



**Roll Call Number**

Agenda Item Number

53

June 13, 2011

Date

Communication and petition regarding Beaver Avenue Reconstruction Project, and removal of sidewalk from the east side of Beaver.

Moved by \_\_\_\_\_ to receive, file and refer to the City Manager for review and recommendation and to work with Polk County.

FORM APPROVED:

\_\_\_\_\_  
XXXXXX, Assistant City Attorney

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

A PETITION  
TO  
POLK COUNTY, IOWA  
AND  
CITY OF DES MOINES, IOWA  
FROM THE

Residents and Property owners of the area affected by:

THE BEAVER AVENUE IMPROVEMENT PROJECT

From Aurora Avenue to the I 35/80 Overpass in Des Moines and  
Polk County, Iowa.

We hereby petition the City of Des Moines and Polk County

TO

**Abandon The Proposed Sidewalk on the East Side of Beaver Avenue.**

**PETITION TO ABANDON PROPOSED SIDEWALK ON EAST SIDE OF BEAVER AVENUE**

As Residents and Property owners of the area affected by:  
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From Aurora Avenue to the I 35/80 Overpass in Des Moines and Polk County, Iowa.  
We hereby petition the City of Des Moines and Polk County to  
**Abandon The Proposed Sidewalk on the East Side of Beaver Avenue.**

Resident / Property Owner

Address

Date

<i>[Signature]</i>	4315 Beaver Ave	5/22/11
<i>[Signature]</i>	4315 Beaver Ave	5-22-11
<i>[Signature]</i>	4291 Beaver Ave	5-22-11
<i>[Signature]</i>	4291 Beaver Ave	5-22-11
<i>[Signature]</i>	4267 Beaver Ave	5-22-11
<i>[Signature]</i>	4247 Beaver Ave	5-22-11
<i>[Signature]</i>	4239 Beaver Ave	5-22-11
<i>[Signature]</i>	4355 Beaver Ave	5-22-11
<i>[Signature]</i>	4355 Beaver Ave	5-22-11
<i>[Signature]</i>	4365 Beaver Ave	5-22-11
<i>[Signature]</i>	4369 Beaver	5-22-11
<i>[Signature]</i>	4411 Beaver Ave	5-22-11
<i>[Signature]</i>	4401 BEAVER AVE	5-22-11
<i>[Signature]</i>	4401 Beaver Ave	5-22-11
<i>[Signature]</i>	4320 BEAVER HILLS	5-22-11
<i>[Signature]</i>	4515 BEAVER AVE	5/22/11
<i>[Signature]</i>	4517 Beaver Ave	5-22-11

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Resident / Property Owner                      Address    Date

CHRIS ARNOLD	4551 BEAVER AVE.	5-23-2011
Alice J. Biering	#305 BEAVER	5/23/11
Michael Welch	4373 Beaver	5/23/11
Michael D. Welch	4513 Beaver	5/23/11
Christa R. Wild	4573 BEAVER	5-23-11
Jean Wang	4645 Beaver Ave.	5/23/11
Trevor Crosson Renter	4665 Beaver Ave	5/23/11
Tom Messing	4677 Beaver Ave	5/23/11
Carol Anderson	4200 Beaver Hills Dr	5/24/11
Marlon Lark	4655 Beaver Ave	5/24/11
National Catholic Rural Life	4625 Beaver	5/24/11
Edwards (nee) + Joyce Parnell (Joyce Cain)	4565 Beaver	5/24/11
David R. Brown	4101 Beaver	5/24/11
Bonnie J. Swanson	4101 Beaver	5/24/11
John Charles	4151 Beaver	5-24-11
John Stume	4333 BEAVER AVE	5/24/11
Christine Hollister	4111 Beaver Ave	5/24/11
Jean Schmeizer	4155 Beaver Ave	5/24/11
Roy Schmeizer	4155 BEAVER AVE	5/24/11

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From Aurora Avenue to the I 35/80 Overpass in Des Moines and Polk County, Iowa.  
We hereby petition the City of Des Moines and Polk County to  
**Abandon The Proposed Sidewalk on the East Side of Beaver Avenue.**

Resident / Property Owner	Address	Date
Dyle W. Woller	4509 Beaver Ave	05-24-11
Teresa R. Berger	4231 Beaver Ave	5-24-11
Lany J. Berger	4231 Beaver Ave	5-24-11
Tj + Bob Meely	4511 Beaver Ave	5-25-11
Dale W.	4665 Beaver Ave	5-25-11



