



AGENDA ITEM SUMMARY FORM

MEETING DATE: 9/10/2024

PREPARED BY: Megan Mainer, Director of Parks & Recreation

AGENDA CONTENT: Discussion and possible action on Henderson Road sidewalk and mowing maintenance.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: \$0 **FUNDS REQUESTED:** \$0

FUND: NA

EXECUTIVE SUMMARY:

On Tuesday, March 24, 2009, the City Council awarded a contract to Total Site to construct a five-foot asphalt sidewalk and bridges along Henderson Road and approved an inspection by Baker & Lawson. A motion was made by Councilman Wright to award the contract on Henderson Road and the motion was seconded by Councilwoman Church. The motion passed with five for and zero against.

Today, the Parks Division maintains the sidewalk and wooden bridge as well as applied herbicide treatments to deter vegetative growth through the asphalt sidewalk but has not consistently maintained the mowing of Heritage Park HOA property adjacent to the pathway.

On December 4, 2023, the City of Angleton received an iWORQ work order for the city to mow on the south side of the Heritage Park subdivision along Henderson from Heritage Park Drive to Angleton Junior High School. Staff brought this work order to the City Manager's attention on December 6, 2023, to communicate that the Parks & Recreation Department would dismiss the work order since the parcel of land belonged to Heritage Park HOA unless directed otherwise.

In December 2023, the Parks Superintendent and Parks & Recreation Director spoke with a Heritage Park HOA resident regarding mowing in the specified area and recommended Heritage Park HOA donate the land to the city so the city could take on grounds mowing adjacent to the sidewalk.

On August 28, 2024, the Parks & Recreation Director informed the City Manager that the Parks Division had been contacted to mow the parcel along Henderson Road adjacent to the city-maintained sidewalk. The Parks Division mowed the area but the Parks & Recreation Director directed the Parks Division to refrain from mowing the area until it became city property.

Mayor John Wright informed staff the city had maintained this parcel of land since 2009, noting it was agreed upon when the city installed the sidewalk at the request of the citizens, and requested it be maintained moving forward.

The City Secretary pulled the minutes from the March 24, 2009 City Council meeting to determine what was agreed upon. The minutes do not specify the responsibility of maintaining this property or communicate it was contractually agreed to be maintained.

On August 29, 2024, the Human Resources Director noted if we maintain the parcel without any agreement, the owners can hold us liable for anything they may consider damages, including possible injuries sustained in the area, and that owners could subrogate against us.

Enclosed in your agenda packet are the minutes from the March 24, 2009 meeting, Brazoria County Appraisal District information related to the parcel, and an aerial of the parcel.

RECOMMENDATION:

Staff recommend the City Council discuss Henderson Road sidewalk and mowing maintenance and consider a written agreement between the City of Angleton and Heritage Park HOA or suggest Heritage Park HOA donate the land to the City of Angleton.