

**SIDEWALK INSTALLATION POLICY FOR EXISTING SUBDIVISIONS  
AND NEIGHBORHOODS**

There is established a residential sidewalk district program whereby eligible residential areas may petition the Rockdale County to install sidewalks within their subdivision or neighborhood.

**Sidewalk district requirements.**

- (a) A sidewalk district can only be established in residential districts, as defined in section 106-1, of the Rockdale County Code ("Residential District"), where the streets or roads within the proposed sidewalk district have been accepted by the county for perpetual maintenance.
- (b) Sidewalk construction must begin and end at existing sidewalks or public road intersections, or immediately across from public road intersections, but may extend past a public road intersection to complete the frontage adjoining the proposed sidewalk construction.
- (c) Sidewalks shall be installed on one side of all streets within the sidewalk district.
- (d) The Department of Public Services and Engineering ("Department") shall have final discretion as to the feasibility and the final design of all sidewalk district improvements submitted by applications/petitions pursuant to this policy.
- (e) All applications/petitions shall be subject to available funding for the fiscal year in which the request is submitted as determined by the Department of Finance and confirmed by the Board of Commissioners.

**Application and petition.**

(a) *Application.*

- (1) In any unincorporated area of the county which is a Residential District the owners of eighty-five (85%) percent or more of the lots within the Residential District may present an application for the creation of a sidewalk district to the Director of the Department of Public Services and Engineering. The application shall clearly identify the Residential District inclusive of a reference to the recorded plat. The names, addresses and phone numbers of the applying lot owners shall be included with the application. In the event a lot is titled in more than one owner each owner must sign the application in order for the lot to be counted. A contact person shall be identified on the application for purposes of all communication related to this process. Upon receipt of the application, the Department shall:

- A. Confirm the appropriate boundaries of the proposed sidewalk district;
- B. Prepare a schematic drawing showing this proposed sidewalk district;

- C. Prepare an estimate of the total project cost for the creation of the proposed sidewalk district, including the costs for the design, contracting, acquisition of rights-of-way, construction and inspection for sidewalk construction;
- D. Draft a petition for the creation of the proposed sidewalk district; and
- E. Forward a copy of the draft petition to the tax assessor's office for verification of lot owners' names within the proposed sidewalk district.

The tax assessor's office shall prepare a list of lot owners within the proposed district based on current county tax records and the Department shall verify that the owners of at least eighty-five (85%) percent of the lots are signatories on the application. In the event a lot is titled in more than one owner each owner must sign the application in order for the lot to be counted. In the event the owner signatories represent less than eighty-five percent of the lots within the proposed district the application shall be returned to the applicants. Upon securing the correct number of signatories the application may be re-submitted to the Department.

(b) *Petition.*

(1) *Form.* The petition shall provide space for all lot owners in the proposed district to sign, showing whether it is their preference that the proposed district be created.

(2) *Contents.* The petition shall contain the name, property address within the proposed sidewalk district, mailing address, and phone number of all property owners who sign the petition. If the property owner does not reside at the property within the sidewalk district, then the petition shall contain both the property address within the district and the property owner's actual address outside the district. The petition shall also contain an acknowledgement the execution of the petition represents a commitment to pay a share of the cost of the sidewalk project, as defined by this policy, in the event the district is approved by the Board of Commissioners.

(3) *Plat and cost estimate.* The petition shall have attached to it a copy of the schematic drawing showing the boundaries of the proposed sidewalk district and a copy of the Director's estimate of the total project cost and the pro rata cost per property owner. The petition shall clearly provide that execution of the petition represents a commitment by the property owner to pay his or her pro rata cost of the total project.

**Procedure.**

- (a) *Duty of Applicants.* Upon completion of the petition by the Department, the petition shall be delivered to the contact person identified by the applicants. It shall be the duty of the applicants to circulate the petition among the lot owners within the proposed sidewalk district and obtain the required signatures. The contact person shall attach to the petition, prior to returning it to the Department, a sworn and

notarized statement attesting that the information contained in the petition is true and accurate to the best of the contact person's knowledge.