## PETITION TO ABANDON PROPOSED SIDEWALK ON EAST SIDE OF BEAVER AVENUE

May 25, 2011

### Numbers for this Petition:

1. Of the 36 Properties: 33 Were contacted. 3 Were unavailable.
2. Of the 33 contacted: 31 Have signed this Petition in favor.  
2 Have not signed yet.  
Angela Connolly of 4707 Beaver Ave.  
Declined for obvious reasons.  
New Hope Church, 4525 Beaver Ave. is waiting  
for their June Board of Directors Meeting
3. Of those contacted: 94% have signed in favor of the Petition.
4. Of the total Properties: 86% have signed in favor of the Petition.

### Reasons for signing given by the Signers:

1. Loss of Mature Trees and Shrubs on the East Side of Beaver Ave. that provide a Valuable Visual and Sound Barrier from the ever increasing traffic on Beaver Ave. in addition to desirable Shade, a Wind Break and Blocking Fumes from the traffic, all adding substantially to the Value of our Properties. Some of these Trees are Magnificent and Should Not Be Destroyed. Many of them ( not so magnificent ) are still 20 yr. plus Trees not easily replaced.
2. The area West of Beaver Ave. is densely populated and is already equipped with a sidewalk system. Expecting pedestrian traffic from the West side of Beaver Ave. to cross Beaver Ave. with a projected traffic count of 18,000 cars per day is not only **Dangerous, it is Irresponsible.**
3. No one wants the responsibility of clearing snow off a sidewalk, especially one that we all know will not be used in this area.
4. No one wants to be responsible for the cost of upkeep of a sidewalk.
5. The sidewalk is not needed.
6. Why spend our money for something that we don't need or want ?
7. Some expressed "If they want a sidewalk put it on the West side of Beaver Ave. because, ... the terrain is better, ... not as many trees, ... they already have sidewalks in that neighborhood, ... the sidewalk on the west side already extends north to Aurora Ave., ... there is more Right of Way on the West side of Beaver Ave. over a good share of the length of this project, ...we don't need a sidewalk on either side of Beaver Ave."

8. All of the school age children in this Area North of Aurora on both sides of Beaver Ave. are in the Johnston School District and do not walk to school, they ride the Johnston School Bus and if they live on the east side of Beaver Ave they are picked up and dropped off on the east side at their driveways for safety reasons.
9. Why incur the expense of a underpass at Lower Beaver to connect to the Trestle-to-Trestle Trail when you have already installed an underpass beneath Beaver Ave. just South of the I 35/80 overpass. If the proposed Sidewalk/Bike Trail north of Meredith Dr. were on the West side of Beaver Ave. the existing underpass would be all that is needed.  
Please don't waste our tax dollars.
10. We were told at the May 5 th. meeting, "This project will not cost us anything". This is not true, the **Cost will be in Loss**, Loss of Trees, Loss of Property Value, Loss of Privacy, Loss of Our Time and Expense with Snow Removal, Loss in Maintenance Expense of the Sidewalk and Walls.
11. We were also told at the May 5 th. meeting, "The sidewalk was not a given, and if we do not want it you would not build it".

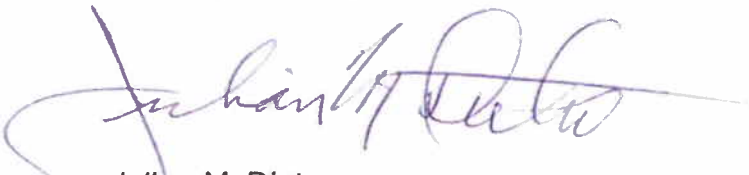
This Petition should clear that up.

**94%** of the Property Owners contacted on the East Side of Beaver Ave.

**Do Not Want It.**

Thank you for your consideration.

Petition prepared, circulated and presented by:



Julian M. Dieter  
4315 Beaver Ave., Des Moines, Ia. 50310  
Ph. 229-6680

On behalf of the Residents and Property owners on the East side of Beaver Ave.



