

★ **Roll Call Number**

Agenda Item Number

55

Date September 24, 2007

INFORMAL HEARING

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Manager be and is hereby authorized to proceed with the preparation of plans and specifications for the sidewalk construction program on the following streets:

- A. S.E. 14th Street (west side) from McKinley Avenue to Cummins Road.
- B. State Avenue (both sides) from E. 32nd Street to E. 33rd Street.

Activity ID 09-2006-004 (SE 14th Street)
 Activity ID 09-2007-003 (Stave Avenue)

Moved by _____ to adopt.

FORM APPROVED: *Kathleen Vanderpool by A.S.*
 Kathleen Vanderpool
 Deputy City Attorney

JEB

Funding Source: 2007-08 CIP, Page Sidewalk-7, School Routes and Priority Sidewalks, STR081, G.O. Bonds and Special Assessments

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

INFORMATION NOTICE

On September 11, 2006, by Roll Call No. 06-1744 and on December 18, 2006 by Roll Call No. 06-2437, the Des Moines City Council authorized City staff to begin the process of establishing the proposed sidewalk construction program for the following streets:

<u>Street</u>	<u>From</u>	<u>To</u>
S.E. 14 th Street (west side)	McKinley Avenue	Cummins Road
State Avenue (both sides)	E. 32 nd Street	E. 33 rd Street

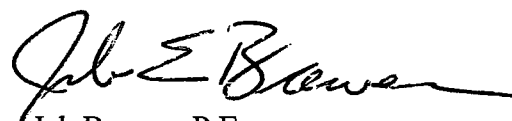
PLEASE NOTE: YOUR ESTIMATED MAXIMUM ASSESSMENT CAN BE FOUND ON THE UPPER LEFT-HAND CORNER OF THE MAILING INSERT (SHEET SHOWING MAILING ADDRESS).

The purpose of this letter is to inform you of an important meeting that will be held as follows:

INFORMAL CITY COUNCIL HEARING - Monday, September 24, 2007
5:00 p.m.
City Council Chambers
City Hall
400 Robert D. Ray Drive

Enclosed is an Informational Packet for the project and a map of the proposed sidewalks; and Special Assessment Subsidy Program information if the property is eligible (only owner-occupied property is eligible). If you desire additional information, please telephone Steven Inman of my department at 237-1327. Steve is normally available from 7:00 a.m. to 3:30 p.m.

Sincerely,



Jeb Brewer, P.E.
City Engineer

JB:SI:lav



ENGINEERING DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4920
FAX (515) 283-4112

ALL-AMERICA CITY
1949, 1976, 1981
2003

PROPOSED SIDEWALK CONSTRUCTION PROGRAM

*Informal City Council Hearing
September 24, 2007*

INFORMATIONAL PACKET

ENGINEERING DEPARTMENT



JEB E. BREWER, CITY ENGINEER

SIDEWALK CONSTRUCTION PROGRAM

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TENTATIVE APPROVAL OF PROGRAM

On September 11, 2006, by Roll Call No. 06-1344 and on December 18, 2006, by Roll Call No. 06-2437, the Des Moines City Council gave tentative approval to the proposed Sidewalk Construction Program for the following streets. City records indicate that you own property which would be assessed for sidewalks which have been proposed.

<u>Street</u>	<u>From</u>	<u>To</u>
S.E. 14 th Street (west side)	McKinley Avenue	Cummins Road
State Avenue (both sides)	E. 32 nd Street	E. 33 rd Street

MAILING INSERT INFORMATION

The mailing address insert which came in your envelope containing the notice of the City Council Informal Hearing and the Informational Packet contains the preliminary assessment for the parcel shown on the insert. If you own more than one parcel, you will need to add your assessments for each parcel to get your total. However, you may have received more than one notice on the same parcel; in this event you should not add them together.

Your PRELIMINARY assessment is shown here on the mailing insert.