- (b) *Return to Department.* The petition for creation of the proposed sidewalk district must be returned to the Department within 90 days after it is obtained from the Department. The Director may, in his or her discretion, for good cause shown, extend the time for the return of the petition an additional 30 days, for a total of 120 days, when a request for such extension is made to the Director before the expiration of the original 90 days.
- (c) Once a petition has been returned to the Department, there shall be no changes in the preferences recorded thereon, and the petition shall clearly state the same. No further action will be taken on a petition that fails to contain signatures (including name, address and phone number) indicating owner approval of at least eighty-five (85) percent of the lots in the proposed sidewalk district. If owners of at least eighty-five (85) percent of the verified lots in the proposed sidewalk district sign the petition approving the creation of the sidewalk district, notices shall be posted in the proposed district stating that:

"Notice: Rockdale County has received a petition to create a sidewalk district in this area. A public hearing is not required unless requested in writing by (date). For information call (telephone number)."
- (d) If such hearing is requested, the person requesting that hearing and the designated contact person for the applicant shall be notified of the date and time of the hearing, and a legal advertisement announcing the public hearing shall be published once, at least ten (10) days prior to the date of said hearing, in the official legal organ of the county. The legal notice shall include the date and time of the hearing, and the location of the proposed sidewalk district. In addition signs providing notice of the hearing shall be posted within the proposed sidewalk district at locations designated at the discretion of the Director.
- (e) At any such hearing, the Board of Commissioners shall consider and determine whether to create the proposed sidewalk district. Safety and economic factors shall be the prime consideration in making such determination. If there is no request for a hearing or if eighty-five percent or greater of the lot owners have signed the petition, the sidewalk district may be created, upon approval of the Board of Commissioners.
- (f) The Director shall notify the contact person in writing within thirty (30) days of the decision of the Board of Commissioners to approve or deny the petition.
- (g) If the Board of Commissioners votes to approve the sidewalk district, the Director shall notify, within sixty (60) days of the board's decision, each affected property owner of the board's approval by certified mail, return receipt requested. The decision shall be conditioned upon satisfaction of the funding assessment provided by this policy.

- (h) No more than one application for the creation of a sidewalk district in a given area or neighborhood shall be accepted by the director in a twenty-four (24) month period. The final determination of what constitutes an "area or neighborhood" shall be at the discretion of the Director subject to the provisions of this policy.

**Funding.**

- (a) *Assessment.* No assessment shall be made, unless the same is consented to in writing by the owners of at least eighty-five (85%) percent of the lots within the proposed district. Said consent shall be deemed to have been given as a result of the execution by a lot owner of the petition requesting the proposed sidewalks and the creation of the district. Each owner of property executing the petition within the proposed district shall be assessed a share of the cost to be funded by the district.

- (b) *Pro rata costs.* Each executing property owner's share of the cost shall be determined as follows: The total cost of the project shall be calculated by the county, and the figure so derived shall be known as the Total Project Cost. The Total Project Cost shall then be divided by the total number of participating lots (the lots within the proposed district for which the owner(s) executed the petition) to derive the cost per lot. Each participating property owner within the district shall then be assessed an amount that equals the cost per lot so derived ("Assessment").

- (c) *Payment.* The sidewalk assessment shall be paid as follows:

- (1) One-half of the Assessment shall be paid in cash by each property owner executing the petition within ninety (90) days of the mailing of the assessment by the county. Payment shall be made to "Rockdale County" and delivered to the Department. If payment is not made in full within ninety (90) days of the county's initial billing of the Assessment (one-half) by each property owner who executed the petition the project shall not go forward, the county shall take no further action and the creation of the sidewalk district shall be rendered moot. In such event the Department shall refund all paid Assessments to the paying property owner.

Upon payment in full of the first assessment within the time parameters established by this policy the county shall undertake construction of the project in accordance with a schedule adopted by the county at the time the petition has been approved. In the event the Total Project Cost is greater than calculated by the county as provided by subparagraph (b) of this section, the county shall bear all costs which exceed the Total Project Cost. In the event the Total Project Cost is less than calculated by the county each property owner executing the petition shall receive a pro-rata reduction of the amount due and owing under the second installment of the Assessment.

- (2) The second half of the Assessment shall be paid in one installment by each property owner executing the petition and shall be due and payable ninety (90) days following

mailing of notice to the property owner. Said notice for payment shall be issued by the county following completion of the construction of the project.

The executing property owner shall remain liable for the assessment until paid in full and the transfer of the lot to a third party shall not affect said liability.

(d) If the assessment is not paid when due, the assessment shall be subject to the same interest and penalties as are applicable to delinquent ad valorem taxes.

This 12 day of August, 2008.

Rockdale County, Georgia  
Board of Commissioners

By: Roy J. Middlebrooks  
Roy J. Middlebrooks, Chairman

Attest:

Jim Nutley  
County Clerk

Approved as to form:

James  
County Attorney

~~1<sup>st</sup>~~ reading \_\_\_\_\_

~~2<sup>nd</sup>~~ reading \_\_\_\_\_