
SALT LAKE CITY COUNCIL MEMORANDUM

DATE: March 30, 2007

SUBJECT: Protest hearing for 2005/2006, 2006/2007 FY Sidewalk Replacement Special Improvement District No. 102136

AFFECTED COUNCIL DISTRICTS: Districts Five and Seven

STAFF REPORT BY: Jan Aramaki, Policy Analyst/Constituent Liaison

POTENTIAL MOTION:

1. **["I move that the Council"] Close the hearing and refer to Engineering for tabulation.**

NEW INFORMATION:

A protest hearing is scheduled for Tuesday, April 3, 2007 at 7:00 p.m. at which time the City Council will consider all protests that are filed and hear all objections relating to the proposed District. Tuesday, April 3, 2007 at 5:00 p.m. is the deadline for which written protests against the proposed improvements or against the creation of the District has to be filed in the Office of the City Recorder. For the District to be created, the property owners who have submitted written protests to the City Recorder or who express a protest at the hearing must be less than 50 percent of the total property owners' front footage within the District. According to Engineering, currently less than one percent protests have been recorded, but this could change dependent upon the protest hearing.

As of the morning of March 30, 2007, the City Recorder's Office received eight written protests from property owners within the District.

After construction is completed, property owners have the opportunity to appear before the Board of Equalization (comprised of the City Engineer or designee, the City Attorney or designee, and the City Recorder or designee), to present their concerns if they consider the assessment to be inequitable. All property owners within the proposed SID are notified in advance of the dates and times when the Board of Equalization meets. The Board of Equalization can hear any discrepancies viewed by a property owner.

The following information was provided to the City Council previously.
Information is being provided again for Council's review.

KEY ELEMENTS:

Each year, a concrete replacement project is identified for funding. As the first step in creating the process to establish the Special Improvement District (SID), the Administration requested that the Council adopt a resolution declaring the Notice of Intention for Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY, No. 102136, and set a protest hearing date for Tuesday, April 3, 2007 at 7 p.m. before the City Council.

There are 1,245 properties identified within the outlining boundaries of the district which includes:

- 1300 South (south side only) to 1700 South (north side only) from the 700 East (east side only) to 1100 East (both sides).
- Both sides of 900 East and 1100 East from 1700 South to 2100 South

For the 2005/2006, 2006/2007 Sidewalk Replacement Special Improvement District No. 102136, improvements involve the removal and reconstruction of concrete sidewalk which has been determined to be defective by the office of the City Engineer. Projected construction schedule indicates work to begin in the spring of 2007 with anticipated completion by November 15, 2007.

Assessments may be paid by property owners in five (5) equal annual installments with interest accrual on the unpaid balance, or the assessment may be paid without interest in whole or in part within 30 days from the date when the ordinance levying the assessment becomes effective.

BUDGET RELATED FACTS:

Funding sources are allocated from the Salt Lake City CIP budget and property owner assessments through the SID as follows:

Property owners:	\$ 778,130
Salt Lake City Funds:	<u>\$ 538,732</u>
Total	\$1,316,862

Following Council's approval of the attached resolution, estimated costs, a copy of the Notice of Intention, and a letter was sent to property owners living within the boundary areas of the proposed SID notifying property owners that the City is considering a proposed sidewalk replacement project that includes their properties. All residential property owners are informed that the cost to replace defective concrete will be shared 50/50 by the City plus administrative costs, and other expenses described hereafter; however, commercial properties pay the full cost of the replacement.

In conjunction with the concrete replacement, property owners are also informed that new sidewalk access ramps for ADA accessibility will be installed at all street corners, costs paid by the City. Costs associated with defective driveway approaches into alley ways are also paid by the City. Also, property owners will be made aware that the City will use a horizontal saw

cutting contractor to remove the vertical displacements of up to one inch in sidewalk sections at no cost to the property owner thus reducing property owner costs and eliminating hazardous situations. Saw cutting of the vertically displaced section could either take place before or after the work of replacing the designated sidewalk sections is completed. For areas identified for saw cutting, property owners are given the option to express preference to have sidewalk area replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the full cost of the sidewalk removal and replacement.