PROJECT TITLE	
SCHEDULE NO.	TAX DISTRICT & PARCEL NO.
ASSESSED AMOUNT	CERTIFICATE NO.
NAMES OF OWNERS	PROPERTY LEGAL DESCRIPTION
MAILING ADDRESS	
PROPERTY ADDRESS	

Typical Mailing Address Insert

INFORMAL CITY COUNCIL MEETING - Monday, September 24, 2007
5:00 p.m.
City Council Chambers
City Hall
400 Robert D. Ray Drive

The City Council will hold this Informal Hearing on the above date to allow property owners to express their opinions either for or against construction of sidewalks proposed in the Program. At the completion of this Informal Hearing, the City Council will review the presentations and make a decision whether sidewalks on each individual street should be included in or deleted from the sidewalk program. All written comments or petitions either for or against the sidewalk on individual streets should be directed to the attention of Jeb Brewer, City Engineer, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, 50309-1891, prior to September 19, 2007, so that the information can be tabulated and submitted to the City Council for its consideration at the September 24, 2007 Informal Hearing.

A plat and a list of property owners to be assessed for the proposed sidewalk construction are available for review by the public in the office of the City Engineer, 3rd Floor (north), City Hall, 400 Robert D. Ray Drive. This information would be valuable to you if you are interested in canvassing your street to circulate a petition.

FORMAL CITY COUNCIL HEARING

A Formal City Council Hearing is scheduled to be held during the spring of 2008. Each property owner will receive a written notice of the exact time and place of this hearing. It is at this meeting that the City Council adopts the Resolution of Necessity for the project, which is the final authorization to proceed with the proposed improvement.

If the City Council gives final authorization to proceed with the proposed improvement, under Section 102-74 of the Municipal Code of the City of Des Moines which states that unless the sidewalk is constructed by the owner within 30 days after service of a notice, the City will cause the sidewalk to be constructed by the City's contractor and the cost thereof assessed against the property. The cost to be assessed would be 50 percent of the City's project cost (including design, inspections, and other incidental costs).

Section 102-74 further states that if the property owner constructs the sidewalk, the owner must obtain a permit therefor from the City and must construct it in accordance with the provisions of this section and other law and ordinances and plans and specifications approved by the City Council and on file in the Office of the City Clerk. This permit may be obtained at the Permit and Development Office at 602 Robert D. Ray Drive.

DETAILED DESIGN OF PROJECT

Sidewalks that are included in the project are scheduled to be designed during the winter of 2007-08.

CONSTRUCTION

Construction is scheduled to take place during the summer of 2008.

A. Right-of-Way and Easements

In cases where the City right-of-way needs to be graded for construction of the sidewalk, temporary slope easements on private property are obtained in order to regrade the driveways and yards to meet the new sidewalk grade. Property owners will be contacted by the Engineering Department's Real Estate Division when easements or additional rights-of-way are required.

Existing improvements within the easement areas on private property such as sod, driveways, walks, walls, fences, etc., which will be disturbed by construction are either included in the sidewalk contract for replacement by the Contractor or the property owner will be compensated for these items with the right-of-way or easement purchase.

The Real Estate Coordinator will make it clear, at the time of easement purchase, which items are included in the sidewalk contract for replacement and which items are not. The Contractor will sod the parkings and graded areas within the easement area.

It is a City Council policy not to compensate property owners for any improvements located within the City right-of-way of existing streets. These improvements include such items as trees, shrubs, fences, and other improvements located within City right-of-way which may be disturbed by construction.

B. Access During Construction

Sidewalk construction cannot take place without inconvenience. However, the City will do what it can to minimize the inconvenience; and the property owners' cooperation and understanding in this matter are appreciated. Residential driveways that do not already have sidewalk sections will have to be closed a minimum of 1-2 weeks for the Contractor to complete his work and for the concrete to acquire the necessary strength to drive on. You will have to make arrangements to park your vehicles at other locations or on the street while your driveway is closed. Access to commercial properties will be maintained at all times by closing only one driveway at a time if more than one driveway exists, or by other methods, such as a temporary driveway, if only one driveway is available.

If you have any special problems requiring access, such as medical treatment for handicapped persons, please contact the Engineering Department prior to construction activities so that the work may be coordinated or arrangements may be made to solve these problems.

ASSESSMENTS

- A. Sidewalk is assessed to abutting properties on a front-foot basis for the actual length of sidewalk fronting the property. Sidewalks at intersections which do not abut private property are considered City cost. City Council has approved assessing 50% of the project cost.

