

ORDINANCE NO. 08-3309

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE THE CREATION OF A SIDEWALK FUND AND ESTABLISH A SQUARE FOOTAGE FEE FOR PAYMENT IN LIEU OF SIDEWALK INSTALLATION

WHEREAS, On October 23, 2007, the Lebanon Municipal Planning Commission voted unanimously to recommend allowing payment in lieu of sidewalks for site plans; and

WHEREAS, funds collected may be spent on sidewalks in areas such as, but not limited to, schools, local streets, infill/connections on local streets and connections to the trail system and parks; and

WHEREAS, Ordinance No. 07-3256 shall amend the Lebanon Municipal Code to allow for payment in lieu of installation for sidewalks in site plans; and

WHEREAS, the establishment of a sidewalk fund and a square footage rate is required in order to enact this change in the Lebanon Municipal Code; and

WHEREAS, it is recommended that two (2) separate funds be established for the sidewalk fund, one being for new construction and the other for construction rehabilitation; and

WHEREAS, for payment in lieu of sidewalks for site plans, it is recommended that the base rate per square foot shall be ten dollars (\$10.00), and subject to review and annual update prior to the beginning of each fiscal year; and

WHEREAS, it is recommended that any funds collected shall only be used for sidewalks, new or rehabilitated; and

WHEREAS, key factors in the development of sidewalk construction cost include, but are not limited to, general site preparation, stone bed and concrete placement, and ADA ramp installation; and

WHEREAS, when site conditions dictate a more expensive construction cost, the Commissioner of Public Works shall adjust the rate accordingly prior to the approval of the site grading and drainage plans; and

WHEREAS, the property owner shall dedicate the appropriate easement(s) or right(s)-of-way to allow the City of Lebanon to maintain the sidewalk.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to approve the creation of a sidewalk fund and establish a square footage fee for payment in lieu of sidewalk installation.

Ordinance No. 08-3309
Page 2

Section 2. The base rate per square foot shall be ten dollars (\$10.00), and subject to review and annual update prior to the beginning of each fiscal year.

Section 3. Two (2) separate funds shall be established for the sidewalk fund, one being for new construction and the other for construction rehabilitation.

Section 4. Any funds collected shall only be used for sidewalks, new or rehabilitated.


Section 5. When site conditions dictate a more expensive construction cost, the Commissioner of Public Works shall adjust the rate accordingly prior to the approval of the site grading and drainage plans.

Section 6. The property owner shall dedicate the appropriate easement(s) or right(s)-of-way to allow the City of Lebanon to maintain the sidewalk.

Section 7. The assessment shall be held by the city of Lebanon Finance Department in an account to be expended as determined by the City Council with at least a minimum of fifty percent (50%) of the funds collected being dedicated to the construction of new sidewalks. All new construction shall be approved by the City Council.

Section 8. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:



Commissioner of Finance & Revenue

Approved:



Mayor

Approved as to form:



City Attorney

Passed first reading: 2/19/08

Passed second reading: 3/04/08

Passed third reading: 3/18/08

Ordinance 08-3309

TO BE PUBLISHED February 29, 2008

PUBLIC NOTICE

In reference to Ordinance No. 08-3309, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on March 18, 2008 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the creation of a sidewalk payment in lieu of fee that may be assessed where site constraints make it impracticable to install sidewalks. The base rate per square foot shall be ten dollars. Copies of this ordinance are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-8610.

Bill and send proof of publication to City of Lebanon, Mayor's Office, 200 North Castle Heights Avenue, Attn: Debbie Jessen.

O-r-d. 08-3309

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LEBANON DEMOCRAT

PUBLICATION CERTIFICATE

This is to certify that the legal notice hereto attached was published in The Lebanon Democrat, a daily newspaper published in the City of Lebanon, County of Wilson,

State of Tennessee on the following dates:

Signer: Melanie Ray

Feb. 29, 2008

Subscribed and sworn to on this _____ day of _____

Jenny Wilson
Notary Public

My Commission expires

2-8-11