Areas identified by the City exceeding the one inch of sidewalk vertical displacement that do not warrant horizontal saw cutting or that are badly broken and deteriorated will be replaced as part of the SID.

To ensure that the assessments are equitable to the property owners involved in the District, an exception is given to corner lot properties. The sidewalk replacement costs associated with the first 75 feet along a non-address side of a property is excluded from the property owner's assessment cost.

Property owners are provided the option to have sidewalks replaced that have not been determined to be defective by the office of the City Engineer, driveway aprons, asphalt tie-ins, additional curb and gutter work performed in conjunction with the proposed SID improvements, with the property owner being responsible for optional replacement costs.

If a property owner does not wish to participate in the proposed SID or is on a limited income, there are three options:

- The property owner and the City execute a "Defective Concrete Agreement" that requires approval by the City Engineer. The agreement will permit the property owner to seek another manner in which to replace the concrete rather than participate in the SID. A property owner must identify the manner in which the defective concrete will be replaced and provide a timeline as to when replacements will occur. If failure on the part of the property owner to complete the work on time occurs, the agreement becomes null and void. This results in the property being added back to the District or a future district. The District will make the replacements and assess the property owner for the cost of improvements. If a property owner chooses to find another manner in which to complete the concrete replacement, the owner must comply with City standard plans and specifications and a no fee permit to work in the public way is required.
- Property owners also have the opportunity to file a written protest on or before 5:00 p.m. on the 3rd of April 2007 or to attend the protest hearing on Tuesday, April 3, 2007 at 7:00 p.m. in the City Council Chambers; however, in order for the District not to be created, the necessary number of protests must represent more than one-half of the footage to be assessed within the District.
- If an assessed property owner within the District has a "combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its 'Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA,'" the property owner may be eligible for low income deferment. The property owner must be residential and owner occupied to be eligible for low income deferment, and an owner must submit an application with the City. The deferment agreements are reviewed on an annual basis.

KEY DATES:

An informal public meeting was scheduled for March 28, 2007 for the Administration to review the proposed SID with interested abutting property owners. The meeting was held at the Forest Dale Golf Course, 2375 South 900 East from 3:00 to 6:00 p.m.

Written protests against the proposed improvements, assessments or against the creation of the District must be presented and filed in the Office of the City Recorder on or before 5:00 p.m. on Tuesday, April 3, 2007, followed by a Council protest hearing on April 3 at 7:00 p.m.

Upcoming action before the Council will include:

- Resolution creating the Special Improvement District and resolution accepting a bid for construction work.
- Resolution appointing a Board of Equalization and setting the date for the Board of Equalization hearing.
- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

CC: Cindy Gust-Jenson, Sam Guevara, Lyn Creswell, Rick Graham, Gary Mumford, Dan Mulé, Max Peterson, Diana Karrenberg, Sylvia Richards, Janne Nielson, Gwen Springmeyer, John Naser, Boyd Ferguson, Karen Carruthers, Susan Finlayson, and Garth Limburg

INFORMATION SHEET
SIDEWALK REPLACEMENT
SPECIAL IMPROVEMENT DISTRICT, 2005/2006, 2006/2007 FY
JOB NO. 102136

DESCRIPTION OF IMPROVEMENTS:

The Sidewalk Replacement Special Improvement District, 2005/2006, 2006/2007 FY, Job No. 102136 involves the installation of concrete sidewalks, and at the property owner's option driveways, curb and gutter. The District is bounded by south side of 1300 South to the north side of 1700 South and the east side of 700 East and to the east side of 1100 East and the south side of 1700 South to the north side of 2100 South on 900 East and 1100 East. (See attached map.)

TOTAL ESTIMATED COSTS

• Property Owner's Portion of Costs	\$ 778,130.00
• City's Portion of Costs	\$ 538,732.00
 Total Estimated Project Cost	 \$1,316,862.00

SCHEDULE

Construction of the project is scheduled to start in the spring of 2007 with completion by November 15, 2007. The construction will be phased so disruption and inconvenience to property owners and pedestrians will be minimal.

**SIDEWALK REPLACEMENT S.I.D.
2005 - 2006 and 2006 - 2007
Job Number 102136**