A preliminary assessment schedule has been prepared and included with this mailing for the Informal City Council Hearing. Final assessments are determined at the completion of the project and are based on actual construction and administrative costs. Final assessments will not exceed the amount shown on the preliminary schedule.

B. Corner and Double-Frontage Lot Assessments

The policy of the City Council regarding sidewalk assessments on corner and double-frontage lots shall be as follows:

1. On corner and double-frontage lots the assessment for sidewalks shall be reduced 50% from that amount normally assessed if the lot abuts on another street which already has sidewalk along the property.
2. The assessment on a corner or double-frontage lot shall not be reduced if the lot can be subdivided to create one or more additional buildable lots.
3. This policy shall apply only to lots upon which a one- or two-family dwelling exists or buildable lots upon which a one- or two-family dwelling may be constructed and all church property.

For the purpose of this policy a lot shall be defined as follows:

Lot means a lot, part of lot, tracts, or parcel of land under one ownership; two or more contiguous lots, tracts or parcels upon which a single improvement has been erected by a common owner.

A corner lot shall be defined as a lot abutting on two or more streets at their intersection.

A double-frontage lot shall be defined as a lot abutting on two or more streets not at their intersection.

C. Payment of Assessments

Assessments become a lien upon the benefited properties approximately one week after the City Council adopts the Resolution of Necessity. This action takes place at the Formal City Council Hearing. (See Step No. 6 on Sidewalk Construction Process Sheet.) However, assessments are not due and payable until after the construction is completed and the City Council has accepted the project. (See Step No. 13 on Sidewalk Construction Process Sheet.) At that time property owners will receive a written notice by certified mail notifying them that the project has been accepted and that assessments have been certified to Polk County for levy against the property.

The property owner may then elect to pay the assessment as follows:

1. Payment may be made in full without interest within thirty days after date of the first publication. The first publication date will be in the notice received by the property owner.
2. Assessments not paid within thirty days after date of first publication will become payable with the property tax and will be shown on the tax statement. Assessments of \$50.00 or less will be payable in one payment. Assessments of more than \$50.00 will be due in five equal annual installments and shall bear interest on the unpaid balance at the interest rate established by the City Council with a maximum rate of 9%. The current interest rate is 9%. At any time the total assessment plus interest to December 1st of that year can be paid in full.

All assessments are to be paid to the County Treasurer of Polk County, Iowa.

It is anticipated that the sidewalks in the Sidewalk Construction Program will not be completed and, therefore, assessments not certified until sometime late in 2008.

