

Three Oaks Planning Commission  
7 May 2019

### Sidewalk Committee Report

At the 9 January meeting, in response to a request from the Three Oaks Village Council, Chairman Svebakken appointed Larry Shawver to chair a committee to review the Village's current sidewalk ordinance (established in 2005); and bring their recommendations for change or modification to the Planning Commission in time for referral to the Village Council at their May 2019 meeting.

Shawver then asked Jose Hernandez, Planning Commission member, and John Kramer, Village Council, to serve on the committee, both agreed to do so.

Currently the Village will remove old concrete and prepare the sidewalk installation sight for the new sidewalk, with the understanding the property owner is responsible for the sidewalk installation expense. In some cases, where street work is also being planned the Village will coordinate installation with the cost of street repair at no expense to the property owner. (Attached Ordinance #157 with resident letter).

After review of our Sidewalk Ordinance, #157, and procedures followed for its implementation, along with similar ordinances of several small Villages in the state; sidewalk standards, there enforcement and responsibility for paying for the sidewalk installation, repair and maintenance seem to be the three main areas of stress: a) Sidewalk Standards, b) Enforcement of Standards and c) Responsibility for replacement/repair expenses.

The Committee feels Three Oaks current Sidewalk ordinance and letter of procedure provided to property owners with sidewalk deficiencies, are actually quite good. The Ordinance gives a good description of specifications standards and rules of their enforcement. Apparently the main problem is how the work will be paid for, especially with those on fixed incomes (usually having lived in the Village for several years and now living on a fixed income).

In general communities with well maintained infrastructure of roads, sidewalks and parks enjoy appreciating real estate values.. Three Oaks has made significant progress over the past several years in establishing high standards for its streets and parks, but the sidewalks are clearly in need of attention.

After discussing the many pros and cons of the situation and how it might be addressed the committee would like to propose the Village accept responsibility to pay for sidewalk repair and maintenance; and initiate the following steps to prepare a 10 year strategy to repair all sidewalks in need of replacement and/or repair.

- 1) Village should change Sidewalk Ordinance #157 to provide funding for all residential sidewalk repair and maintenance according to priorities and procedures established by the revised Ordinance.
- 2) The Village should conduct a survey of all sidewalks and establish an annual priority list of proposed work. A sidewalk inventory would be maintained with an annual work priority established; based on available funds and the seriousness of the defective sidewalks
- 3) A strategy for proposed funding of the sidewalk work, with an annual budget and installation timeline will need to be established. Initially a percentage of Act 51 funds (10%?) combined with other available funds (Pokagone, grants, etc.) could provide the funding. Promotion of a modest mileage (1-2%) to increase available funding of the "Sidewalk Fund" might also be developed and proposed.

If an individual property owner, not on the repair/replace priority list for the year, requested sidewalk replacement the Village could fall back on current practice of removal and preparation with financial responsibility resting on the property owner making the request.

If this were done problems with enforcement of the ordinance would be minimized, as the Village would now be in charge of establishing repair priorities; and financing would no longer be the problem. Hopefully within a ten year period we would have a well maintained sidewalk system throughout the Village.

Respectfully submitted,

Committee Members: Larry Shawver, Chair  
Jose Hernandez  
John Kramer

Reviewed and Approved:

---

Gene Svebakken, Chair  
Three Oaks Planning Commission



Phone: (269) 756-9221

Fax: (269) 756-3031

Dear Homeowner,

Thank you for deciding to repair or replace your sidewalk. Your fellow residents greatly appreciate you maintaining your property. We are glad to help with your project. Following is the process if you would like our assistance:

- Let us know the target date to pour the concrete.
- We will prepare the sidewalk – remove the old sidewalk, prep with sand and put in the concrete forms at no charge.
- The concrete must be poured within 10 days of us preparing the area.
- **Sidewalks must be installed per the specifications attached (Section D). Any variation must be approved by the Village Council.**
- You are responsible for all other expenses of the project.
- By signing this form you absolve the Village of Three Oaks, its officers and employees of any liability arising from our work on the sidewalk.

Alternatively you may hire a contractor to do all of the work. In that case, you will be responsible for the entire cost and for adequately preparing the area.

By signing this form, you agree to the above conditions including holding harmless the Village of Three Oaks, its employees and officers for any real or perceived liability resulting out of the work done by Village employees in connection with the construction / repairs of the sidewalk along your property.