



## Legislation Details (With Text)

**File #:** 13-0286      **Version:** 1      **Name:** 5/6/2013 - Miller Avenue Improvements - Special Assessment Resolution 2  
**Type:** Resolution      **Status:** Passed  
**File created:** 5/6/2013      **In control:** City Council  
**On agenda:** 5/13/2013      **Final action:** 5/13/2013  
**Enactment date:** 5/13/2013      **Enactment #:** R-13-130

**Title:** Resolution to Approve Miller Avenue Improvements - Sidewalk and Curb & Gutter Special Assessment Project - Resolution No. 2

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Special Assessment Map, 2. Miller\_Special Assessment Table\_FINAL

Date	Ver.	Action By	Action	Result
5/13/2013	1	City Council	Approved	Pass
5/6/2013	1	City Council	Continued	

Resolution to Approve Miller Avenue Improvements - Sidewalk and Curb & Gutter Special Assessment Project - Resolution No. 2

Attached for review and consideration, please find Resolution No. 2 to approve the advancement of a special assessment project for certain public improvements to be constructed as part of the Miller Avenue Improvement Project - File No. 2009-023; Special Assessment District #40. The improvements include construction of new sidewalk and new concrete curb & gutter along Miller Avenue (see attached map). Resolution No. 2 establishes the cost of the project and its distribution.

This work will be included in the 2013 Miller Avenue Improvements Project, which in part will be financed by Federal Surface Transportation Program - Urban (STPU) funds. The City's ability to use federal funds for this project has created the opportunity for the private property owners to receive the sidewalk and curb & gutter improvements at less than the standard rates.

Neither permanent nor temporary easements will be necessary for this work, as the existing public right-of-way provides sufficient width for this street reconstruction project.

### Sidewalk Gaps

On the south side of Miller Avenue there is currently a gap in the sidewalk system which extends from approximately Saunders Crescent to Linda Vista Avenue (approximately 2,000 feet). In accordance with the City's Non-Motorized Plan and Complete Streets approach, placement of new sidewalk is proposed to close this gap and provide a continuous pedestrian connection along the south side of the street. Providing this walkway will allow safer access to the Miller Nature Area, and also to bus stops located on the south side of the street. A map of the area is attached.

### Curb & Gutter Gaps

On the south side of Miller Avenue there is also a gap in the curb & gutter between approximately

Saunders Crescent and Newport Road. At many locations along this particular segment there have been reports of problems with stormwater flowing off the street onto adjacent parcels.

Staff investigated two options for controlling stormwater runoff within this segment; 1) create a bio-swale/ditch between the street and the proposed sidewalk, 2) construct new concrete curb & gutter consistent with the rest of the corridor. Analysis revealed there was not sufficient space available for a swale of the size required to adequately control the stormwater runoff. Consequently, staff proposes to install new concrete curb & gutter consistent with the rest of the corridor to provide proper stormwater control and address the reported issues.

As part of the Miller Avenue Improvement Project, all the existing curb & gutter between Maple Road and Newport Road will be replaced due to its condition and to improve the street grades.

#### Special Assessment & Resident Input

In accordance with Chapter 13 of City Code, the cost for the addition of new sidewalk and new curb & gutter where none currently exists is borne by the parcels that benefit from the improvements. Since this is a federally funded project, up to 80% of the construction cost for the sidewalk and curb & gutter will be paid by Federal STPU monies. The remaining 20% of the cost is considered a local share.

On August 20, 2012, City Council approved Resolution No. 1 authorizing staff to undertake this work as a special assessment project. A public meeting/administrative hearing was held on June 27<sup>th</sup>, 2012. Eighteen invitations were sent out to affected property owners, and four people attended the meeting. At the meeting, staff described the project, explained the need for the improvements, outlined some estimated costs, and received feedback from property owners. No strong objections to the project were voiced at the meeting.

The total estimated cost of the construction of the sidewalk is \$38,960.00 of which \$31,168.00 will be paid from the Federal STPU funds. The remaining \$7,792.00 will be the local share with \$5,976.00 being paid by special assessment, and \$1,816.00 being paid by the Park Maintenance & Capital Improvement Millage for the sidewalk fronting the Miller Nature Area.

The total estimated cost of the construction of the curb & gutter is \$22,596 of which \$18,077.00 will be paid from the Federal STPU funds. The remaining \$4,519.00 will be a local share with \$3,429.00 being paid by special assessment and \$1,090.00 being paid by the Park Maintenance & Capital Improvement Millage for the curb and gutter fronting the Miller Nature Area.

The special assessment amounts will be distributed to the properties in proportion to the length of sidewalk and/or curb that will be installed fronting each property.

Prepared by: Nicholas Hutchinson, P.E., Interim Project Management Manager

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, plans and specifications have been prepared for the Miller Avenue Improvements - Sidewalk and Curb & Gutter Special Assessment Project, Special Assessment District #40; and

Whereas, in accordance with Chapter 13 of City Code, the cost for the addition of new sidewalk and new curb and gutter is borne by the adjacent parcels; and

Whereas, a construction estimate and appropriate funding sources have been established;

RESOLVED, That the City Council determines the total cost of said sidewalk improvement, including all incidentals, to be \$38,960.00, and that of said cost, the sum of \$7,792.00 be a local share with \$5,976.00 being paid by special assessment upon the properties specially benefited and \$1,816.00 being paid by the Park Maintenance & Capital Improvement Millage for the sidewalk fronting the Miller Nature Area;

RESOLVED, That the City Council determines the total cost of said curb & gutter improvement, including all incidentals, to be \$22,596.00, and that of said cost, the sum of \$4,519.00 will be a local share with \$3,429.00 being paid by special assessment upon the properties specially benefited and \$1,090.00 being paid by the Park Maintenance & Capital Improvement Millage for the curb and gutter fronting the Miller Nature Area;

RESOLVED, That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvements shall be assessed, or against which an improvement charge shall, pursuant to Section 1.278 of the City Code, be levied (see attached document) and;

RESOLVED, That the City Assessor be hereby directed to prepare a special assessment roll in accordance with the foregoing determinations of the City Council and to file the same, together with his certificate attached thereto, with the City Clerk for presentation to the City Council.