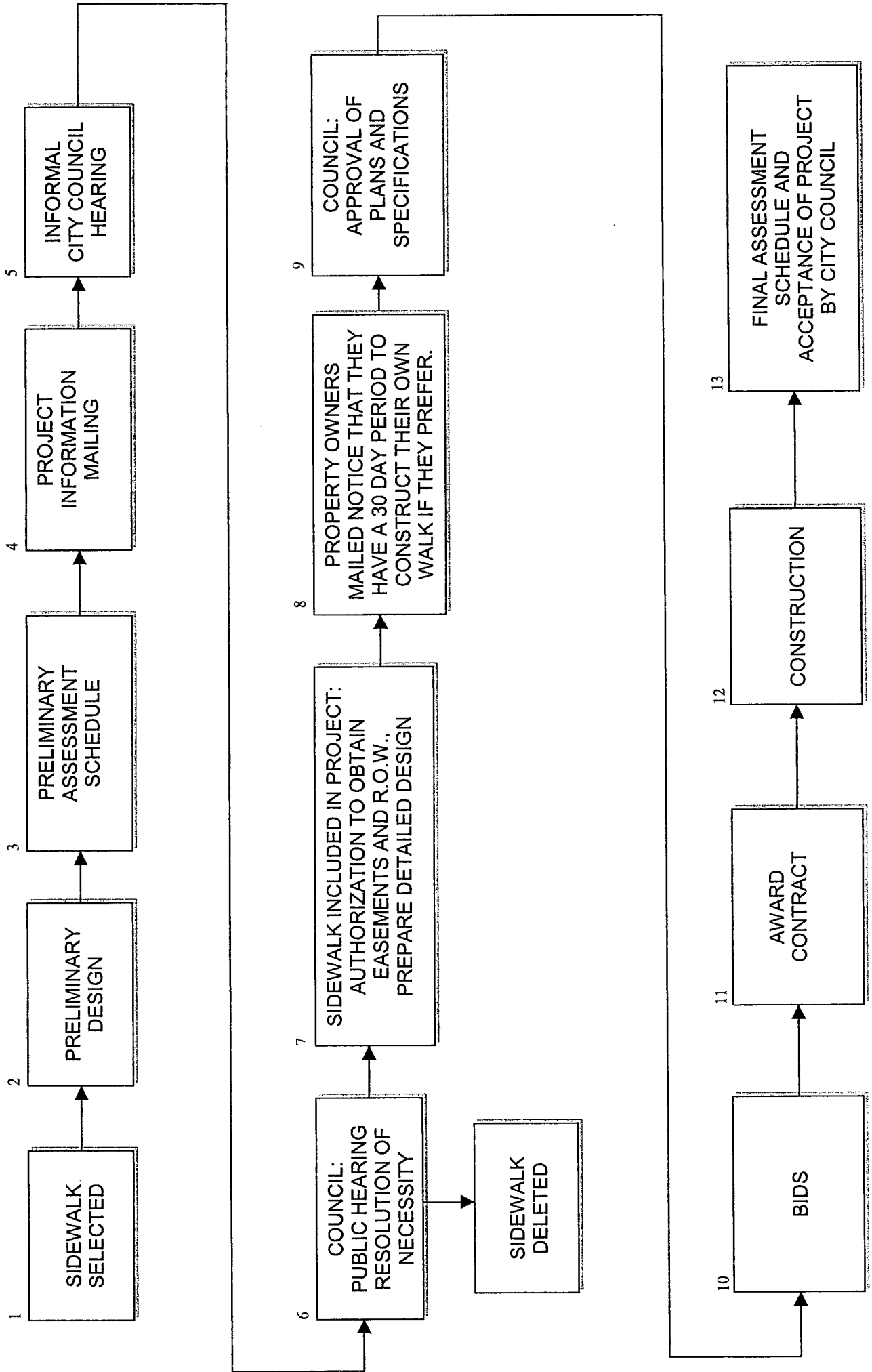
E. Special Assessment Subsidy

It has been the policy of the City to provide special assessment subsidy for property owners who meet certain guidelines. It is a reasonable assumption that a similar policy will be adopted for the 2007-08 Sidewalk Program. A sample copy of the 2007 assessment subsidy policy is included.

PHONE INDEX TO OBTAIN INFORMATION

	<u>CALL</u>	<u>DEPARTMENT</u>
Permits: Street Cuts Curb Openings Driveway and Sidewalk	283-4200	Permit and Development Center
Project Plans, Specifications, and Construction (Project Engineer)	283-4931	City Engineer's Office Engineering Department
Assessments	283-4748	Special Assessments Engineering Department
Right-of-Way and Easements	283-4587	Real Estate Division Engineering Department
Assessment Subsidy	283-4574	Special Assessment Subsidy Officer Engineering Department

SIDEWALK CONSTRUCTION PROCESS



**CITY OF DES MOINES
SPECIAL ASSESSMENT SUBSIDY PROGRAM
FOR SIDEWALK REPAIR OR REPLACEMENT
APRIL 5, 2007**

What Is The Special Assessment Subsidy Program?

The Special Assessment Subsidy Program is a program adopted by the City Council to assist low and moderate income home owners in paying assessments in conjunction with sidewalk repair or replacement. **DRIVE WAY APPROCHES ARE NOT INCLUDED IN THIS PROGRAM.**

You must apply for Special Assessment Subsidy within 30 days of the date of the Notice to Repair Sidewalk.

Who Is Eligible For Assistance?

The City of Des Moines will pay the entire assessment against your property if you apply and meet both the following requirements:

1. You must be the owner of record or the contract buyer, and live at the property to be assessed at the time the City Council approves the project by adopting the Resolution of Necessity. The property includes the land around the home within the single parcel as identified for tax purposes at Polk County.
2. The adjusted annual income (as defined below) of your household does not exceed the following limits based upon your household size:

TABLE 1

<u>HOUSEHOLD SIZE</u>	<u>ADJUSTED ANNUAL INCOME</u>
1	\$38,150
2	\$43,600
3	\$49,050
4	\$54,500
5	\$58,850
6	\$63,200
7	\$67,600
8	\$71,950

What Is My Adjusted Annual Income?

