

**CITY OF CEDAR RAPIDS, IOWA  
NEW SIDEWALK CONSTRUCTION  
SPECIAL ASSESSMENT POLICY  
MARCH 2017**

1. When construction of NEW SIDEWALK is mandated by the City of Cedar Rapids City Council, it shall be constructed by the City of Cedar Rapids and special assessed according to the policy herein.
2. POLICY DEFINITIONS:
  - A. CITY: The City of Cedar Rapids, Iowa.
  - B. CONCRETE SIDEWALK AND PETITION AND ASSESSMENT AGREEMENT: An agreement document to be signed by a property owner and submitted to the CITY where a property owner petitions the CITY to construct concrete sidewalk improvements to benefit the owner's property described in the agreement, and agreeing to be assessed by the CITY for costs to construct the sidewalk improvements in accordance with the Code of Iowa and CITY assessment policy and procedures.
  - C. DRIVEWAY APRON: A paved entrance road or drive between the public or private street and the private property line.
  - D. NEW SIDEWALK: Construction of new, paved walkway improvements, excluding ADA compliant sidewalk ramps along and/or connected to a public or private street or driveway where sidewalk did not exist previously and adjoining a property frontage. Existing sidewalk repair and relocation are not considered new sidewalk. Non-compliant sidewalk constructed privately, per paragraph 3 below, shall not be considered existing sidewalk.
  - E. PRIVATE STREET: A privately owned and maintained roadway established by final platting or otherwise established as approved by the City of Cedar Rapids, providing frontage for a parcel(s) of property as set forth in the City Zoning regulations.
  - F. PARCEL (LOT): For the purposes of this assessment policy, a parcel or lot is defined as that property as shown on a plat at the time of final platting. Lots owned by the same owner may be consolidated into a single lot for the basis of assessment calculations herein. "Lot" means a parcel of land under one ownership, including improvements, against which a separate assessment is made. Two or more contiguous parcels under common ownership may be treated as one lot for purposes of this division if the parcels bear common improvements, or if the Council finds that the parcels have been assembled into a single unit for the purpose of use or development.
  - G. PUBLIC STREET: A roadway owned and maintained by the City of Cedar Rapids, providing frontage for a parcel(s) of property as set forth in the City Zoning regulations.
  - H. RESIDENTIAL PROPERTY USES: R1, R2 AND R3 zoning as defined by the Cedar Rapids zoning ordinance.

- I. RESOLUTION OF NECESSITY: A resolution passed by the City Council as part of a special assessment process required by the Code of Iowa. The resolution shall include a brief description of the proposed public improvement, a statement that there is on file in the office of the City Clerk an estimated total cost of the work, and a preliminary plat and schedule showing the amount proposed to be assessed to each lot for the improvement, and the date, time, and place the City Council will hear property owners subject to the assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the district. The resolution may contain other matters allowed by law and necessary for the project.
  - J. SIDEWALK ASSESSMENT DISTRICT: The lots or parts of lots within boundaries established by the City Council for the purpose of the assessment of the cost of a NEW SIDEWALK public improvement. A district shall include all private properties and public and private right-of-way required to have adjoining sidewalk constructed as part of a particular project.
  - K. TOTAL SIDEWALK COST: The total cost of a NEW SIDEWALK public improvement including the cost of engineering, design, surveying, preliminary reports, property valuations, estimates, plans, specifications, notices, legal services, acquisition of land and other property rights, consequential damages or costs, easements, rights-of-way, all other related construction costs, construction and assessment administration, repair, supervision, inspection, testing, notices and publication, interest during construction and for not more than six months thereafter, and printing and sale of bonds, associated with planning and construction of a NEW SIDEWALK installation project within a SIDEWALK ASSESSMENT DISTRICT, unless specifically excluded by this policy.
3. Voluntary Sidewalk construction by Adjoining Property Owner:
- A. After the City Council has determined that a NEW SIDEWALK shall be constructed, an owner of property within a SIDEWALK ASSESSMENT DISTRICT may request to construct the sidewalk adjoining his/her property, in lieu of a special assessment. The Public Works Director/City Engineer, or designee, shall review the request, and the complexity of the construction relative to other sidewalk construction within the SIDEWALK ASSESSMENT DISTRICT, and shall either grant or deny the request. If the request is granted, the CITY will provide the design plans at no cost to the adjoining property owner(s). A condition of any request that is granted is that the property owner(s) shall ensure, to the CITY'S satisfaction, that the sidewalk will be constructed in accordance with CITY permitting, contractor bonding and licensing, construction standards and requirements, sidewalk design plan(s), inspection notification requirements, and timelines set forth by the Public Works Director/City Engineer, or designee.
  - B. A further condition of any request by an owner to construct the sidewalk will be that if sidewalk construction by adjoining private property owner does not comply with CITY requirements, the CITY may remove the non-compliant sidewalk, replace it, and assess its replacement in accordance with CITY policy.
  - C. Although a private property owner may construct sidewalk adjoining their property, the CITY will not remove the assessment obligation against the property until the entire sidewalk in the SIDEWALK ASSESSMENT DISTRICT is constructed.

