



# Council Communication

Office of the City Manager

**Date** February 22, 2010

**Agenda Item No.** 47  
**Roll Call No.** 10-  
**Communication No.** 10-108  
**Submitted by:** Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Hearing on adoption of the proposed Resolution of Necessity for street improvements.

## SYNOPSIS:

This is a public hearing on the proposed Resolution of Necessity for street improvements, as required by Iowa Code, before the City Council can proceed to utilize special assessments against benefited property owners as part of the method of financing referenced below. Property owners on the two streets recommended for paving being:

- Druid Hill Drive from Bell Avenue to Casady Drive
- E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street

have previously submitted petitions to the City Council requesting that the street be paved. Engineering staff held an informational meeting on February 1, 2010, for property owners to ask questions and provide input. Staff also informed the property owners about submitting petitions for or against the paving to provide Council with information on the wishes of the neighborhood.

The City Engineer will continue to tabulate any petitions received prior to the public hearing and will report to the City Council. At this time, the City Engineer recommends adoption of the Resolution of Necessity on Druid Hill Drive from Bell Avenue to Casady Drive and on E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street.

## FISCAL IMPACT:

Amount: \$716,000 total City Engineer's Preliminary Estimate for assessment purposes with \$140,743.31 assessed, \$21,000 from Des Moines Water Works and \$554,256.69 City Cost - G.O. Bonds, with individual estimates for the two streets as follows:

- Druid Hill Drive from Bell Avenue to Casady Drive (Total Estimate \$326,000 with \$58,620.13 assessed, \$21,000 from Des Moines Water Works for water main construction, and \$246,379.87 City Cost - G.O. Bonds)
- E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street (Total Estimate \$390,000 with \$82,123.18 assessed and \$307,876.82 City Cost - G.O. Bonds)

Funding Source: 2009-2010 CIP, Page Street-6, City-wide Paving Program, STR013.

## ADDITIONAL INFORMATION:

On June 26, 2000, by Roll Call 00-1876, the City Council adopted a policy for paving residential streets in an effort to pave the remaining unpaved streets. This policy specifies that the majority of remaining

unpaved streets will be paved by private contractors with permanent paving over an improved subbase. Under said Council policy, the permanent paving is assessed based upon 50% of the actual pavement costs, 50% of the driveway approach costs and design and inspection costs limited to 10% of the total construction cost. This procedure, along with the existing assessment subsidy program, results in residents typically paying approximately 25% of total project costs. After the amount to be assessed is determined under said Council policy, that amount is spread over the benefited properties within the assessment boundary using the Zone-Area Method (Flint Method), which has historically been used by the City of Des Moines for paving assessments. In this method, each parcel is divided into 50-foot-wide “zones” parallel to the right-of-way. The zones are then assigned points with the zone adjacent to the paving improvement having the most “weight” or highest assessment rate. Total points for each parcel are then calculated by dividing the area within each zone by 50, multiplying by the respective point rate for each zone, and adding the points of all the zones together. Total points for the project are then totaled and divided into the total amount to be assessed to obtain the point rate. The point rate is then multiplied by the total points for each parcel to calculate the amount to be assessed for each parcel or property. Once the individual assessment against each property is determined, other special benefits and past policies are applied, if applicable, including the following:

- Corner Lot and Double Frontage Reduction for residential and church property
- Curb and Gutter Credit
- Floodway Credit
- Flag Lot Assessment Policy

The assessments on four of the properties on Druid Hill Drive from Bell Avenue to Casady Drive include a special assessment for replacement of a private water main. The Engineering Department and Des Moines Water Works staffs determined the amounts to be assessed for this water main construction based on the benefit to each property. As shown on the assessment schedule, the estimate water main construction cost is \$56,000, with \$13,860 to be assessed, 21,000 to be paid by Des Moines Water Works, and \$21,140 to be paid by the City of Des Moines.

