

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: February 28, 2011
	<p>Agenda Item No. 35</p> <p>Roll Call No. <u>11-0318</u></p> <p>Communication No. <u>11-108</u></p> <p>Submitted by: Jeb E. Brewer, P.E. City Engineer</p>

AGENDA HEADING:

Approval of FY 2010-2011 Annual Right-of-Way Management Fee.

SYNOPSIS:

Recommend approval of the Fiscal Year (FY) 2010-11 annual management fee in the amount of 0.89 cents per equivalent lineal foot (with a minimum fee of \$100) for the Right-of-Way (ROW) Management Program, which is documented in the Supplemental Right-of-Way Budget information attached to the Roll Call.

FISCAL IMPACT:

Amount: \$218,566 Revenue to Traffic and Transportation Operating Budget, ENG100421, T&T – Right-of-Way Management.

Funding Source: \$190,587 from right-of-way non-city utility users and \$27,979 from City of Des Moines sewer enterprise funds.

ADDITIONAL INFORMATION:

In accordance with the City of Des Moines Right-of-Way Management Ordinance, Chapter 102, Article IX of the City of Code, the City has established a program to manage and regulate the use of its street and alley rights-of-way (ROW) by public and private users. The City has established provisions to charge ROW management fees to recover the costs of the program from all persons, companies and governmental entities present and performing activities in the right-of-way.

The City Engineer has calculated and hereby submits for City Council consideration the FY 2010-2011 annual management fee in the amount of 0.89 cents per equivalent lineal foot of ROW usage (or \$0.89 per 100 equivalent linear feet). This fee is charged to all ROW users on the basis of their reported or estimated usage of City ROW as required by Section 102-711 of the City Code. Right-of-way users have utilities or other facilities in the public rights-of-way, either underground or overhead.

Program costs that can be attributed to specific users (allocable costs) are recovered through permit fees, which are specified in a separate fee schedule and are charged to those users when they obtain a permit for construction or maintenance activities. Program costs that cannot be attributed to specific users (non-allocable) are recovered through an annual management fee, which is charged to all users, including the City, based on their pro rata occupancy of City ROW.

All users are required to report to the City Engineer the amount of equipment or facilities they own and operate in the City ROW and update it on an annual basis. The 2010-2011 total footage of all ROW users is 24,690,147 equivalent lineal feet. The amount of the annual management fee charged to each user is then calculated based on their reported, estimated usage and the 0.89-cent rate per foot.

PREVIOUS COUNCIL ACTION(S):

Date: March 22, 2010

Roll Call Number: 10-439

Action: [Annual](#) Right-of-Way Management Fee for FY 2009-10 and to receive and file FY 2009-10 ROW Management Program Budget. ([Council Communication No. 10-156](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: February 23, 2009

Roll Call Number: 09-346

Action: [FY](#) 2008-09 Annual Right-Of-Way Management Fee. ([Council Communication No. 09-103](#)) Moved by Hensley to adopt. Motion carried 7-0.

Date: May 5, 2008

Roll Call Number: 08-773

Action: [Approval](#) of FY 2007-2008 Annual Right-of-Way Management Fee. ([Council Communication No. 08-277](#)) Moved by Vlassis to adopt. Motion Carried 6-1.

Date: February 26, 2007

Roll Call Number: 07-402

Action: [Fiscal](#) Year 2006-07 Annual Management Fee and Right-of-Way Management Program budget. ([Council Communication No. 07-120](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Annual approval of the management fee.

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