

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	November 9, 2015
	Agenda Item No.	48
	Roll Call No.	<u>15-1899</u>
	Communication No.	<u>15-595</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hearing on adoption of the proposed Resolution of Necessity for paving improvements to serve the E. 32nd Street area from Kinsey Avenue to E. Washington Avenue and to serve Shawnee Avenue from 14th Street to 15th Street.

SYNOPSIS:

This is a public hearing on the proposed Resolution of Necessity for paving improvements, 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 two (2) streets recommended for paving being:

- E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01.
- Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02.

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 does not recommend adoption of the Resolution of Necessity on E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue. The City Engineer recommends the resolution of necessity on Shawnee Avenue from 15th Street to 14th Street.

FISCAL IMPACT:

Amount: Amount: \$206,000 Total City Engineer's Preliminary Estimate for assessment purposes with \$44,687.54 assessed and \$161,312.46 City Cost - G.O. Bonds with individual estimates for the two (2) streets as follows:

- E 32nd Street from Kinsey to Washington Avenue (Total Estimate \$111,500.00 with \$25,293.78 assessed and \$86,206.22 City Cost - G.O. Bonds).
- Shawnee Avenue from 14th Street to 15th Street (Total Estimate \$94,500.00 with \$19,393.76 assessed and \$75,106.24 City Cost - G.O. Bonds).

Funding Source: 2015-2016 CIP, Page Street-25, Residential Paving Program, ST013, being \$25,293.78 from Special Assessments against benefitted property owners, and \$86,206.22 in G. O.

Bonds and 2015-2016 CIP Page Street-29, Residential Paving Program, ST013, being \$19,393.76 from Special Assessment against benefited property owners and \$75,106.24 in G.O. Bonds.

ADDITIONAL INFORMATION:

On June 26, 2000, by Roll Call No. 00-1876, the City Council adopted a policy for paving residential streets in an effort to pave the remaining unpaved streets. This policy specifies that the majority of remaining unpaved streets will be paved by private contractors with permanent paving over an improved sub base. Under said Council policy, the permanent paving is assessed based upon 50% of the actual pavement costs, 50% of the driveway approach costs and design and inspection costs limited to 10% of the total construction cost. This procedure, along with the existing assessment subsidy program, results in residents typically paying approximately 25% of total project costs. After the amount to be assessed is determined under said Council policy, that amount is spread over the benefited properties within the assessment boundary using the Zone-Area Method (Flint Method), which has historically been used by the City of Des Moines for paving assessments. In this method, each parcel is divided into 50-foot-wide “zones” parallel to the right-of-way. The zones are then assigned points with the zone adjacent to the paving improvement having the most “weight” or highest assessment rate. Total points for each parcel are then calculated by dividing the area within each zone by 50, multiplying by the respective point rate for each zone, and adding the points of all the zones together. Total points for the project are then totaled and divided into the total amount to be assessed to obtain the point rate. The point rate is then multiplied by the total points for each parcel to calculate the amount to be assessed for each parcel or property. Once the individual assessment against each property is determined, other special benefits and past policies are applied, if applicable, including the following:

- Corner Lot and Double Frontage Reduction for residential and church property;
- Curb and Gutter Credit;
- Floodway Credit; and
- Flag Lot Assessment Policy.

Petitions for paving the following two (2) streets were submitted to the Council:

- E. 32nd Street from Kinsey Avenue to Washington Avenue.
- Shawnee Avenue from 14th Street to 15th Street.

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 street paving 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 paving to provide Council with information on the wishes of the neighborhood.

On October 12, 2015, under Roll Call No. 15-1681, 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:

E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01:

- Street paving 26 feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02:

- Street paving 26 feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

Pursuant to Iowa Code, Section 384.51, the City Council should 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 75% or more of the amount of the proposed assessment, which would require a unanimous vote of the council.

On January 17, 1983, under Roll Call No. 83-333, the City Council adopted a formal policy regarding adoption of the Resolution of Necessity, which stated:

1. The City Council shall require 60% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.
2. Where it is determined by the City Engineering Department that a street has drainage problems that can only be corrected by street paving, the City Council shall require 65% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.

Since the informal meeting, the Engineering Department has received several petitions from property owners subject to assessment. The City Engineer will continue to tabulate any petitions received prior to the public hearing and will report to the City Council. As of 12:00 pm on Friday, November 6, 2015, one of the 23 property owners submitted a petition against the Shawnee Avenue Paving project. At this time, the City Engineer recommends adoption of the Resolution of Necessity on the following street:

- Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02.

As of 12:00 pm on Friday, November 6, 2015, 12 of the 21 property owners submitted a petition against the E. 32nd Street Paving project. The City Engineer does not recommend adoption of the Resolution of Necessity on the following street:

- E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01.

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 paving improvements can be completed during the 2016 construction season.

PREVIOUS COUNCIL ACTION(S):

Date: October 12, 2015

Roll Call Number: [15-1681](#)

Action: Approving residential paving on portions of E. 32nd Street from Kinsey to Washington Avenue and Shawnee Avenue from 14th to 15th 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: August 24, 2015

Roll Call Number: [15-1406](#)

Action: [Authorization](#) to proceed with an assessed paving project on Shawnee Avenue from 14th to 15th Street. ([Council Communication No. 15-468](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: August 10, 2015

Roll Call Number: [15-1370](#)

Action: [Petition](#) from property owners requesting paving on Shawnee Avenue from 14th Street to 15th Street. Moved by Gatto to receive, file, and refer to the City Engineer for review and recommendation. Motion Carried 7-0.

Date: February 23, 2015

Roll Call Number: [15-0280](#)

Action: [Authorization](#) to proceed with an assessed paving project on E. 32nd Street from Kinsey Avenue to Washington Avenue. ([Council Communication No. 15-082](#)) Moved by Coleman to adopt. Motion Carried 7-0.

Date: December 8, 2014

Roll Call Number: [14-1891](#)

Action: [Receipt](#) of petition in favor of paving E. 32nd Street from Kinsey Avenue to Washington Avenue. Moved by Mahaffey to receive, file, and refer to the City Manager and City Engineer for review and recommendation. Motion Carried 7-0.

Date: June 26, 2000

Roll Call Number: 00-1876

Action: Approving Assessment Policy for Residential Street Paving. ([Council Communication No. 00-288](#)) Moved by McPherson to adopt. Motion Carried 7-0.

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.

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 first 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.