



May 14, 2014

TO: Mayor and Members of City Council
FROM: Scott C. Stiles, Interim City Manager
SUBJECT: **City's Sidewalk Repair Policy**

Reference Document #201400492

City Council referred the following item for report:

MOTION, dated 4/16/2014 submitted by Vice Mayor Mann, that the Administration review and report to Council on the fairness of asking property owners to pay for repairing sidewalks which are damaged by trees planted by the city.

Attached to this communication is Council Report #200900534 which provides a review of the efforts of City Council and the Administration to develop sidewalk policies and funding strategies for sidewalk repairs both adjacent to, and not adjacent to public trees.

The Urban Forestry Street Tree program began in 1981. The first trees were planted in 1982 and the planting policy between 1982 and 1993 was for staff to coordinate tree planting with community councils based on their priority and input. Staff scheduled the tree planting where adequate space was present along public streets. If a property owner objected to the planting, they were provided with information on how to submit their objection by filing an appeal with the Urban Forestry Advisory Board (UFAB). This board is appointed by the City Manager, and authorized by Chapter 743 of the Cincinnati Municipal Code (CMC). If the UFAB ruled in the property owner's favor the tree was not planted. If the ruling went against the property owner, they could appeal to the Board of Park Commissioners. Under 743 of the CMC, the decision of the Park Board is final.

During 1993 the policy was changed. Individual property owners were given "veto power" so that no tree would be planted against their approval. Where trees are wanted, park staff works with property owners to plant species that are the right tree for the space, and meets criteria valued by the property owner. This policy continues in 2014.

A 2010 study of Cincinnati's tree canopy found that the average street tree saves the property owner \$94.12 annually by abating stormwater, pollution, and reducing home cooling costs. The average sidewalk is designed to last 20-25 years, and the cost for replacing 1 block is approximately \$150.00. Over the 20 year design life of a sidewalk, the tree will provide \$1,882.40 in benefits which would offset the cost of replacing 12.5 sidewalk blocks.

Attached for your information is a typical response to a homeowner concerning tree/sidewalk issues. Also attached are four previous City Council reports, prepared in conjunction with the

Department of Transportation and Engineering, which relates to the policy and decisions regarding sidewalk repairs.

Cc: Willie F. Carden, Jr., Director of Parks

Attachments: Council Referral #199700915
Council Referral #199701987
Council Referral #199800107
Council Referral #200900534