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**Date** July 15, 2013

**INFORMAL HEARING ON CONSTRUCTION OF THE  
E. GRAY STREET SIDEWALK FROM INDIANOLA AVENUE TO 341 E. GRAY STREET**

WHEREAS, on September 26, 2011, by Roll Call No. 11-1676, the City Council approved a revised assessment policy for new sidewalk construction, wherein sidewalks that meet multiple criteria would be considered Discretionary Connection Sidewalks and would be exempt from assessment to the abutting property owners; and

WHEREAS, on September 26, 2011, by Roll Call No. 11-1678, the City Council authorized the City Manager to proceed with a Discretionary Connection Sidewalk project on the south side of E. Gray Street from Indianola Avenue to 341 E. Gray Street; and

WHEREAS, an information notice was sent to adjoining property owners advising them of the project, that the project would not be assessed to them, and that they would be responsible for future maintenance and repair costs of the sidewalk; and

WHEREAS, the information notice further advised the adjoining property owners of an informal hearing on the project on July 15, 2013 at 5:00 p.m. in the City Council Chambers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. That the informal hearing on the construction of the E. Gray Street Sidewalk from Indianola Avenue to 341 E. Gray Street to allow property owners to express their opinions either for or against the project is hereby closed and all comments are hereby received and filed.
2. That the City Manager be and is hereby authorized to proceed with the preparation of plans and specifications for the construction of the E. Gray Street Sidewalk from Indianola Avenue to 341 E. Gray Street as a Discretionary Connection sidewalk.

(Activity ID 09-2013-005)

★ Roll Call Number

Agenda Item Number

49

Date July 15, 2013

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED: Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

DEB

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



### INFORMATION NOTICE

On September 26, 2011, by Roll Call No. 11-1678, the Des Moines City Council authorized City staff to proceed with the construction of a sidewalk project on the south side of E. Gray Street from Indianola Avenue east approximately 500' to connect to existing sidewalk at 341 E. Gray Street. The project also includes construction of a new curb ramp at 345 E. Gray Street. The project is identified as a Discretionary Connection Sidewalk, and the construction cost will not be assessed to the adjoining property owners. Also on September 26, 2011, by Roll Call No. 11-1676, the Des Moines City Council approved a revised Assessment Policy for New Sidewalk Construction to include Discretionary Connection Sidewalk. The concept is to identify limited segments of sidewalk that if constructed would connect neighbors or special pedestrian areas to larger sidewalk networks. Discretionary Connection Sidewalk construction will not be assessed to the adjoining property owners and the City of Des Moines will be responsible for the construction cost. However, per City Code, the property owner will be responsible for all future maintenance and repair costs of the sidewalk.

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

INFORMAL CITY COUNCIL HEARING - Monday, July 15, 2013  
 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 the sidewalk proposed. At the completion of this Informal Hearing, the City Council will review the presentations and make a decision whether construction of the proposed sidewalk should proceed. All written comments or petitions either for or against the sidewalk 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 July 10, 2013, so that the information can be tabulated and submitted to the City Council for its consideration at the July 15, 2013 Informal Hearing. The City Council gives final authorization to proceed with the proposed improvements at this meeting.

### PROJECT DESIGN AND CONSTRUCTION

The sidewalk project will be designed the summer of 2013. Construction will begin the fall of 2013 and will be completed spring of 2014.

#### 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 re-grade the driveway 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 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 parking 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 their 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 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.

Enclosed is a map of the proposed sidewalk. If you desire additional information, please telephone Brett Lewis of my department at 283-4024. Brett is normally available from 8:00 a.m. to 4:30 p.m.

Sincerely,



Jeb E. Brewer, P. E.  
City Engineer

Enclosure  
JEB/dpj/jls