4. Sidewalk planned by and/or construction administered and paid for by the CITY:
  - A. For NEW SIDEWALK to be constructed by the CITY, the property owner shall pay for 100% of the TOTAL SIDEWALK COST adjoining his/her parcel (lot):
    - i. If a CONCRETE SIDEWALK PETITION AND ASSESSMENT AGREEMENT has been signed by the current or prior property owner. However,
    - ii. If a CONCRETE SIDEWALK PETITION AND ASSESSMENT AGREEMENT has not been submitted, but the subject adjoining property is zoned residential R1, R2, or R3, the CITY shall construct and pay for the TOTAL SIDEWALK COST. The property owner shall assume the responsibility for the maintenance and repair of the NEW SIDEWALK.
    - iii. If a CONCRETE SIDEWALK PETITION AND ASSESSMENT AGREEMENT has not been submitted, but the subject adjoining property is zoned something other than R1, R2, or R3, the CITY and property owner will each pay for 50% the TOTAL SIDEWALK COST required to construct. The property owner shall assume the responsibility for the maintenance and repair of the NEW SIDEWALK.
  - B. The cost of the following items shall be excluded from the TOTAL SIDEWALK COSTS to be assessed in residential R1, R2, and R3 zoning districts.
    - i. Retaining walls and truncated domes on curb ramps.
    - ii. Incremental costs to construct sidewalks that are wider than 5 feet. For example, if a sidewalk is built 8 feet wide, the adjacent property owner will only be specially assessed for the TOTAL SIDEWALK COST as though it were only 5 feet wide.
  - C. The costs of the following items will be specially assessed to the benefited property.
    - i. The total cost of driveway apron paving on public right-of-way and private property, when the driveway apron wasn't paved with either asphalt or concrete prior to the subject NEW SIDEWALK project,
    - ii. Sidewalk paving for sidewalks for all areas except lots that are zoned residential R1, R2, or R3 (addressed in Item 4.B above), or special areas excepted in Item 4.C (iii) below. The benefited property will be specially assessed for up to 6 feet of width of the NEW SIDEWALK. For example, if a sidewalk is built 8 feet wide, the adjacent property owner will be specially assessed for the TOTAL SIDEWALK COST as though it were only 6 feet wide.
    - iii. Sidewalk paving for sidewalks that are in downtown core areas, educational campuses, or special districts in the CITY that generate or attract pedestrians as determined by the Public Works Director/City Engineer, or designee. The benefited property will be specially assessed for up to 8 feet of width of the NEW SIDEWALK. For example, if a sidewalk is built 10 feet wide, the

adjacent property owner will be specially assessed for the TOTAL SIDEWALK COST as though it were only 8 feet wide.