**COUNTY OF POLK**  
**Public Works Department**

53  
Larry L. Land, Director  
5885 NE 14 Street  
Des Moines, Iowa 50313  
Ph 515.286.3705  
Fax 515.286.3437  
Email:publicwrks@polkcountyiowa.gov  
www.polkcountyiowa.gov

May 31, 2011

RE: Petition to remove Sidewalk from east side of Beaver Avenue Reconstruction Project.

Dear Petitioner:

This letter is in response a petition recently received by this office whereby you indicated your support of the removal of a proposed sidewalk on the east side of Beaver Avenue as part of the above-referenced reconstruction project.

This office has considered the comments presented in the petition and developed the following response regarding Polk County and the City of Des Moines' decision to include a sidewalk and other pedestrian and bicycle facilities as part of this project.

1. Federal Funding Issue

As noted in the project brochure, this project is utilizing \$2,341,776 in Federal Surface Transportation Program funds for construction of this project. These funds must be utilized according to Federal Highway Administration (FHWA) laws and regulations. The FHWA stipulates that when federal funds are used for transportation projects, agencies must integrate walking and bicycling facilities in their design where practical. During the design process for this project, it was determined that bicycle and pedestrian facilities similar to those on Beaver Ave. south of Aurora could be incorporated within the existing road right-of-way.

These funds were awarded through the Des Moines Area Metropolitan Planning Organization, which represents 23 member governments in the metro area, and supports the "Complete Streets Initiative" which includes consideration of all modes of transportation in the design of improvement projects.

If we chose to eliminate the sidewalk on the east side of Beaver Ave. from the proposed plan, then we would place ourselves in jeopardy of losing the Federal funds. Polk County and the City of Des Moines worked together to obtain these funds to reduce the costs to the local taxpayers and assure this much needed project is completed in a timely manner.

2. Proposal to move sidewalk to the west side of Road.

A sidewalk on the west side of Beaver Ave. is not proposed because this would essentially force those property owners to maintain two sidewalks along their property because none of those properties have frontage along Beaver Ave. It did not seem reasonable to force property owners on one side of the road to maintain two sidewalks and those on the other to maintain none.

3. Sidewalk is being installed at no cost to property owners

If we did decide to remove the sidewalk from the project, it is very possible that in the future, residents in the neighborhoods south of Aurora Ave., or future property owners along this project, could petition the Des Moines City Council to have sidewalk installed so they could have



access to the trail system without having to drive to a trailhead. If approved, the sidewalk would be constructed with the construction costs most likely assessed to the adjacent property owners. The costs to install the sidewalk as part of this project will not be passed on to the adjacent property owners.

#### 4. Connectivity issue.

The design of this roadway mirrors the design of Beaver Ave. south of Aurora, so we do not believe the property owners on the east side are being singled out or impacted in a manner different than many of the other residents along Beaver Ave. This sidewalk will provide connectivity to the sidewalks south of Aurora and allow those residents to safely walk or bike to the Trestle-to-Trestle trail that connects to the overall metro trail system. It does not seem logical to deny the hundreds of residents south of Aurora Ave. this opportunity to use these facilities to improve their quality of life when they can be constructed as part of this project.

#### 5. Snow Removal and Maintenance Issue

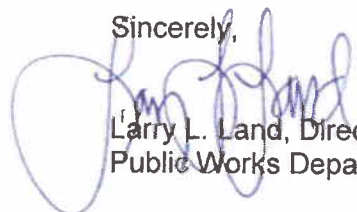
Those residents within the City of Des Moines will be required to maintain the new sidewalk in compliance with the City's current Ordinance. Because the County does not have a sidewalk ordinance, we are investigating maintenance options including the assistance of the Polk County Conservation Board.

#### 6. Impacts to Trees and Landscaping in the existing Road right-of-way

While we acknowledge the trees and some privately installed landscaping in the existing right-of-way will be removed, but it should be noted the road right-of-way was originally obtained for transportation purposes, so this project is a continuation of this use.

Thank you in advance for your understanding concerning this matter and we hope this information provides you with an assurance that this matter was carefully considered by both Polk County and the City of Des Moines as the design of this project was developed. Please don't hesitate to contact this office if you have any additional questions.

Sincerely,



Larry L. Land, Director  
Public Works Department

CC:	Angela Connolly	-Fifth District Supervisor
	Tom Hockensmith	-Third District Supervisor
	Halley Griess	-Ward 1 Councilman
	Chris Coleman	-At-Large Councilman
	Jeb Brewer	-City Engineer

