



Council Communication

Office of the City Manager

Date February 25, 2008

Agenda Item No. 7
Roll Call No. 08-
Communication No. 08-089
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Resolution approving Petition and Waiver and

Resolution of Necessity for Carpenter Avenue Reconstruction from 30th Street to 31st Street, ordering construction of said project, approving preliminary plat and schedule of assessments and estimate of cost.

SYNOPSIS:

Acceptance and approval of the Petition and Waiver submitted by Drake University, Victoria Payseur, Vice President for Business & Finance, 2507 University Avenue, Des Moines, Iowa, requesting that the City of Des Moines reconstruct Carpenter Avenue from 30th Street to 31st Street and assess 50% of the cost against the property owner, Drake University. Also adoption of the Resolution of Necessity for Carpenter Avenue Reconstruction from 30th Street to 31st Street, and order construction of said project. Since Drake University has submitted a Petition & Waiver, the adoption of this Resolution of Necessity constitutes the action that the City Council would normally take to approve assessed street improvements, as required by Iowa Code.

FISCAL IMPACT:

Amount: \$252,000 City Engineer's Preliminary Estimate for assessment purposes.

Funding Source: 2007-2008 CIP, Page Street-8, City-wide Paving Program, STR013, being \$126,000 from Special Assessments against Drake University and \$126,000 in G. O. Bonds

ADDITIONAL INFORMATION:

Representatives from Drake University have contacted Engineering Department staff about reconstruction of Carpenter Avenue from 30th Street to 31st Street, which is directly south of their new dormitory. The existing Carpenter Avenue is a 20-foot wide roadway in a 25-foot City right-of-way. There is a significant offset in the alignment of Carpenter Avenue at 31st Street. The project would include street reconstruction twenty-six (26) feet wide in a 50-foot City right-of-way, 6' sidewalk on the south side, traffic signals, surface restoration, and the necessary drainage facilities. This reconstruction would resolve the roadway alignment issues at 31st Street and sidewalk alignment issues with the Drake Campus east of 30th Street and provide traffic signals for pedestrian safety.

Drake University has signed a petition and waiver to be assessed for the proposed public improvements thereby agreeing to be assessed for the 50% of the public improvement cost (Maximum \$126,000) as shown on the Assessment Schedule for Carpenter Avenue Reconstruction from 30th Street to 31st Street,

Activity ID 06-2008-014, Schedule No. 2008-04, which is attached to the Roll Call. Pursuant to the terms of the petition and waiver agreement, Drake University has waived any and all legal requirements covering the construction of the improvements and the normal special assessment procedure to be followed for a project of this type, and has requested that the City proceed with the letting of the construction contract and the construction of the work at the earliest possible date.

The Engineering Department has prepared the preliminary assessment schedule, attached to the Waiver and Petition signed by Drake University, and recommends that the City Council approve the Resolution of Necessity thereby determining that it is necessary and advisable to construct street paving improvements, generally described as the Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, and as described detail as follows:

Street reconstruction twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, pavement removal, 6' sidewalk, traffic signals, surface restoration and other incidental items, together with the necessary drainage facilities on Carpenter Avenue from 30th Street to 31st Street.

The action taken by the City Council to adopt the Resolution of Necessity constitutes the action the Council would normally take in adopting a preliminary resolution ordering construction of the project, approving the preliminary plat and schedule of assessments and estimate of costs, introducing and adopting a resolution of necessity, ordering preparation of detailed plans, specifications, contract documents, and estimate of cost, and any and all other preliminary Council action on a special assessment project. The resolution also directs the City Engineer to prepare detailed plans, specifications, contract documents, and estimate of cost for presentation to the Council for adoption at a later date.

Pursuant to Iowa Code, Section 384.51, a resolution of necessity requires for passage the vote of three-fourths of all the members of the council (6 votes for the City of Des Moines); except where a remonstrance has been signed by property owners subject to seventy-five percent or more of the amount of the proposed assessment, which would require a unanimous vote of the council.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Council hearing on the Resolution of Necessity on February 25, 2008 and, if adopted, the normal Council actions to authorize bids, receive and file bids, designate lowest bidder, and approve contract and bond; also partial payments to the contractor and final acceptance of work.