



**Request for City Council Committee Action
From the Department of Public Works**

Date: December 11, 2007

To: Honorable Sandra Colvin Roy, Chair Transportation and Public Works
Committee

Referral To: Honorable Paul Ostrow, Chair Ways and Means/Budget Committee

Subject: Lowry Av N Phase II Reconstruction Project No 2266: Public Hearing

Recommendation:

1. Passage of a Resolution ordering the City Engineer to proceed and do the work and adopting the special assessments in the total amount of \$407,122.42 for the Lowry Av N Phase II (Girard Av N to Theodore Wirth Parkway) Street Reconstruction Project.
2. Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$407,122.
3. Passage of a Resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way in conflict with the Lowry Av N Phase II Reconstruction Project.
4. Passage of a Resolution ordering the City Engineer to establish No Parking restrictions on both sides of Lowry Av N and submit Resolution to the Commissioner of Transportation to meet State Aid Rule 8820.

These Resolutions may be authorized for summary publication.

Previous Directives:

- City Council Resolution No. 2007R-561, Project Designation (dated November 2, 2007)
- City Council Authorization to Execute Memorandums of Understanding and Cooperative Agreements with Hennepin County to Share Development and Planning Activities for the Lowry Avenue Corridor Project (dated January 16, 2004)
- City Council Resolution 2003R-244, Approval of the West Lowry Avenue Redevelopment Plan (dated June 6, 2003)
- City Council Approval of the Lowry Avenue Corridor Plan (dated July 12, 2002)
- City Council Resolution 2000-R-350, Supporting Hennepin County Community Works' Lowry Avenue N Planning and Redevelopment (dated August 11, 2000)

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Approved by:

Steve A. Kotke, P. E., City Engineer, Director of Public Works

Presenters: Jack Yuzna, P.E., Engineering Services Division

Permanent Review Committee (PRC)	Approval _____	Not applicable	<u> X </u>
Policy review Group (PRG)	Approval _____	Not applicable	<u> X </u>

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget (If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Business Plan: Action is within the plan. Action requires a change to plan.
- Other financial impact: Special Assessments against benefited properties
- Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

Community Impact

Neighborhood Notification & Meetings:

Public meetings and open houses as handled by Hennepin County

- Preliminary Design in February, June & November 2001, February, May & September 2003;
- Environmental Impact Public Hearing was held on June 17, 2002.
- Final Design in January, April and October 2007.

City Goals: Maintain the physical infrastructure to ensure a healthy, vital and safe city

Comprehensive Plan: Not Applicable

Zoning Code: Not Applicable

Background/Supporting Information:

Lowry Av N (3rd St N to Girard Av N) Reconstruction Project

On November 2, 2007 the City Council designated the location, streets and improvements proposed to be made in the Lowry Av N area.

The location of the street reconstruction project is Lowry Avenue N from Girard Avenue N to Theodore Wirth Parkway. Lowry Avenue N at this location is County State Aid Route No 153. Hennepin County is doing the design and will construct this project. With the approval of this committee, the City and County will finalize a cooperative agreement in the near future. The cooperative agreement will make the City a financial partner for funding this project. In the Lowry Av N Phase I project, the City's contribution was limited to funding generated by street reconstruction special assessments and any improvements to City owned utilities that we may request.

The cost estimate for the Lowry Av N Phase II Reconstruction Project is \$5,389,650. The City's estimated portion of this project is the total dollar amount of the assessments to be levied; approximately \$407,122. The remainder will be funded by Hennepin County. The street improvement project will include replacing the entire depth of asphalt and all curb and gutter, on-street bike lanes, turn lanes, medians, bus stops and streetscape improvements. To accommodate these roadway improvements, Public Works recommends establishing parking restrictions on both sides of Lowry Av N between the limits of Girard Av N to Theodore Wirth Parkway (as shown on the Hennepin County Lowry Av Reconstruction Plan) in accordance with Minnesota Department of Transportation (MnDOT) State Aid Rule 8820.

The proposed street reconstruction special assessments were determined by applying the 2007 Uniform Assessment Rates to the land area of benefited parcels located within the street influence zone along the improved streets. The 2007 reconstruction assessment rates are as follows:

\$1.50/sq ft – Other – Non-Residential

\$0.46/sq ft – Other – Residential

The proposed total assessment amount for Lowry Av N Reconstruction Project is \$407,122.42. Individual assessments of more than \$150 would be collected over 20 years beginning on the 2009 real estate tax statements with the interest charged at the same rate as assessment bonds are sold. Assessments of \$150 or less would be collected in their entirety on the 2009 real estate tax statements with interest charged at the same rate as assessment bonds are sold. Information has been provided in the Notices as to how persons may prepay the special assessments in full without interest charges if they so choose.

The City Council has passed Resolutions whereby a deferment of the special assessments may be obtained by showing hardship for any homestead property owned by a person 65 years of age or older or retired by virtue of permanent and total disability.

Public hearing notices were mailed to property owners 2 weeks prior to the public hearing date.

Abandonment and Removal of Conflicting Areaways

Section 95.90 of the Minneapolis Code of Ordinances provides a procedure for dealing with areaway encroachments that would interfere with public improvements being made in the public right-of-way such as street construction. Before the City may abandon and remove conflicting areaways (upon the failure of the abutting property owner to resolve or agree to resolve the conflict) and then later assess the costs, a public hearing must be held. Prior to this public hearing, areaway legal public hearing notices were given by the City Engineer that provided the initial notice required in Section 95.90 of the Minneapolis Code of Ordinances.

Attachment 1 – Project Map

Cc: Jack Qvale, Secretary, Board of Estimate and Taxation