

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: August 29, 2011
	Agenda Item No. 78 Roll Call No. <u>11-1532</u> Communication No. <u>11-552</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Approving revised assessment policy for new sidewalk construction.

SYNOPSIS:

At the July 11, 2011 City Council workshop, Council discussed and considered revisions to the current City Council Sidewalk Assessment Policy. Council asked the City Manager to develop a policy that modified the existing policy to expand the assessment exemption for the construction of new sidewalks. The policy changes recommended in this revision would exempt new sidewalks that meet multiple criteria and are considered High Priority Sidewalks.

FISCAL IMPACT:

There will be an increase in City cost, due to collection of less assessment revenue. Based upon the proposed 2012 Sidewalk Program, there would be one additional sidewalk, E. Park Avenue from S.E. 14th Street to S.E. 18th Court that would be considered a high priority sidewalk, and would be exempt from assessment if City Council adopts these revisions, resulting in an estimated loss of \$36,000 in assessment revenue.

ADDITIONAL INFORMATION:

At the July 11, 2011 City Council workshop, Council discussed and considered revisions to the current City Council Sidewalk Assessment Policy. Council asked the City Manager to develop a policy that modified the existing policy to expand the assessment exemption for the construction of new sidewalks.

Under the existing 2006 City Council Sidewalk Assessment Policy, construction of new sidewalks, on one side or both sides of the street, is assessed to the abutting property owners on a front foot basis. The abutting property is assessed only for the actual sidewalk (4” and 6” at driveways) fronting the property. Sidewalks at intersections that do not abut private property are constructed at City cost. The property owner is assessed for only 50% of the actual sidewalk construction costs plus a maximum of 10% engineering costs. The City of Des Moines pays for the cost of grading, wall construction, and reconstruction of driveway approaches where necessary, right-of-way and easement costs, and engineering costs over 10% of the construction costs. A subsidy program is available for residential property owners meeting income guidelines, which will pay 100% of the sidewalk assessment for qualifying property owners.

Under this policy some sidewalks are exempt for assessment. The following is the list of sidewalks that are exempt under the 2006 Policy.

- Multipurpose recreational trails are not assessed.
- Sidewalks that are constructed on a project utilizing federal funds or other non-City sources, the remaining cost of the sidewalk is not assessed to the abutting property owners.
- Sidewalks that are constructed as part of a participating streetscape project, the abutting property owners are not assessed
- Sidewalk construction as part of a major construction project where the sidewalk is an incidental item, the property owners are not assessed.

At the July 11, 2011 workshop, City Council asked the City Manager to develop an additional exemption to the current Sidewalk Assessment Policy. The exemption would be based upon multiple criteria. The recommended change would be to add a “High Priority Sidewalk” exemption. The High Priority Sidewalk exemption would be based upon an analysis of the surrounding environs ½ mile from the proposed sidewalk project. The analysis would consider the number of elementary schools, middle schools, and high schools with more emphasis placed upon elementary schools. In addition, facilities such as grocery stores or convenience stores, senior centers or medical clinics, bus stops and density of residences will be considered determining factors. These factors are useful to determine not only potentially higher uses of the sidewalk, but also to identify potential users such as younger children and disabled individuals that require better pedestrian pathways. The High Priority Sidewalks would still be initiated by either a citizen petition or Council resolution.

The attached graphic shows the analysis of the 2012 Sidewalk program. Based upon these criteria, E. Park Avenue from S.E. 14th Street to S.E. 18th Court is considered a High Priority Sidewalk. The E. Park Avenue sidewalk was initiated by Council Resolution, and also a citizen petition of 31 names. One of the primary concerns with this route is the high number of disabled residents at the Virginia Park Apartments Assisted Living Facility who use this route and signed the petition. In addition, the environs contain three elementary schools, six grocery/convenience stores, 90 bus stops, and a density of 8.7 people per acre. The sidewalks in the E. Sheridan Avenue project are also important to residents. This sidewalk project was initiated by a Council Resolution, and a petition of one citizen. While the environs contain one elementary school, three grocery/convenience stores, fifty-eight bus stops, and a density of 5.8 people per acre it does not rank as high as the E. Park Avenue sidewalk, and is not considered a High Priority Sidewalk.

PREVIOUS COUNCIL ACTION(S):

Date: August 21, 2006

Roll Call Number: 06-1711

Action: [Revised](#) Assessment Policy for new sidewalk construction. ([Council Communication No. 06-530](#)) Moved by Mahaffey to adopt. Motion Carried 5-1.

Date: April 27, 1981

Roll Call Number: 81-2103

Action: Communication from the City Solicitor regarding the guidelines to be followed in assessing residential property on both sides of the street for a sidewalk constructed only on one side of the street.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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