


III. C.



DATE: October 15, 2010
TO: Planning & Public Works Committee
FROM:  Brian McGownd, PWD\CE

SUBJECT: Braefield Subdivision – Sidewalk/Retaining Wall Maintenance

As you can see from the attached letter to the Trustees of the Braefield Subdivision, there has always been confusion regarding maintenance responsibilities of the sidewalk and retaining wall adjacent to Olive Boulevard, as well as the landscaping in this area. A majority of these improvements are located on MoDOT right of way; however, a very small portion is located on subdivision common ground. This has become an issue because the wall is in need of major repairs.

Staff has researched this matter and determined that the City accepted maintenance of the sidewalk back in 1994, and also determined that the subdivision has maintained the landscaped area in the past. We could find no mention of who is responsible for the maintenance of the retaining wall. We discussed this issue with MoDOT, and were told that they would not maintain the wall, as its sole purpose is to support the public sidewalk. They also said that they would not maintain the landscaped area.

After discussing this issue with the Trustees, they are agreeable to sharing in the cost of repairing the retaining wall. They have a bid from a contractor in the amount of \$50,000 to reconstruct the wall, and would agree to hire this contractor to make the repair, with the City agreeing, upon completion of the work, to reimburse the Trustees for 80% of the cost, up to a maximum of \$40,000. The trustees would be responsible for the remaining cost of the work, and the City would be responsible for replacing any sections of sidewalk as necessary. The Trustees would also acknowledge that they are responsible for the maintenance of the landscaped area adjacent to Olive Boulevard.

Therefore, **Staff requests the Planning & Public Works Committee direct Staff to prepare an agreement outlining the terms and conditions regarding sharing in the cost to repair the retaining wall adjacent to Olive Boulevard in the Braefield Subdivision, and to bring a draft agreement back to the Committee for their consideration.**

If you need additional information or have any questions please advise.

attachments

cc: Mike Geisel, Director of Planning & Public Works



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

October 12, 2010

Trustees of Braefield Subdivision

Re: Retaining Wall/Sidewalk/Landscaping Maintenance adjacent to Olive Blvd.

Dear Trustees:

As you know, the retaining wall adjacent to Olive Boulevard that runs along the front of your subdivision is in need of repair. There has always been a question regarding who is responsible for not only the wall, but also the adjacent sidewalk and the landscaping between the wall and Olive Boulevard. In an attempt to answer these questions, the City has researched this matter and has determined the following:

Sidewalk - The City agreed to maintain the sidewalk back in 1994.

Retaining Wall – A majority of the wall is located on MoDOT right of way. However, MoDOT has indicated that they will not maintain the wall, as the wall was only constructed in order to allow for the sidewalk to be built, and since they do not maintain the sidewalk, they will not maintain the wall. From our maintenance records, the City has never maintained the wall. The Record Plat for the subdivision includes language which states that “The maintenance and repair of all the retaining walls on site shall be the full responsibility of the trustees”. A portion of the wall is located on common ground, within the “site”.

Landscaping - The City has never maintained this area, and MoDOT has indicated that they do not maintain these types of landscaped areas. It is our understanding that the subdivision has maintained this area in the past.

It is clear that the City is responsible for the sidewalk, and it is clear that the subdivision is responsible for the landscaping along Olive Boulevard. However, it is unclear regarding who is responsible for the wall.

It is obvious that the wall was only constructed in order to build the public sidewalk which the City maintains. Also, the Record Plat indicates that the Trustees have some responsibility for the wall as well. Therefore, some sort of shared maintenance agreement between the City and the Trustees may be in order.

With that said, it is our understanding that the Trustees have a bid from a contractor in the amount of \$50,000 to reconstruct the wall, and that the Trustees would be agreeable to hire this contractor to make the repair, with the City agreeing, upon completion of the work, to reimburse the Trustees for 80% of the cost, up to a maximum of \$40,000. The trustees would be responsible for the remaining cost of the work, and the City would be responsible for replacing any sections of sidewalk as necessary. The Trustees would also acknowledge that they are responsible for the maintenance of the landscaped area adjacent to Olive Boulevard.

In order to enter into a formal agreement which would outline the details of this partnership, the City Council would first have to approve the agreement, and authorize our City Administrator to execute the agreement on the City's behalf. Prior to placing this issue on the City Council agenda, it would first go to the Planning & Public Works Committee of City Council for a recommendation. This committee is chaired by Councilmember Matt Segal. We anticipate placing this on the October 21, 2010 Planning & Public Works Committee meeting agenda, and would then forward to City Council for their consideration.

