



## Legislation Details (With Text)

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**Title:** Resolution No. 2 - Newport Sidewalk Special Assessment

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. SAD Table - Newport Sidewalk.pdf, 2. Newport SW Assessed Properties Mapv3.pdf, 3. Riverwood HOA Sidewalk Vote Report.pdf, 4. Riverwood HOA Resident Q-and-A.pdf

Date	Ver.	Action By	Action	Result
4/21/2014	1	City Council	Approved	Pass

### Resolution No. 2 - Newport Sidewalk Special Assessment

Attached for your review and approval is Resolution No. 2 for the sidewalk improvements to be constructed along Newport Road (M-14 to Riverwood Drive), District #42. Resolution 2 establishes the cost of the project and its distribution.

### Background

On November 3, 2012, staff received a petition requesting the city to provide a sidewalk along Newport Road from Riverwood Drive to Wines Elementary and to consider "taxing" the neighboring communities to help pay for the costs. The petition was signed primarily by citizens neighboring Newport Road. The petition followed a public involvement process begun in 2011 in which staff sought to address the citizen-requested improvements of non-motorized access along Newport Road north of Sunset.

Subsequently in January 2013, City Council approved a resolution authorizing staff to design the sidewalk and investigate funding scenarios, such as spreading the special assessments to the surrounding neighborhoods (R-13-029).

In early 2014, the design was completed and cost estimates prepared. It is proposed to construct this sidewalk in conjunction with the road resurfacing planned for Newport Road (Sunset to just south of Bird Road) as part of the 2014 Street Resurfacing Project. Combining the two projects provides an efficiency of scale and spares the sidewalk project the cost of items such as traffic control. This results in reduced total cost for the sidewalk. It is proposed to fund the sidewalk north of M-14 by special assessment. The Ann Arbor Public Schools (AAPS) are being asked to pay for the assessable share of the sidewalk south of the bridge, all of which abuts AAPS property.

### Special Assessments

As called for in Chapter 13 of City Code, the cost for the addition of new sidewalk where none currently exists is borne by the parcels that benefit from the improvements. Traditionally, the

properties considered benefitting from a first-time construction of an improvement are those that abut the improvement (i.e., the four Newport Road parcels north of M-14). For this project, it is proposed to also include the parcels within the Riverwood Site Condominium within the special assessment district (see map) as the entrance to the Riverwood Site Condominium is contiguous to the proposed sidewalk. Also, the Riverwood Site Condominium Site Development Agreement commits the Riverwood Site Condominium to participate in future improvements to Newport Road, including sidewalk.

The City Assessor determined the most equitable basis for each parcel's assessment to be on a "unit of benefit" basis with the Newport Road parcels receiving two units of benefit and the Riverwood parcels receiving one unit of benefit.

Other subdivisions or developments in the area will not be assessed for this sidewalk as their boundaries are not contiguous. Should a future sidewalk be extended further north, it would then be proposed to assess the adjacent subdivisions or developments accordingly. However, the Home Owners Association of the Newport Creek Site Condominium (located north of Riverwood) has volunteered to contribute to the project to help offset their neighbors' assessments. The Newport Creek Home Owners Association has proposed to contribute \$10,228.00, which is the equivalent of  $\frac{1}{2}$  unit of benefit (\$232.46) for each of the 44 condominium units within Newport Creek. With the contribution from the Newport Creek Home Owners Association, the Riverwood and Newport Road property owners' assessments would be reduced to \$464.92 and \$929.83, respectively. Currently, staff is working with Newport Creek to finalize this agreement. If finalized, staff will reflect the reduced assessment amounts with Resolution 4.

#### Public Input

In January 2014, staff held a public meeting and shared the cost estimates and proposal for assessing the residents of Riverwood. In February 2014, the Riverwood HOA Board organized a formal vote of their residents. While they did not achieve 100% participation, they did have more than a quorum responding. The response was 3:1 in favor of the sidewalk proposal. Attached is the Riverwood's Report on Homeowner Survey and Riverwood HOA Q and A Report.

On March 13, 2014 all affected property owners were invited to share their thoughts at an Administrative Hearing where staff shared the plans and the estimated assessment amounts. Two residents attended the Administrative Hearing, both in favor of the project.

While most public input received has been favorable for the sidewalk, objections include the cost of the assessments; the assessments extending to Riverwood but not beyond; the potential loss of AAPS bus service in Riverwood; and the idea of the City connecting a sidewalk to the M-14 bridge, which is under the jurisdiction of MDOT, as the bridge sidewalk does not meet current standards in terms of width.

#### Costs & Funding

The total estimated cost of the sidewalk north of M-14 (constructed along with the road resurfacing project) is \$49,746.00 all of which will be paid by special assessment. This cost is based upon the 2014 Street Resurfacing bid prices. The special assessment amounts will be distributed to the properties on a unit of benefit basis.

Prepared by: Nick Hutchinson, P.E., City Engineer

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, Plans and specifications have been prepared for the Newport Road Sidewalk Project (M-14 to Riverwood Drive), District #42; and

Whereas, in accordance with Chapter 13 of City Code, the cost for the addition of new sidewalk is borne by the benefitting 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 constructed in conjunction with the adjacent road resurfacing project, including all incidentals, to be \$49,746.00, with the full amount being paid by special assessment upon the properties specially benefited;

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; and

RESOLVED, That the City Assessor is 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.