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Title: Resolution to Approve Agreement between the City of Ann Arbor and the Downtown Development Authority for Sidewalk Repairs within the Downtown Development District during FY 2013 and FY 2014

Sponsors:

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Date	Ver.	Action By	Action	Result
1/22/2013	1	City Council	Approved	Pass

Resolution to Approve Agreement between the City of Ann Arbor and the Downtown Development Authority for Sidewalk Repairs within the Downtown Development District during FY 2013 and FY 2014

Subsection 4:58(D) of Chapter 49 of the Ann Arbor City Code allows the City and the Downtown Development Authority of the City of Ann Arbor ("DDA") to enter into an agreement regarding responsibilities for repair of sidewalks within the Downtown Development District boundaries, as established by Section 1:154 of Chapter 7 of the Ann Arbor City Code, and for the payment for those repairs. The DDA has asked to enter into an agreement in accordance with Subsection 4:58(D)(1) of Chapter 49. Under this provision and as provided in the agreement, the City will treat sidewalks within the Downtown Development District like sidewalks outside the Downtown Development District for purposes of repair and the DDA will compensate the City for undertaking those repairs.

The agreement covers two one-year periods, beginning July 1, 2012, and ending June 30, 2014, and is recommended for your approval.

More specifically, the agreement provides that sidewalks that are within the Downtown Development District's boundaries and adjacent to and abutting real property against which the City levies property taxes will be exempt from the requirements of Subsection 4:58(A) of Chapter 49 of the Ann Arbor City Code that sidewalks to be kept and maintained in good repair by the owner of the land adjacent to and abutting upon the sidewalk. This exemption places those properties in the same position as properties outside the Downtown Development District boundaries that are not exempt from property taxes.

In return, the DDA will transmit to the City for FY 2013 and for FY 2014, the portion of 0.125 mill of the 2.125 mill street and bridge reconstruction and resurfacing and sidewalk repair millage, as adjusted by any required millage roll backs, that is captured by the DDA for each of those fiscal

years. For each year, the City will calculate the amount due from the DDA and will bill the DDA for that amount sometime during the April - June 2013 and April - June 2014 time periods, following the close of the tax roll and settlement for the respective fiscal years. The DDA will pay the amount due within 30 days. In the alternative, the DDA may request that the City deduct the amount from the next monthly reconciliation(s). The City may use these funds to make the sidewalk repairs within the Downtown Development District's boundaries, but is neither obligated to use the full amount nor limited to using only that amount for the sidewalk repairs.

As requested by the DDA, the City will give notice to the DDA in advance those areas where the City will be performing sidewalk repairs and will report to the DDA where the sidewalk repairs have taken took place.

At this time, the City plans to perform sidewalk repairs within the Downtown Development District's boundaries during the 2013 and 2014 construction seasons.

The sidewalk repairs the City will perform under the agreement do not include the snow and ice removal required by Section 4:60 of Chapter 49 of the Ann Arbor City Code.

Prepared by: Abigail Elias, Chief Assistant City Attorney

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, Subsection 4:58(D) of Chapter 49 of the Ann Arbor City Code allows the City and the Downtown Development Authority of the City of Ann Arbor ("DDA") to enter into an agreement regarding or repair and payment for repair of sidewalks within the Downtown Development District boundaries, as established by Section 1:154 of Chapter 7 of the Ann Arbor City Code;

Whereas, The DDA has asked to enter into an agreement in accordance with Subsection 4:58(D)(1) of Chapter 49 for FY 2013 and FY 2014, being July 1, 2012 through June 30, 2014; and

Whereas, The proposed agreement complies with the City Code provisions and spells out the responsibilities of the City for repairs and related tasks and spells out the responsibilities of the DDA for payment;

RESOLVED, That City Council approves the Agreement between the City of Ann Arbor and the Downtown Development Authority for Sidewalk Repairs within the Downtown Development District during FY 2013 and FY 2014;

RESOLVED, That the Mayor and City Clerk be authorized to sign the Agreement, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take any other necessary administrative actions to implement this resolution.