on the west by Garth Avenue; and on the east by College Avenue:

- (1) Improvements shall conform to specifications for sidewalk, curb and guttering; plantings (including standard grates, soil mix and types of trees); conduits and outlets; and sidewalk furnishings established by the Director of Public Works.
- (2) Abutting property owners in the central business district shall be required to pay for fifty percent (50%) of defective sidewalk and curb and guttering

replacement. Property owners shall also provide trenching for required conduits.

- (3) Unless donated by the abutting property owner, the City shall provide and pay for installation of: non-defective sidewalk replacement; trees and soil mix; grates; conduits, outlets; and street furnishings.
- (4) The City shall maintain all beautification projects within the right-of-way in the central business district.
- (5) Approval by the Director of Public Works shall be required before any beautification project or improvement within the public right-of-way in the central business district is begun.

SECTION 5. The City shall be responsible for construction or repair of handicap ramps at the intersection of public streets or alleys.

SECTION 6. The City shall develop and maintain a Master Sidewalk Plan. Sidewalks shown on the plan shall be constructed at the City's expense, subject to the availability of funds, except that this provision shall not relieve any property owner of responsibilities for sidewalk construction associated with new development.

SECTION 7. Sections of sidewalks shown on the Master Sidewalk Plan in need of reconstruction shall be reconstructed at the expense of the property owner except that the City may pay up to one hundred percent (100%) of the cost of reconstruction subject to the availability of funds.

SECTION 8. Sections of sidewalks in single family areas or "affordable housing" areas may be reconstructed up to one hundred percent (100%) by the City without tax billing the adjacent property owners.

SECTION 9. Sections of sidewalks in the Community Development Block Grant (CDBG) area will be constructed or reconstructed in the same manner as other areas except that CDBG funds will be used for the construction or reconstruction of sidewalks in the eligible areas whenever possible and property owners may obtain relief from any tax bills in the form of CDBG grants provided they meet residency and income eligibility requirements.

SECTION 10. Sections of sidewalks in subdivisions, platted after the enactment of the subdivision regulations requiring sidewalks on both sides of all streets shall be constructed at the property owners' expense, and if property owners fail to construct such sidewalks within a reasonable time after receiving notice, the sidewalks may be constructed by the City with special assessments levied against the properties for the entire cost of the construction.

SECTION 11. The cost for sections of sidewalks constructed or reconstructed as part of a street construction project will not be tax billed against adjacent property owners.

SECTION 12. A sidewalk renovation cost share program for one-family and two-family dwellings, as set forth in "Exhibit A" attached hereto and made a part hereof, is hereby established. The City Manager is authorized to execute agreements for participation in the sidewalk renovation cost share program according to the guidelines set forth therein.

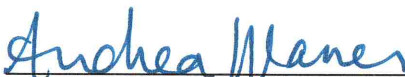
SECTION 13. This ordinance shall be in full force and effect from and after its passage.

PASSED this 6th day of November, 2023.

ATTEST:




City Clerk



Mayor and Presiding Officer
^ Pro Tem

APPROVED AS TO FORM:



City Counselor

EXHIBIT A



City of Columbia Sidewalk Renovation Cost Share Program (for Sidewalk Adjacent to Residential Private Property)

The City hereby establishes a Sidewalk Renovation Cost Share Program to be administered by the Public Works Department. The purpose of the program is to provide assistance to property owners (the Owner) to identify and repair sidewalk adjacent to their property that does not meet current Americans with Disabilities Act (ADA) requirements. The sidewalk renovation cost share program has been established to:

- Assist private residential property owners with technical support to repair or replace sidewalks located within right of way adjacent to their property in order to meet current ADA requirements.
- To provide cost share assistance to residential private property owners for the costs associated with the repair or replacement of the sidewalk.
- To bring existing sidewalks up to current construction standards and improve pedestrian safety and accessibility for all residents.

Per Sections 24-12 and 24-33 of the City Code, it is the responsibility of landowners for the upkeep and repair to sidewalks adjacent to their property. The City has determined that encouraging the repair or replacement of sidewalk within right-of-way to bring the sidewalk up to current ADA requirements is desirable and in the best interest of the public.

Section 1. General Requirements

The sidewalk renovation cost share program is being implemented in accordance with the following requirements:

- 1.1. The following types of sidewalk repairs are eligible for 50-percent reimbursement:
 - a. Sidewalk panel remove and replace.
 - b. Sidewalk grinding to remove trip hazard.
 - c. Driveway approach remove and replace, within the limits necessary for sidewalk replacement.
 - d. Other repairs needed to meet ADA requirements (as determined by on-site inspection).

