

**CITY OF CEDAR RAPIDS, IOWA  
NEW SIDEWALK CONSTRUCTION  
SPECIAL ASSESSMENT POLICY  
JULY 2014**

1. The installation of Portland cement concrete sidewalks is required along the frontages of public and private streets. When construction of the 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 state code 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 paved walkway improvements, including ADA compliant sidewalk ramps (and all other related construction items) 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 time of final platting. As assessments go with the land and not the owner(s), lots, which have been consolidated or have the same owner(s) shall be treated as individual lots for the basis of assessment calculations herein.
  
  - 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: Part of a series of assessment resolutions required by Iowa Code, which must be passed by City Council before a special assessment project can proceed and be levied.
  - J. SIDEWALK ASSESSMENT DISTRICT: 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: Design, surveying, property right(s) acquisition, construction of sidewalk, driveway, curb ramps, truncated domes, and all other related construction costs, construction administration, assessment administration associated with planning and construction of CITY sidewalk installation project within a sidewalk assessment district, unless specifically excluded by this policy.
  - L. TRUNCATED DOMES: A preformed panel embedded into concrete sidewalk ramps to assist visually impaired persons perceive the end of the sidewalk and the beginning of the street crossing. The domes are of specific dimensions and pattern specified in the Americans with Disabilities Act (ADA) and are required at all sidewalk ramps.
3. Voluntary Sidewalk construction by Adjoining Property Owner:
- A. After the City Council has mandated the sidewalk construction, 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). The property owner(s) shall ensure the sidewalk is 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. Should the sidewalk construction comply with City requirements and the adjoining property does not have a CONCRETE SIDEWALK PETITION AND ASSESSMENT AGREEMENT of record signed by the current or previous property owner, the owners of property with a R1, R2 or R3 zoning will be reimbursed 25% of reasonable costs incurred for new sidewalk construction. Driveway apron replacement associated with sidewalk construction will also be reimbursed at 25% of incurred and reasonable cost in the R1, R2 and R3 zoning districts, if the construction is deemed precipitated by the new sidewalk construction, as determined by the Public Works Director/City Engineer. Reasonable costs and necessity of driveway apron construction will be determined by the Public Works Director/City Engineer, or designee.
  - C. If sidewalk construction by adjoining private property owner either directly or indirectly does not comply with CITY requirements, the CITY may remove the non-compliant sidewalk and assess its replacement in accordance with CITY policy.

D. Although a private property owner may construct sidewalk adjoining their property, the CITY will not be responsible to remove the assessment obligation against the property until the entire sidewalk in the assessment district is constructed.

4. Sidewalk planned by and/or construction administered and paid for by the CITY:

A. Property owner pays for the percentage of the TOTAL SIDEWALK COST adjoining his/her parcel (lot), based upon the sidewalk length constructed adjoining the respective property frontage versus all the NEW SIDEWALK proposed in the SIDEWALK ASSESSMENT DISTRICT.

B. The property owner's share in paragraph 4.A above shall be adjusted by multiplying with the adjustment factor listed below to reflect a CITY grant to the property owner to subsidize the special assessment share responsibility described in paragraph 4.A.:

- i. If a CONCRETE SIDEWALK PETITION AND ASSESSMENT AGREEMENT has been signed by the current or prior property owner – Adjustment Factor = 100%
- ii. If a CONCRETE SIDEWALK PETITION AND ASSESSMENT AGREEMENT does not exist for the subject adjoining property, which is zoned residential R1, R2, or R3, the following table shall apply:

<u>Length of Total New Sidewalk Construction Per Parcel (Lot) Regardless of # of property frontages installed</u>	<u>Adjustment Factor</u>
0 -100.00 feet	50.0%
100.01 -110.00 feet	48.5%
110.01 – 120.00 feet	47.0%
120.01 – 130.00 feet	45.5%
130.01 – 140.00 feet	44.0%
140.01 – 150.00 feet	42.5%
150.01 – 160.00 feet	41.0%
160.01 – 170.00 feet	39.5%
170.01 – 180.00 feet	38.0%
180.01 – 190.00 feet	36.5%
190.01 – 200.00 feet	35.0%
Over 200.00 feet	33.5%

- iii. If a CONCRETE SIDEWALK PETITION AND ASSESSMENT AGREEMENT has not been filed of record for the subject adjoining property, for all zonings other than residential R1, R2, R3 – Adjustment factor = 75%
- iv. The subsidy adjustment factors of paragraphs 4.B.ii and 4.B.iii will not apply if adjoining property owner does not grant permission in the form of a temporary construction easement on property owner's property at no cost to the CITY to facilitate construction of the new sidewalk in the public right-of-way adjoining their property. In this case, the adjustment factor will be 100%.
- v. The subsidy adjustment factors of paragraphs 4.B.ii and 4.B.iii will not apply if adjoining property owner does not remove any property or obstructions that

have been placed in the CITY right-of-way by the property owner or previous property owners that prohibit the CITY to facilitate construction of the new sidewalk in the public right-of-way adjoining their property. In this case or if the City's total sidewalk cost includes the removal of obstructions, the adjustment factor will be 100%.

C. The following additional cost adjustments will be excluded from the SIDEWALK ASSESSMENT DISTRICT assessable costs in Residential R1, R2, and R3 zoning uses.

- i. Retaining walls construction and truncated domes on curb ramps (unless a Petition and Assessment Agreement exists)
- ii. sidewalk paving costs wider than 5 foot

D. The following additional costs will be specially assessed to the benefited property.

- i. Driveway apron paving on public right-of-way and private property, when driveway apron wasn't paved with either asphalt or concrete prior to subject NEW SIDEWALK project, and assess said paving 100% to the property being served by the driveway.
- ii. Costs associated with the CITY's exercising eminent domain rights for right-of-way and/or easements necessary from the adjoining property for the NEW SIDEWALK construction, and assess up to 100% of project costs to the adjoining property from which the eminent domain property rights are acquired.
- iii. Sidewalk paving costs up to 6' for all areas except Residential R1, R2, or R3 zoning uses (addressed in Item C above), or special areas excepted in Item iv, below.
- iv. Sidewalk paving costs up to 8' for downtown core areas, educational campus', special districts in the City that generate or attract pedestrians.

E. Multiple Assessments:

- i. If a NEW SIDEWALK assessment occurs within 5 years of a prior new sidewalk assessment (measured from the date the City Council adopts a prior final new sidewalk assessment to the date with which the City Council adopts a RESOLUTION OF NECESSITY), the Residential Adjustment factor of paragraph 4.B.ii will apply for the subsequent NEW SIDEWALK assessment based upon the length of sidewalk constructed and assessed in prior project(s) added to the proposed subsequent NEW SIDEWALK length.
- ii. If a NEW SIDEWALK is constructed and assessed to the adjoining property, that property shall not be re-assessed for the same sidewalk section, if it is in good condition, for a period of 15 years from the date the City Council adopts the final assessment of the first project to the RESOLUTION OF NECESSITY of the subsequent project. This rule does not apply if the sidewalk section falls under the Sidewalk Repair Policy.

5. Grants

A. Should the CITY receive any outside grant funds for any of the costs associated with the NEW SIDEWALK, the grants money shall be assigned in the following order to pay for the responsible party's costs in full and will not move to the lower level until the category above it is fully funded by the grant:

- i. CITY cost of NEW SIDEWALK adjoining cross street right-of-way or CITY owned property.
- ii. City match 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 State Code, interest payments will be added to the installments described in paragraph 6 as specified below:

- i. The Interest rate will 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.

END OF POLICY