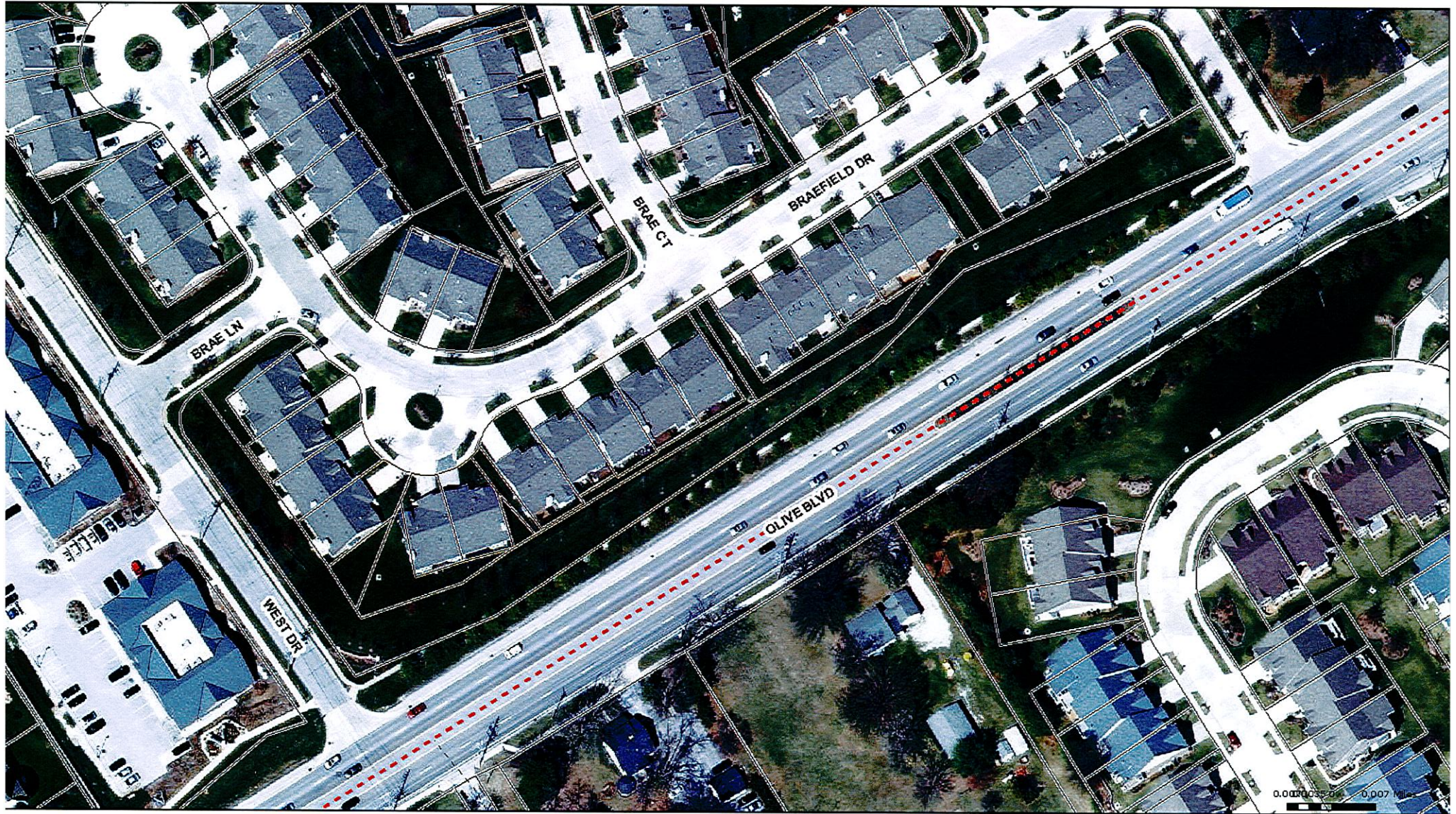
If you have any questions or need any additional information please give us a call at 636-537-4762.