- 1.2. Curb ramp repairs are eligible for 100-percent reimbursement. Curb ramp repairs include:
 - a. Curb ramp remove and replace.
 - b. Curb ramp construction where there is not a curb ramp.
 - c. Detectable warning installation.
- 1.3. The program shall apply only to the repair of a sidewalk located within the public right of way adjacent to R-1 One-family Dwelling, R-2 Two-Family Dwelling, and one-family or two-family dwelling areas of PD zoned property within the city limits of Columbia. A sidewalk within a City maintained street easement or sidewalk easement is also eligible. The sidewalk shall be adjacent to a city-maintained roadway.
- 1.4. Financial participation of the City in this cost share program is limited to funds budgeted for the program in any fiscal year. Funding levels may be changed or eliminated at any time based on the City's periodic review of the program. The allocation of funding to any particular applicant is discretionary.
- 1.5. Applications will be processed in the order in which the applications are submitted; however, an application will not be funded and approved for construction until after an agreement in a form approved by the City Counselor is executed by the Owner. If an Owner submits multiple applications for more than one property, the City reserves the right to delay processing of the additional applications or limit funding to the Owner in order to allow participation by other property owners.
- 1.6. No Owner shall be eligible for participation that is delinquent in payment of any fees and charges due to the City.
- 1.7. The program is limited to the actual cost incurred for eligible work, but does not include incidental costs such as landscape restoration, sidewalk panel repair outside of the right of way, driveway repair outside of the limits needed to address the sidewalk, etc. Fill dirt and over-seeding adjacent to the sidewalk is an eligible cost, but sodding and watering following construction are not eligible costs.
- 1.8. All work under this program must comply with applicable ordinances and permits and meet ADA requirements. The work must meet all requirements of the current City of Columbia Street, Storm Drain, and Sanitary Sewer Standards and Specifications.
- 1.9. The City shall have the sole authority to determine eligibility for participation, prioritization of requests, and compliance with ordinances.

- 1.10. Conflict of interest provisions shall apply for program participation eligibility and all work performed. All work shall be performed by an independent third party to whom the Owner is not related by any familial relationship or affiliated business.

Section 2. Bid Requirements

The bidding for the construction of the sidewalk repairs shall be completed as follows:

- 2.1. The Owner shall obtain written proposals from three qualified contractors or request to obtain a proposal from a contractor currently under contract with the City. The proposals must provide sufficient detail for the City to determine the extent of the sidewalk repairs and any work not eligible for reimbursement.
- 2.2. All prospective contractors must comply with all local and state requirements for construction of public improvements in the public right-of-way and meet the following requirements:
 - a. Must be enrolled in E-Verify.
 - b. Must require all on-site employees to complete the ten-hour safety training program required in Section 292.675 RSMo prior to the start of the work (includes all subcontractors).
 - c. Be aware and able to comply with the of the requirements of Missouri prevailing wage laws as described in Sections 290.210 through 290.340 RSMo.
 - d. Have a copy of and know the requirements of the current City of Columbia Street, Storm Drain, and Sanitary Sewer Standards and Specifications.
- 2.3. If the bids are reasonable and appropriated funds are available, the City will provide the Owner with a Sidewalk Renovation Agreement. It is critical the property owner carefully reviews the agreement and ensures their prospective contractor is aware of all requirements and stipulations therein.

Section 3. Project Progression

The progression of the sidewalk renovation cost share program shall be completed in the following steps. *If the property owner fails to comply within any of the time frames, funding priority ceases, the Owner must submit a new Application for Participation, and such application will be treated as a new application for determination of funding eligibility.*

- 3.1. The Owner completes and signs the Application for Participation.
- 3.2. The Owner meets with the City to inspect the sidewalk. A City representative completes the sidewalk inspection form.

- 3.3. The City issues a notice of eligibility or non-eligibility to the Owner based on inspection of the sidewalk. The notice shall include the specific sidewalk repairs or replacement approved for program participation.
- 3.4. The Owner obtains written cost proposals from three qualified contractors or requests to obtain a proposal from a contractor currently under contract with the City. The cost proposals from the contractors must provide sufficient detail for the City to determine the extent of the sidewalk repairs and any work not eligible for reimbursement. The Owner must submit the cost proposals within **90 days** of the date of the notice of eligibility or such application shall be deemed withdrawn and Owner will be required to submit a new application.
- 3.5. The City reviews the proposals, provides the Owner with notice of preliminary approval, and provides a sidewalk renovation agreement for signature. The Owner must return the signed agreement and signed proposal with the selected contractor within **45 days** of the date of the notice of preliminary approval.
- 3.6. The Owner and Contractor must obtain all required permits from the Building and Site Development within the City' Community Development Department.
- 3.7. The Owner and/or the contractor must complete the work and notify the City of such completion within **180 days** of the effective date of the signed agreement.
- 3.8. The City completes final inspection, and if work is completed as specified, issues final acceptance of work. If work is not completed as specified, the Contractor shall repair deficiencies at no additional cost to the City.
- 3.9. The Owner submits a **paid** receipt from the Contractor to the City. The City reimburses the Owner the amount stated in the agreement. The reimbursement will be made in the City's normal course of business.