

CITY OF BROOKHAVEN
PUBLIC WORKS DEPARTMENT

SIDEWALK BY PETITION POLICY

Version:

Adopted: December 08, 2020

I. Introduction

City of Brookhaven adopted the Bicycle, Pedestrian & Trail Plan in April 2016. Prior to adopting this Plan, the City went through an extensive public input process and completed several Public Information Open House (PIOH) meetings. These PIOH's provided opportunities for public to provide their input in completing the study. Proposed sidewalks and Multi-use paths (MUP) reflected in the final adopted plan are based on the connectivity, providing access to public transportation facilities such as MARTA Rail Station and bus stops, City parks, schools, shopping and intended to provide alternate mode of transportation.

The City Council adopted Bicycle, Pedestrian & Trail Plan is located in the City website at:

<https://www.brookhavenga.gov/publicworks/page/bicycle-pedestrian-and-trail-plan>

The Bicycle, Pedestrian & Trail Plan resulted a detailed future sidewalk and MUP list located on the City website at:

<https://www.brookhavenga.gov/publicworks/page/sidewalk-program>

The future sidewalk and MUP list has been amended by the City Council on several occasions since 2016 to add and delete sidewalks and MUPs. Decisions to amend the sidewalk and MUP list must be done in public meeting and recorded in the minutes of the City Council.

Since 2016, Public Works Department, during the annual budget preparation process, recommends sidewalks and MUP's to be funded for the fiscal year. Funding for sidewalk construction was previously allocated from HOST funding and from the SPLOST funding since passing of SPLOST in 2017. Additionally, beginning in 2020, the Sidewalk Fund has been a funding source for sidewalk / MUP infill projects and for sidewalk / MUP capital maintenance / ADA compliance projects.

The funding for sidewalks and MUPs is limited based on the 5-year Capital Improvement Plan and doesn't provide an avenue for property owners to add construction of new sidewalks in an expeditious manner.

The intent of this Sidewalk Policy is to add another venue for property owners to petition the City to have a sidewalk and/or MUP constructed along their property in an expeditious manner outside of the budget process.

A Council Member may bring changes to adopted sidewalk/MUP list any number of times during the calendar year. However, for budgeting purposes, changes to the list should be limited to the first quarter only.

OCGA 36-39-3 allows owners to petition the City and have a sidewalk constructed.

§ 36-39-3. Procedure for improvements; adoption, and publication of resolution; filing of petition by landowners; objections to improvements

(a) Whenever the governing body deems it necessary to improve any street or part thereof within the limits of the municipal corporation, either in length or in width, it shall, by resolution, declare such improvement necessary to be done and shall publish such resolution once a week for at least three consecutive weeks in the newspaper in which the sheriff's advertisements of the county in which the municipal corporation is located are published. If the owners of a majority of the lineal feet of frontage of the lands abutting on the proposed improvement, within 15 days after the last day of publication of the resolution, do not file with the clerk of the municipal corporation their protest in writing against the improvement, the governing body shall have the power to cause the improvement to be made, to contract therefor, and to make assessments and fix liens as provided for in this chapter. Any number of streets or any part or parts thereof to be so improved may be included in one resolution. Any protest or objection shall be made as to each street separately.

(b) If the owners of a majority of the lineal feet of frontage of the land liable to assessment for the improvement petition the governing body for the improvement, citing this chapter and designating by general description the improvement to be undertaken and the street or streets or part thereof to be improved, it shall thereupon be the duty of the governing body to proceed, as provided in this chapter, to cause such improvement to be made in accordance with the prayers of the petition and their own best judgment. In such cases the resolution mentioned in subsection (a) of this Code section shall not be required. The petition shall be lodged with the clerk of the municipal corporation, who shall investigate the sufficiency thereof, submit the petition to the governing body, and certify the result of his investigation.