Sincerely,

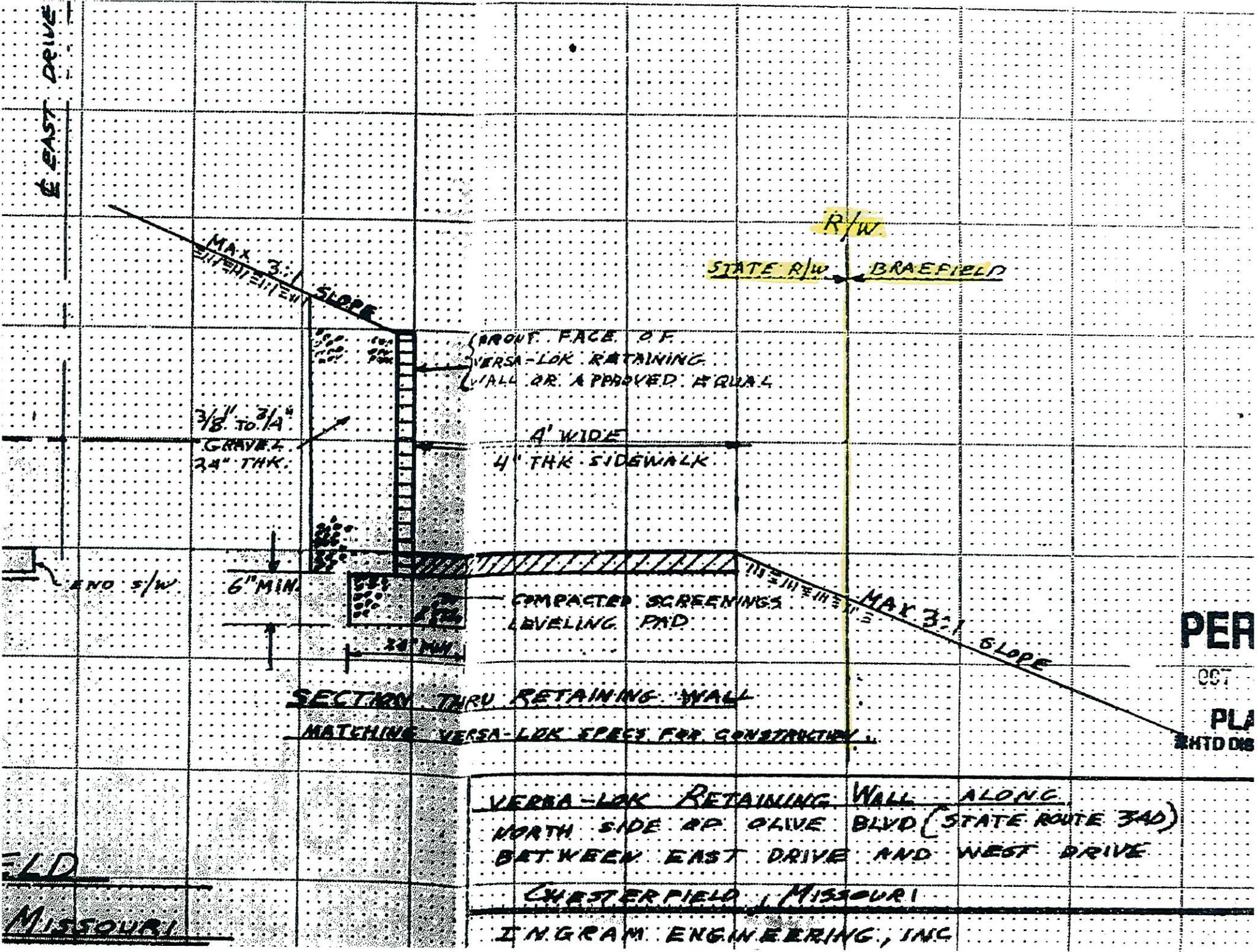


Brian K. McGownd, P.E.
Public Works Director/City Engineer

Cc: Councilmember Flachsbart
Councilmember Segal
Michael G. Herring, City Administrator
Michael O. Geisel, Director of Planning & Public Works
Rob Heggie, City Attorney



E. EAST DRIVE



SECTION THRU RETAINING WALL
MATCHING VERSA-LOK SPEC. FOR CONSTRUCTION

VERSA-LOK RETAINING WALL ALONG
NORTH SIDE OF OLIVE BLVD (STATE ROUTE 340)
BETWEEN EAST DRIVE AND WEST DRIVE

CHESTERFIELD, MISSOURI

INGRAM ENGINEERING, INC

PER
057
PLA
2 HTD DIS

LD
MISSOURI