

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	April 22, 2013
	Agenda Item No.	38
	Roll Call No.	<u>13-0665</u>
	Communication No.	<u>13-192</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hearing on adoption of the proposed Resolution of Necessity for sanitary sewer improvements to serve the 3600 block of East 37th Street.

SYNOPSIS:

This is a public hearing on the proposed Resolution of Necessity for sanitary sewer 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 as referenced below. The City Council has received a petition requesting that sanitary sewer be constructed to serve the east and west sides of the 3600 block of East 37th Street as identified below. On March 25, 2013, the City Council set April 22, 2013, 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. Two property owners have signed the petition in favor of proceeding with the project.

FISCAL IMPACT:

Amount: \$85,200 City Engineer's Preliminary Estimate for assessment purposes.

Funding Source: 2013-2014 CIP, Page Sanitary-6, City-wide Sanitary Sewers, SAE054, being \$30,490 from Special Assessments against benefited property owners and \$54,710 in Sanitary Sewer funds.

ADDITIONAL INFORMATION:

On January 14, 2013, under Roll Call No. 13-0057, the City Council received, filed, and referred to the City Manager for review and recommendation a petition from two property owners requesting that sanitary sewer be constructed to serve their properties on East 37th Street between Euclid Avenue and Hubbell Avenue.

Engineering and Public Works Department staff have reviewed the petition and investigated the request for sanitary sewer. There are three lots on the east and west sides of the 3600 block of East 37th Street which are not connected to a sanitary sewer. Two of these lots have septic tanks and the third lot is an undeveloped lot. The Engineering Department conducted a preliminary survey to determine the approximate elevations of the sanitary services. This project is to install the sanitary sewer along East 37th Street and extend the individual sanitary sewer services 10 feet inside the property line. It will be the responsibility of each property owner to connect his or her home to the sanitary service.

On March 5, 2013, the Engineering Department held an informational meeting in the Council Chambers in City Hall to discuss the proposed construction of the assessed sanitary sewer project. Notice of this informational meeting was given to the three property owners (Lot 11, 3612, and 3613 East 37th Street) that would be served by the proposed sewer. None of the property owners attended the meeting.

Pursuant to Iowa Code, Section 384.51, the City Council shall 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 (six (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 unanimous vote of the council.

On March 28, 2013, property owners subject to special assessments were sent a mailing which contained general information, the Notice to Property Owners of the hearing on April 22nd, a copy of the March 25, 2013, City Council Communication No. [13-136](#) that explained the sanitary sewer assessment policy and provided further background information, a blank petition form that could be used to petition for or against the project, and each owner's preliminary assessment amount.

The Engineering Department has verified petitions from property owners received as of January 14, 2013, concerning the proposed East 37th Street Sanitary Sewer construction with two (2) of the three (3) property owners having submitted petitions in favor of the proposed sanitary sewer. The Engineering Department will continue to tabulate any petitions received prior to the public hearing and will report to the City Council on April 22, 2013. At this time, the staff recommends adoption of the Resolution of Necessity for the sanitary sewer construction on the above referenced portions of East 37th Street. Upon Council approval of the Resolution of Necessity the Engineering Department will proceed with preparation of plans and specifications for Council consideration to establish a bid date so that the proposed new sanitary sewer can be completed during the 2013 construction season.

The City's Real Estate Division of the Engineering Department will acquire the necessary right-of-way for this project, which will require approximately three (3) temporary construction easements. No relocation assistance will be required as part of this project.

PREVIOUS COUNCIL ACTION(S):

Date: March 25, 2013

Roll Call Number: [13-0453](#)

Action: [Proposed](#) Resolution of Necessity, Notice to Property Owners of hearing and setting date of hearing, (4/22/2013). Moved by Hensley to adopt. Motion Carried 7-0.

Date: January 14, 2013

Roll Call Number: [13-0057](#)

Action: [Petition](#) in favor of proposed sanitary sewer on East 37th Street between Euclid Avenue and Hubbell Avenue. Moved by Mahaffey to receive and file and refer to the City Manager for review and recommendation. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Council hearing on the Resolution of Necessity on April 22, 2013, 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.

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.