II. Minimum Requirements

Installation of sidewalks or MUPs by petition must meet the following criteria:

1. Only streets classified as Local and/or Residential Streets are eligible for the Sidewalk Installation by petition Program.
2. Streets classified as Arterial, Collector, and/or Thoroughfare are Not Eligible for Sidewalk Installation by Petition.
3. The petition must be signed by a simple majority of property owners (50% plus 1) for the petition to move forward.
4. Property owners are required to dedicate the right-of-way as required for the installation of sidewalk or MUP.
5. Removal of unauthorized or authorized encroachments within the project limits and relocation of utilities within the existing and new rights-of-way will be part of the project expense.

6. Pedestrian and bicycle access must be preserved
7. The neighborhood sidewalks shall be designed using City of Brookhaven standards and appropriate GDOT construction standards.

III. Definitions

For purposes of this policy, certain terms and words are defined. Where words have not been defined but are defined in a subsequent section of this Policy, those words shall have the meaning as defined therein. The following words, terms and phrases when used in this Policy shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AASHTO means the American Association of State Highway and Transportation Officials.

Affected area means a geographic portion of a neighborhood consisting of all property owners whose quality of life as a resident in the neighborhood, and not necessarily as a traveler through the neighborhood, is being directly impacted by lack of safe pedestrian facilities. The affected area will include all lots adjoin the proposed sidewalk or MUP.

Department means the Public Works Department.

Eligible Petitioner means the person whose name is recorded as a property owner in the tax records maintained by the DeKalb County's Tax Commissioner and Board of Tax Assessors for the address listed on the petition that falls within the affected area.

Initiator is a real property owner who has initiated a request for sidewalks installation and/or has assumed a primary role in circulating the subsequent sidewalks installation petition and undertakes to serve as the City's sole contact with respect to the progress.

MUTCD means the Manual on Uniform Traffic Control Devices.

Real property owners' means homeowners or other real property owners as indicated in the tax records maintained by the DeKalb County tax commissioner and board of tax assessors.

Reference number means the number assigned to a completed initial interest request which meets the City's criteria for a study that will be used to determine the order in which traffic studies will be conducted.

Residential Street means a street classified and defined as "residential" or "local" in the records of the City of Brookhaven Community Development Department.

IV. Sidewalk by Petition Process

1. Homeowners' Association, or when a Homeowners Association is not in existence, a neighborhood group can request sidewalk installation for their neighborhood or street by submitting an Application Form and Petition with signatures of a minimum of 50% of the residents on the street(s) requesting Sidewalk Installation.
2. All interested property owners on the street(s) should be canvassed and given opportunity to express their interest and support for sidewalk installation program by signing the initial request form to have the preliminary assessment completed by the City property owners representing 50% or more of the properties on the street must sign the petition indicating that they are in favor of having their street evaluated before the City dedicates resources to evaluate the buildability, survey work and cost estimate to arrive to a final cost.
3. Interested parties obtaining signatures on this petition will have 45 calendar days from the date of issuance to respond, otherwise the request for sidewalk installation under this program will be automatically rejected. Areas meeting qualification requirements will have their street(s) placed on this program's request list for studies and surveys under this program.
4. Once the survey work and cost estimating are completed, property owners will be provided with the final petition to sign and accept the cost estimate. Property owners along the street will have 45 calendar days to complete the final petition and return it to the City Clerk for the project to move forward.
5. If the initial petition or final petition are not returned within 45 days, the project is considered to be discontinued and the street is not eligible for re-petitioning for 3 years.
6. Total cost for installation will be amortized over a 10 year period. This will be added to the annual property tax bill as an assessment.

Appendix A – Sample Petition Letter and Form

Sample initial and final petition forms follow. The petition forms include multiple signatures and could be carried around by volunteers, mailed/distributed to each household or kept in a central location. Neighborhoods have had success with multiple distribution methods. Public Works staff is available to offer advice and suggestions.

All Final Petition Forms submitted have certain requirements. Most importantly, the property owner(s) must clearly indicate they are in favor of sidewalk installation on the neighborhood streets. The street address of the property must be indicated, along with printed name(s) of the owner. Please note that all listed property owners must sign the petition or a 'no' vote will be recorded for the property.

