

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b>	September 26, 2011
	<b>Agenda Item No.</b>	<b>56</b>
	<b>Roll Call No.</b>	<b><u>11-1676</u></b>
	<b>Communication No.</b>	<b><u>11-607</u></b>
	<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Approving an additional Category of non-assessed sidewalk in the Policy for New Sidewalk Assessment.

**SYNOPSIS:**

At the July 11, 2011 City Council workshop, Council directed the City Manager to expand the assessment exemption for the construction of new sidewalk. On August 29, 2011 Council approved the policy but asked for revisions to be considered to include additional sidewalk categories in the assessment exemption. This policy proposes a new category identified as Discretionary Connection Sidewalk.

**FISCAL IMPACT:**

There will be an increase in City cost, due to collection of less assessment revenue. The August 29, 2011 policy change increased the City's cost an estimated \$36,000 per year. The proposed changes would also have a similar impact increasing the City's estimated cost from \$30,000 to \$40,000 per year. Any sidewalk project approved by the City Council as exempt from assessment will only be constructed if funds are allocated by the Council through the annual Capital Improvements Budget.

**ADDITIONAL INFORMATION:**

At the July 11, 2011 City Council workshop, Council directed the City Manager to expand the assessment exemption for construction of new sidewalk. On August 29, 2011 by Roll Call 11-1532 Council approved a revised New Sidewalk Assessment Policy. The revised policy expanded the 2006 Sidewalk Assessment Policy to include a new category of sidewalk that is exempted from assessment call High Priority Sidewalk.

The current City Council Sidewalk Assessment Policy assessed some costs to the abutting property owners on a front foot basis for construction of new sidewalk. The abutting property owners are 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. This policy also exempts some sidewalk from assessment. The following is the list of sidewalk that is exempt:

- Multipurpose recreational trails are not assessed.
- Sidewalk that 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.
- Sidewalk that is 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
- Sidewalk deemed by Council as being a High Priority Sidewalk based upon an analysis of the surrounding environs ½ mile from the proposed sidewalk project. The analysis considers the number of elementary schools, middle schools, and high schools with more emphasis placed upon elementary schools. It also considers other factors such as grocery stores or convenience stores, senior centers or medical clinics, bus stops and density of residences. (Added August 29, 2011)

During the August 29, 2011, meeting one sidewalk, which had previously been petitioned, did in fact meet the requirements of a High Priority Sidewalk under the new policy. A second sidewalk previously petitioned by one individual did not meet the requirements of a High Priority Sidewalk. Council then directed the City Manager to review the E. Sheridan Avenue petitioned sidewalk and to propose a smaller project scope and then review the revised project under the High Priority Sidewalk to determine an assessment exemption.

The sidewalk originally proposed was on the north side of E. Sheridan Avenue from E 25th Street to Hubbell Avenue and the west side of E 27th Street from Hubbell Avenue to E. Hull Avenue and on the north side of Boyd Street from E 27th Street. The smallest segment of sidewalk within the larger project possible to connect the petitioner to a sidewalk system would be a segment of 250 feet from 2658 E. Sheridan Avenue east to Hubbell Avenue. This segment of sidewalk is not rated any higher than the previous sidewalk program, under the High Priority Sidewalk, since the criteria is based upon facilities within the ½-mile environs. Since the environs are essentially the same for the smaller project as the larger project, the High Priority Sidewalk rating does not appreciably change. Whereas, it was Council's expressed desire to modify the E. Sheridan Avenue project so as to qualify as an exempt project and since the smaller project does not appreciably change the High Priority rating, therefore a revised policy is proposed to City Council for consideration that would exempt the smaller E Sheridan Avenue project.

The revised policy proposed for City Council's Consideration is to create another category of exemption called Discretionary Connection Sidewalk. The concept is to identify limited segments of sidewalk that if constructed would connect neighbors or special pedestrian areas to the larger network of sidewalks. Based upon Council's desire to exempt a smaller scale project when a larger project does not meet the High Priority criteria the Discretionary Connection Sidewalk is a size-limited program. The proposed criteria for a Discretionary Connection Sidewalk would be a total length project of less than 400 feet or less than 8 abutting property owners, the section must connect to an existing network of sidewalk and provide access to other neighbors or special pedestrian areas such as schools. The proposal is for Discretionary Connection Sidewalks to be constructed in the order approved by City Council. Since funds for new sidewalk construction will be limited it is also suggested that within each year's new sidewalk construction program funding be allocated first to any assessed sidewalk program as the residents are participating in the costs, second to High Priority Sidewalk as there is a high number of potential users, and thirdly to Discretionary Connection Sidewalks.

If Council approves the Discretionary Connection Sidewalk exemption the following sidewalks currently submitted by City Council to the City Manager would be considered exempt from assessments for the segments indicated.

- E Sheridan Avenue from 2658 E. Sheridan Avenue to Hubbell Avenue, 250 Lineal Feet, 4 property owners (Note: Council asked that this reduced project be exempted from assessment)

-E Gray Street from 345 E Gray Street to Indianola Avenue, 510 Lineal Feet, 6 property owners (Note: original petition was E Gray Street from SE 5th to Indianola Avenue, this segment would exceed the 400 foot length or the 8 property owners)

Hubbell Avenue from Tiffin to 500 feet East, 500 Lineal Feet, 2 property owners (Note: This project is being submitted on the current council agenda. While it exceeds the lineal feet limit it does not exceed the number of abutting property owners therefore it would be considered.

If City Council approves the new policy and approves these sidewalks as Discretionary Connection Sidewalks these sidewalk would not be able to be constructed until 2013. These sidewalks will only be constructed if adequate funds are available through the City's normal capital budgeting process. On a separate agenda item, Council is being asked to approve submission of a grant application for the E Park Avenue sidewalk. If the grant is received, enough funds will be available to construct the East Park Avenue sidewalk in 2012.

#### **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):**

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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