

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	November 9, 2015
	Agenda Item No.	47
	Roll Call No.	<u>15-1894</u>
	Communication No.	<u>15-596</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hearing on adoption of the proposed Resolution of Necessity for sidewalk construction.

SYNOPSIS:

This is a public hearing on the proposed Resolution of Necessity for sidewalk construction, as required by Iowa Code, before the City Council can proceed to utilize special assessments against benefitted property owners as part of the method of financing as referenced below. Property owners on the street recommended for sidewalk construction being Garfield Avenue from E. 32nd Street to E. 33rd Street, Activity ID 09-2015-003, Schedule No. 2015-02, have previously submitted petitions to the City Council requesting that the sidewalk be constructed.

The City Council initiated an assessed sidewalk construction project along S.E. 14th Street, SE 14th Street at various locations from Indianola Avenue to Army Post Road, Activity ID 09-2015-002, Schedule No. 2015-01, all completed as identified below.

Engineering staff held an informational meeting on September 21, 2015, for property owners to ask questions 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 SE 14th Street sidewalk construction at various locations from Indianola Avenue to Army Post Road, and Garfield Avenue sidewalk construction from E. 32nd Street to E. 33rd Street.

FISCAL IMPACT:

Amount: \$180,000 total City Engineer's Preliminary Estimate for assessment purposes being: \$125,000 for S.E. 14th Street, and \$55,000 for Garfield Avenue.

Funding Source:

- S.E. 14th Street from Indianola Avenue to Army Post Road: 2015-2016 CIP, Page Street-32, Sidewalks School and Priority Routes, SW081, being \$37,250 from Special Assessment against benefitted property owners, and \$87,750 in G.O. Bonds.
- Garfield Avenue from E. 32nd Street to E. 33rd Street: 2015-2016 CIP, Page Street-32, Sidewalks – School and Priority Routes, SW081, being \$16,007.09 from Special Assessment against benefitted property owners, and \$38,992.91 in G.O. Bonds.

ADDITIONAL INFORMATION:

On August 21, 2006, by Roll Call No. 06-1711, the City Council approved a revised policy for assessment of new sidewalk construction.

Assessment Policy for New Sidewalk Construction

Construction of new sidewalks, on one (1) side or both sides of the street shall be assessed to the abutting property owners on a front footage basis. The abutting property is assessed only for the actual sidewalk (4-inches and 6-inches 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 will pay 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 will be available for residential property owners meeting income guidelines, which will pay 100% of the sidewalk assessment for qualifying property owners. The following exceptions will apply to the assessment program for the construction of new sidewalk:

- Multipurpose recreational trails are not assessed.
- If a sidewalk is 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.
- If a sidewalk is constructed as part of a streetscape project such as the Locust Streetscape project, the abutting property owners are not assessed.
- If there are special circumstances such as a major construction project where the sidewalk is an incidental item, or at the direction of the City Council, the special assessments may be reduced or eliminated.
- Petition for sidewalk construction along Garfield Avenue from E. 32nd Street to E. 33rd Street has been submitted to the Council.
- Council initiated for assessed sidewalk construction along S.E. 14th Street from Indianola Avenue to Army Post Road.

On July 28, 2014, under Roll Call 14-1154, the City Council discussed initiating an assessed sidewalk construction project along the east side of S.E. 14th Street from Indianola Avenue to Army Post Road, and referred to the City Manager for review and recommendation.

On January 26, 2015, under Roll Call 15-0065, the City Council received, filed, and referred to the City Manager for review and recommendation, a petition from three (3) property owners requesting sidewalk construction be completed along Garfield Avenue from E. 32nd Street to E. 33rd Street. The project would be constructed as part of the 2015-2016 Sidewalk Program. Engineering Department staff have reviewed and tabulated the petition and found that three (3) of a possible 10 property owners within the assessment boundary for this proposed sidewalk construction project Garfield Avenue from E. 32nd Street to E. 33rd Street were valid signatures. This represents 30% of the property owners.

Upon Council approval of the Resolution of Necessity for sidewalk construction along S.E. 14th Street from Indianola Avenue to Army Post Road, and along Garfield Avenue from E. 32nd Street to E. 33rd Street, the Engineering Department will proceed as outlined below.

The two (2) projects are collectively referred to as the 2015-2016 Sidewalk Program. Council Communication No. 14-413, which was attached to Roll Call No. 14-1281, dated August 25, 2014, regarding sidewalk construction along S.E. 14th Street from Indianola Avenue to Army Post Road; and

Council Communication No. 15-083, which was attached to Roll Call No. 15-0281, dated February 23, 2015, regarding sidewalk construction along Garfield Avenue from E. 32nd Street to E. 33rd Street; all which outlined the procedure to be used to establish the 2015-16 Sidewalk Program, have now been updated to the current status and scheduled dates below:

On August 31, 2015, property owners on the two (2) streets subject to special assessments were sent a mailing, which contained general information about the assessment 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 September 21, 2015, 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 project to provide Council with information on the wishes of the neighborhood.

On October 12, 2015, under Roll Call Number 15-1676, the City Council set November 9, 2015, 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:

- Sidewalk construction with Portland Cement Concrete 4-inches thick, construction of sidewalk ramps with truncated domes, grading, seeding and other incidental items along S.E. 14th Street from Indianola Avenue to Army Post Road, Activity ID 09-2015-002, Schedule No. 2015-01.
- Sidewalk construction with Portland Cement Concrete 4-inches thick, construction of sidewalk ramps with truncated domes, grading, seeding and other incidental items along Garfield Avenue from E. 32nd Street to E. 33rd Street, Activity ID 09-2015-003, Schedule No. 2015-02.

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 sidewalk improvements can be completed during the 2016 construction season.

PREVIOUS COUNCIL ACTION(S):

Date: October 12, 2015

Roll Call Number: [15-1676](#)

Action: Approving sidewalk construction on portions of SE 14th Street from various locations between Indianola Avenue and Army Post Road; and Garfield Avenue from E. 32nd to E. 33rd Street:

- (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of Hearing and setting date of hearing, (11-9-15). Moved by Hensley to adopt. Motion Carried 7-0.

Date: February 23, 2015

Roll Call Number: [15-0281](#)

Action: [Authorization](#) to proceed with an assessed sidewalk project on Garfield Avenue from E. 32nd Street to E. 33rd Street. ([Council Communication No. 15-083](#)) Moved by Coleman to adopt. Motion Carried 7-0.

Date: January 12, 2015

Roll Call Number: [15-0065](#)

Action: [Petition](#) in favor of constructing sidewalks on the north side of Garfield Avenue, from E. 32nd Street to E. 33rd Street. Moved by Mahaffey to receive, file, and refer to the City Engineer for review and recommendation. Motion Carried 7-0.

Date: August 25, 2014

Roll Call Number: [14-1281](#)

Action: [Authorization](#) to proceed with an assessed sidewalk project on SE 14th Street from Indianola Avenue to Army Post Road. ([Council Communication No. 14-413](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 28, 2014

Roll Call Number: [14-1154](#)

Action: [From](#) Council Member Joe Gatto to discuss a Council-initiated sidewalk assessment project on the east side of SE 14th Street from Indianola Avenue to Army Post Road. Moved by Gatto to refer to the City Manager for review and recommendation regarding this project. Also, refer to the City Manager to report on locations in Des Moines without sidewalks and estimated cost to construct sidewalks on at least one (1) side of each street, and to consider meeting with IDOT to request their investment in and maintenance of sidewalks adjacent to State Highways in Des Moines. Motion Carried 7-0.

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.

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.

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