Your adjusted annual income, which is determined as follows:

ADJUSTED ANNUAL INCOME equals HOUSEHOLD INCOME minus
HOUSEHOLD ADJUSTMENTS

HOUSEHOLD INCOME is the total of all income received by your household members residing at your property to be assessed; and includes the gross income received by all members of your household during the last 12 months from wages, unemployment compensation, pensions, Social Security, interest, dividends, board, rentals, public assistance, etc. People paying rent (as in a duplex where one side is occupied by the owner; the other side is rented; or where a person is renting space within the owners home) are not considered household members, and those people's income is not considered as household income; however, the rent paid by these people to the owner is considered as household income.

HOUSEHOLD ADJUSTMENTS are the total of the following adjustments as they apply to your household:

- A. 5% of the household income; or in the case of a property owner, or spouse over 60 years of age, 10% of the household income.
- B. \$300 for each dependent of the property owner, which is each household member (other than the Property Owner or spouse) that is either under 18 years of age; or is 18 years of age or older and is disabled, handicapped, or a full-time student.
- C. The first \$300 of spouse's income.
- D. The income of household members (other than property owner or spouse) that are under 18, or full-time students, or disabled or handicapped.
- E. Those medical expenses, which exceed 7.5% of your total household income and are not covered by insurance.
- F. The amount paid for the care of children, or sick or incapacitated household members, so that you (the property owner) or your spouse can work.
- G. Any unusual occupational expenses not compensated by your employer.
- H. Any non-recurring income, such as an inheritance.

- I. The amount received from a non-profit child-placing agency for care of one or more children placed in your home.

EXAMPLE: Adjusted Annual Income Calculation

Household has 5 members as follows:

Property Owner is 50 years old w/salary of	\$32,000
Spouse is 50 years old w/salary of	20,000
20 years old non-student child w/ salary of	10,000
18 years old student child w/salary of	3,500
16 years old student child w/salary of	<u>2,000</u>
Household Income equals	\$67,500

The allowable Household Adjustments are as follows:

5% of Household Income	Item A	\$3,375
\$300 for each dependent	Item B	600
\$300 of Spouse's Income	Item C	300
Income of the two students	Item D	5,500

Total Medical Expenses	\$11,650
minus Insurance Covered expenses	5,000
minus 7.5% of Household Income	4,200
equals Household Medical expense adjustment	<u>2,450</u>
Total Household Adjustments	\$12,225

ADJUSTED ANNUAL INCOME equals HOUSEHOLD INCOME minus
HOUSEHOLD ADJUSTMENTS
=\$67,500 -\$12,225=\$55,275

The Adjusted Annual Income for our example household is \$55,275.

How Much Will Subsidy Pay And How Much Must I Pay?

If you meet the above program requirements, the City's Special Assessment Subsidy Program will pay the entire amount of the special assessment against your property.

The Adjusted Annual Income for our previous example household was \$55,275. This is under the \$58,850 income guideline for a household size of 5 as shown on Table 1, page 1; so our example household qualifies for special assessment subsidy, and the City's Special Assessment Subsidy Program would pay the entire assessment.

When and Where Do I Apply for Special Assessment Subsidy?

Only the property owner or contract buyer can apply for special assessment subsidy. For more information, or an application form, please call or visit one of the following Housing & Community Services Neighborhood Site Offices. You will need verification of all income received on a regular bases.

Logan Service Office 1740 E. Garfield Ave (2 nd floor)	248-6212
Forest Ave. Service Office 2011 Forest Ave	248-6216
Archie Brooks Service Office 2100 SE 5th Street	248-6214

You must apply for special assessment subsidy within 30 days of the date on the Notice to Repair Sidewalk. Statements made on the application must be sworn to and are subject to verification by the City Engineering Department. If you have any questions or need additional program information, contact the Engineering Department Special Assessment Subsidy Office, on the second floor of City Hall at 400 ROBERT D. RAY DR., or phone 283-4574.