Submitted petitions must include a cover letter from the HOA Board, neighborhood president, or other responsible party attesting that all signatures are correct and valid to the best of their knowledge.

SAMPLE

CITY OF BROOKHAVEN DEPARTMENT OF PUBLIC WORKS
SIDEWALK INSTALLATION PROGRAM INITIAL INTEREST PETITION FORM

STREET/AREA:
EXPIRATION DATE:

The objective of the City of Brookhaven Sidewalk Installation Program is to provide **property owners** a means of addressing the lack of pedestrian access to sidewalks in residential neighborhood communities throughout the City of Brookhaven. The program provides a process by which neighborhood supported sidewalk installation is favored by a majority of the affected property owners.

THE REQUEST PROCESS

All interested residents on the street(s) should be canvassed and given opportunity to express their interest and support for sidewalk installation by signing this request form to have the neighborhood evaluated by the Sidewalk Installation Program. Residents representing **50% plus one** or more of the properties on the street must sign the petition indicating that they are in favor of having their community evaluated before the street can participate in the Sidewalk Installation Program.

Interested parties obtaining signatures on this petition will have **45 calendar days** from the date of issuance to respond, otherwise the request for sidewalk installation under this program will be automatically rejected. Areas meeting qualification requirements will have their street(s) placed on this program's request list for studies and surveys under the Sidewalk Installation Program.

ADDITIONAL INFORMATION

Answers to questions pertaining to this form or those regarding the City of Brookhaven Sidewalk Installation Program can be obtained by calling the Department of Public Works at (404) 637-0540.

DUPLICATION OF THIS FORM IS AUTHORIZED IF BOTH SIDES ARE COPIED
(SIGNATURE PAGE IS ON OTHER SIDE)

RETURN COMPLETED FORMS TO:

City of Brookhaven
Department of Public Works
4362 Peachtree Rd
Brookhaven, Georgia 30319

The undersigned property owners understand that the purpose of this form is to measure community interest in considering sidewalk installation in their community. **THIS IS NOT A PETITION TO APPROVE THE INSTALLATION OF ANY SIDEWALK.** It is further understood that an acceptance of 50% plus one or more of signatures on this form from interested residents on the street, signifies to the City of Brookhaven that sufficient neighborhood interest has been generated for sidewalk constructability evaluations. * A Minimum of 5 Signatures is required.

STREET/AREA: _____

1. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

2. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

3. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

4. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

5. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

6. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

7. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

8. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

9. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

10. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

11. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

12. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

13. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

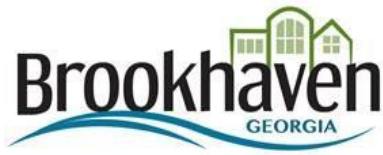
14. _____
Print Name (Last, First)

Street Address

Daytime Telephone Number

Signature

DUPLICATION OF THIS FORM IS AUTHORIZED IF BOTH SIDES ARE COPIED



CITY OF BROOKHAVEN

Sidewalk Petition Program

DATE: _____, 202__

Road Name(s)	
SIDEWALK INSTALLATION SCOPE:	
NUMBER OF LOTS IN AFFECTED AREA	
STREETS IN AFFECTED AREA: <i>Streets Affected</i>	
EXPIRATION DATE	
ANNUAL AMORTIZED COST PER PROPERTY OWNER	\$

PETITION PROCESS ON THE OTHER SIDE

CITY OF BROOKHAVEN

SIDEWALK INSTALLATION

SIDEWALK INSTALLATION PETITION AND COVER LETTER

The objective of the City of Brookhaven Sidewalk Installation Program is to provide property owners a means of addressing the lack of pedestrian access to sidewalks in residential neighborhood communities throughout the City of Brookhaven. The program provides a process by which neighborhood supported sidewalk installation is favored by a majority of the affected property owners. Engineering studies must support constructability of the sidewalks requested and 50% plus one or more of the affected property owners must favor the installation.

