

Sponsored by: Council

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2010-81**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ADOPTING A POLICY CONCERNING THE DEMOLITION AND REMOVAL, OR REPAIR OF EXISTING SIDEWALKS WITHIN THE CITY OF MARATHON; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marathon, Florida (the "City") wishes to formally adopt a policy concerning the demolition and removal, or repair of existing sidewalks within the City; and

**WHEREAS**, if the condition of any such sidewalk becomes such as to render the use thereof unsafe or dangerous, the policy contains the necessary steps to either render the use of the sidewalk safe, or effect the removal of the sidewalk in accordance with the policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The policy concerning the demolition and removal, or repair of existing sidewalks within the City, a copy of which is attached as Exhibit "A," is hereby approved and adopted.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 27<sup>th</sup> DAY OF JULY, 2010.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Ginger Snead, Mayor**

AYES: Cinque, Keating, Ramsay, Worthington, Snead  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
Diane Clavier, City Clerk

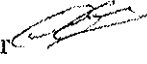
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

  
City Attorney



## MEMORANDUM

**To:** Roger T. Hernstadt, City Manager  
**From:** Carlos A. Solis, P.E., Public Works Manager   
**Subject:** Sidewalk Policy  
**Date:** July 7, 2010

As requested by City Council at the June 24<sup>th</sup> meeting, the Public Works Department has researched sidewalk policies for similar municipalities in Florida in an effort to establish a City sidewalk policy. Based on our research, and the direction of City Council, we proposed the following as a basis for a City sidewalk policy.

- Other than sidewalks adjacent or leading to schools or public parks, any existing sidewalk of less than 250 feet in length within the residential City's R/W that is not contiguous or part of series of sidewalk shall be removed when said sidewalk becomes damaged and poses a trip and fall hazard to the general public. Cases in excess of 250 linear feet will be brought to Council.
- Residents on a street with existing sidewalks in need of repair may opt to keep the existing sidewalk provided that the residents adjacent to the street with the sidewalk agree to maintain and pay for all cost to repair said sidewalk. A R/W permit shall be issued in the name of all residents running concurrent with the property establishing the responsibilities for the maintenance of the sidewalk.
- In case the condition of any such sidewalk becomes such as to render the use thereof unsafe or dangerous, it shall be the duty of the city manager to notify the owner of contiguous property that such condition exists and such notice shall require the owner within thirty (30) days from the date of the mailing of such notice to take necessary steps to render the use of the sidewalk safe. Such notice shall be sent to such owner's last known address by registered mail.
- If the owner shall fail to take such steps as may be necessary to render the use of such sidewalk safe as required to be done in such notice, the City Manager will direct to make the required repairs and to take necessary steps to produce the aforesaid condition, and upon the termination of such work it shall be the further duty of such city manager to compute the actual costs thereof and to send a statement of the same, together with description of the work done, to such owner at his address.