## 5. Grants

- A. Should the CITY receive any outside grant funds for any of the costs associated with the NEW SIDEWALK, the grant funds shall be credited in the following order. Grant funds will not be credited to a lower category until the category above it is fully funded by the grant funds:
- i. CITY'S cost of NEW SIDEWALK on adjoining cross street right-of-way or CITY-owned property.
  - ii. CITY'S matching cost on NEW SIDEWALK adjoining private property.
  - iii. Adjoining property owner cost responsibility per this policy.

## 6. Installments

- A. The number of annual installments specified in the City Council resolution adopting the final assessment shall be 10.

## 7. Interest Rate

- A. If the special assessment is not paid in full at the time of final assessment, within the prescribed time frame set forth in the Code of Iowa, interest payments will be added to the installments described in Item 6 with the interest rate to be the maximum allowed by the Public Funds Rate set by the Treasurer of the State of Iowa, at the time of the final assessments. Current rates may be found at [https://www.iowatreasurer.gov/for\\_businesses/public\\_funds\\_rates/](https://www.iowatreasurer.gov/for_businesses/public_funds_rates/) (or search for "Treasurer State of Iowa Public Funds Rate"). Refer to the maximum rate for "Special Assessments."

## 8. Financial Assistance

- A. Assistance for the cost associated with the NEW SIDEWALK assessment shall be available through CITY project funds for an owner-occupied single family residential property zoned R-1, R-2, R-3, R-T and R-TN meeting the low and moderate income guidelines. Guidelines for financial assistance are based on the number of individuals in the household and gross income.
- B. For qualifying property owners, the City will assist based on a graduated scale, ranging from assistance of 50% to 90%. Property owner must meet the conditions of this policy and request financial assistance in writing to be eligible.
- C. Household Income limits are based on the Community Development Block Grant (CDBG)/ HOME Investment and Partnerships (HOME) Programs limits issued annually by the U.S. Department of Housing and Urban Development (HUD). Please visit the following website to determine this year's income limits: [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/affordableh](https://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/affordableh)

[ousing/programs/home/](#) (or search for “US Dept Housing Urban Development Income Limits”).

D. **To qualify for financial assistance, please write a letter to the City Clerk requesting financial assistance within thirty (30) days of the public hearing for the Preliminary Assessment. Property owners will receive a notification of this public hearing via land mail. The City Clerk may be reached at:**

Office of the City Clerk  
 101 First Street SE – 1<sup>st</sup> Floor  
 Cedar Rapids, IA 52401

Table 1 – 2016 Incomes\*

FY 2016 Income Limit Area	FY 2016 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Cedar Rapids	Extremely Low, (30%) Income Limits	\$16,000	\$18,300	\$20,600	<b>\$22,850</b>	\$24,700	\$26,550	\$28,350	\$30,300
	Very Low (50%) Income Limits	26,700	\$30,500	\$34,300	<b>\$38,100</b>	\$41,150	\$44,200	\$47,250	\$50,300
	Low (80%) Income Limits	\$42,700	\$48,800	\$54,900	<b>\$60,950</b>	\$65,950	\$70,750	\$75,600	\$80,000

\* These rates are for 2016 and are for illustration only. Please refer to the US Department of Housing and Urban Development for current income limits.

Table 2

FAMILY SIZE 1-8+	EXTREMELY LOW GROSS HOUSEHOLD INCOME 0 – 30%	VERY LOW GROSS HOUSEHOLD INCOME 30.01% - 50.00%	LOW GROSS HOUSEHOLD INCOME 50.01% - 100.00%
Assistance for all Amounts	90% No Maximum	75% No Maximum	50% \$2,000 Max reimbursement

Example: A family of one (1) to eight (8) or more members with median gross household income ranging from above thirty (30) percent to fifty (50) percent of the applicable Federal Median Family Income Limits are eligible for a final assessment reduction of up to seventy-five percent (75%) for NEW SIDEWALK costs associated with their property. A 4-person family making \$35,800 would then be responsible for \$750 of a \$3000 NEW SIDEWALK assessment cost according to 2016 income limits.

END OF POLICY