THE PETITION PROCESS

To have the sidewalks installed in a City of Brookhaven neighborhood, a completed petition must be submitted to the City of Brookhaven Department of Public Works. All affected property owners in the subdivision or street should be contacted by the stakeholder(s) or liaison and given an opportunity to sign this petition indicating a **yes** or **no** response to Sidewalk petition. **ALL PROPERTY OWNERS OF RECORD MUST SIGN THE PETITION.** This also applies to owners of undeveloped lots. Rental tenants are not an acceptable substitute for the legal homeowner. All valid signatures must be on the official sidewalk installation final petition form. Any other deviations will be an invalid part of the final petition certification process. Witness signatures are required to verify property owners' signatures. The determining percentage will be calculated based on individual lots where owners sign affirmatively, divided by the total number of lots in the **Affected Area**. Homeowners representing 50% plus one or more of the affected properties must vote in favor of sidewalk installation before petitions can be presented to the Council. This program is eligible only for established subdivision and not eligible for subdivisions under development.

Completed petitions must be signed, witnessed, and returned to this office where signatures will be verified using tax records and land lot maps. Petitioners will have **90 days** from the date of the announced proposal to submit the petition; otherwise the proposal will be automatically rejected. Petitions meeting verification and qualification requirements will be presented to the Council. A public hearing will be announced and the Council will approve or disapprove all qualifying petitions at that time.

ADDITIONAL INFORMATION

The installation of sidewalks will not be considered final until the measures are inspected by the Department of Public Works for compliance with design specifications. Total construction and other costs would be amortized for 10 years and added to the property tax bills at the end of the year in which the measures are installed. **Each platted lot in the affected area, whether developed or not, will be subject to the assessed charges.** A yes or no vote can NOT be changed, removed, or altered after the petition has been received or stamped by the City.

INFORMATION CONTAINED ON THIS PETITION MAY BE SUBJECT TO DISCLOSURE IN ACCORDANCE WITH THE OPEN RECORDS LAW, O.C.G.A. CODE SECTION 50-18-70.

RETURN COMPLETED PETITIONS TO:

CITY OF BROOKHAVEN
Department of Public Works
4362 Peachtree Road
Brookhaven, GA 30319

ALL PETITIONS MUST BE SUBMITTED ON OFFICAL PREPRINTED FORMS

COVER SHEET ON THE OTHER SIDE

Revised 0*-*-202*

CITY OF BROOKHAVEN SIDEWALK ISTALLATION PETITION

PAGE ____ OF ____

The undersigned property owners understand the purpose of this petition and hereby accept or reject, as indicated herein, the proposal being presented. It is further understood that an acceptance of 50% or more of property owners in the affected area on this petition, indicated by the number of "yes" votes, signifies approval for the City of Brookhaven to implement a proposed measure. This approval and selection of a particular measure allows the City to assess annual maintenance charges for the installed measure(s) to all property designated to be in the "Affected Area" upon the approval of this petition by the Council.

Street Name

Subdivision Name

No

Yes

1.

Owner Name #1 (Last, First)

Owner Name #2 (Last, First)

Home Address

Daytime Telephone Number

Signature

Signature

Witness

No

Yes

2.

Owner Name #1 (Last, First)

Owner Name #2 (Last, First)

Home Address

Daytime Telephone Number

Signature

Signature

Witness

No

Yes

3.

Owner Name #1 (Last, First)

Owner Name #2 (Last, First)

Home Address

Daytime Telephone Number

Signature

Signature

Witness

No

Yes

4.

Owner Name #1 (Last, First)

Owner Name #2 (Last, First)

Home Address

Daytime Telephone Number

Signature

Signature

Witness

ALL PETITIONS MUST BE SUBMITTED ON OFFICAL PREPRINTED FORMS
DESIGN ON OTHER SIDE

SAMPLE