Currently, petitions for paving the following streets have been submitted to Council:

- Druid Hill Drive from Bell Avenue to Casady Drive
- E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street

On January 14, 2010, property owners on the two streets subject to special assessments were sent a mailing, which contained general information about the street paving procedure and each owner's estimated assessment, and invited the property owner to an informational meeting with Engineering staff. The Informational Meeting was held on February 1, 2010, in the City Council Chambers during which the property owners had the opportunity to ask questions and provide input to staff on the design. Staff also informed the property owners about the City's Special Assessment Subsidy Program and the process to submit petitions for or against the paving to provide Council with information on the wishes of the neighborhood.

On January 25, 2010, under Roll Call Number 10-100, the City Council set February 22, 2010, at 5:00 p.m. for the public hearing to receive and consider both written and oral objections and endorsements to the adoption of the proposed Resolution of Necessity for construction of the following improvements:

- Street paving 26 feet wide B/B with Portland Cement Concrete 6 inches thick with integral curb, or with Hot Mix Asphalt 8 inches thick with Portland Cement Concrete curb and gutter, driveway approaches, water main, surface restoration and other

incidental items, together with the necessary drainage facilities on Druid Hill Drive from Bell Avenue to Casady Drive, Activity ID 06-2010-011, Schedule No. 2010-01;

- Street paving 26 feet wide B/B with Portland Cement Concrete 6 inches thick with integral curb, or with Hot Mix Asphalt 8 inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities on E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02.

Pursuant to Iowa Code, Section 384.51, the City Council should meet as specified in the published notice to property owners, and after hearing all objections and endorsements and after considering all written objections may consider adoption of resolution of necessity. 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.

On January 17, 1983, under Roll Call Number 83-333, the City Council adopted a formal policy regarding adoption of the Resolution of Necessity, which stated:

1. The City Council shall require 60% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.
2. Where it is determined by the City Engineering Department that a street has drainage problems that can only be corrected by street paving, the City Council shall require 65% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.

Since the informal meeting, the Engineering Department has received several petitions from property owners subject to assessment. The City Engineer will continue to tabulate any petitions received prior to the public hearing and will report to the City Council. At this time, the City Engineer recommends adoption of the Resolution of Necessity on the following streets:

- Druid Hill Drive from Bell Avenue to Casady Drive, Activity ID 06-2010-011, Schedule No. 2010-01.
- E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02.

### **PREVIOUS COUNCIL ACTION(S):**

Date: January 25, 2010

Roll Call Number: 10-100

Action: Approving residential paving on portions of Druid Hill Drive from Bell Avenue to Casady Drive; and E. 35<sup>th</sup> Street and Arthur, from Easton Blvd to E. 34<sup>th</sup> Street:

- (E) Proposed Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (2-22-10). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: October 12, 2009

Roll Call Number: 09-1831

Action: Authorization to proceed on the 2009-10 Paving Program. (Council Communication No. 09-719) Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: September 14, 2009

Roll Call Number: 09-1693

Action: Petition from property owners requesting paving for E. 35<sup>th</sup> Street from Easton Boulevard to Arthur Avenue, and Arthur Avenue from E. 34<sup>th</sup> to E. 35<sup>th</sup> Street. Moved by Vlassis to receive, file, and refer to City Engineer for review and recommendation. Motion Carried 7-0.

Date: September 14, 2009

Roll Call Number: 09-1692

Action: Petition from property owners protesting proposed sidewalk on Druid Hill Drive from Casady Drive to Bell Avenue. Moved by Hensley to receive, file, and refer to City Engineer for review and recommendation. Motion Carried 7-0.

Date: July 13, 2009

Roll Call Number: 09-1189

Action: Authorization to proceed on Druid Hill Drive paving and sidewalk from Bell Avenue to Casady Drive. (Council Communication No. 09-447) Moved by Kiernan to adopt. Motion Carried 7-0.

Date: June 22, 2009

Roll Call Number: 09-1120

Action: Petitions from property owners requesting paving and sidewalks on Druid Hill Drive, from Casady Drive to Bell Avenue. Moved by Hensley to receive, file, and refer to the City Engineer for review and recommendation. Motion Carried 6-1. Absent: Mahaffey

Date: June 26, 2000

Roll Call Number: 00-1876

Action: Approving Assessment Policy for Residential Street Paving. (Council Communication No. 00-288) Moved by McPherson to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

If the Resolution of Necessity is approved, 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.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).