



**BUSINESS OF THE CITY COUNCIL
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 5o
For Meeting of 6/15/2020

TITLE: Resolution authorizing staff to move forward with mailing the Sidewalk Construction Order notice to CAB Properties LLC, property owner of 319 Washington Avenue SE.

ACTION: Resolution for vote

CONTACT PERSON: Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS:

Burke's Outsourcing & Returns at 319 Washington Avenue SE was constructed in 2007 without installation of public sidewalk areas in the area north of their driveway up to their north property line. Below is an aerial image of this site.



Section 136.06 of the City Code authorizes City Council to order construction of sidewalks upon any street in Bondurant. Section 136.03 reads as follows:

136.06 SIDEWALK CONSTRUCTION ORDERED. “The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa”.

Enclosed is a draft letter staff has prepared and will mail if the enclosed resolution is approved by City Council. This is an initial notice only that provides the property owner with two options – either the City of Bondurant will cause to have


this sidewalk constructed, or the property owner will cause to have the sidewalk constructed in accordance with the City of Bondurant's sidewalk specifications. This letter notes the purpose of this Sidewalk Construction Order – to help facilitate pedestrian traffic within this neighborhood since construction of this sidewalk area will create a logical connection.

Construction of this sidewalk area appears to be consistent with Objective 4.15 of the Comprehensive Plan, which reads: Connect office and industrial districts to neighborhoods and retail service nodes by trails and sidewalks.

This topic is being brought to Council for consider since Section 136.06 of the Code specifically references that it is City Council's authority to order sidewalks to be constructed.

ALTERNATIVES:

The option exists to not approve the resolution or table pending additional feedback.

<input checked="" type="checkbox"/> Resolution _____ Ordinance ____ Contract _____ Other (Specify) _____
Funding Source _____ N/A _____
APPROVED FOR SUBMITTAL _____  City Administrator

STAFF RECOMMENDATION:

Subject to further comments received, staff recommends approval of the enclosed resolution. This sidewalk topic has previously been discussed with the owner in years past. The Planning & Zoning Commission inquired about this lack of sidewalk in the area most recently during their May 28th, 2020 meeting.

Draft Notice to Owner

CAB Properties, LLC
2505 NE 80th Street
Altoona, IA 50009

Case: 2020-5

The Bondurant City Council hereby orders that public sidewalks shall be constructed within the public right-of-way north of the existing driveway all of the way north to the north property line adjacent to property you own at **319 Washington Avenue SE, Bondurant, IA 50035**. This Sidewalk Construction Order is authorized by **Section 136.06 of the City Code**. This Sidewalk Construction Order has been issued to help facilitate pedestrian movement along Washington Avenue SE, as construction of this required sidewalk area will create a logical connection both north and south. Below please find **Section 136.06** in its entirety:

136.06 SIDEWALK CONSTRUCTION ORDERED. “The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa”.

Within **14 days receipt of this Notice**, a written plan shall be submitted by you, as the property owner, to the City of Bondurant detailing which of the following two options you will be pursuing for adherence to this Sidewalk Construction Order. Your written plan may either be mailed to City Hall at 200 2nd Street NE, Box 37, Bondurant, IA 50035 or emailed to planning@cityofbondurant.com. The following options for **your written plan include:**

1. **Option 1** – The City of Bondurant causes to have this required public sidewalk area constructed and all costs associated with this sidewalk construction will be assessed back to you, as the property owner, as authorized by 136.06 of the City Code. If this option is pursued, the City of Bondurant estimates the total cost for construction and assessment of a 5'-wide sidewalk to be approximately \$9,000. It should be understood that this is a preliminary cost estimate only and the actual cost assessed is subject to change based on the actual cost to construct.
2. **Option 2** – You, as the property owner, will cause to have this required public sidewalk area constructed. If pursuing this option, a timeline for when you anticipate the required public sidewalks will be constructed shall be included as part of your written plan. If pursuing this option, the following City Code requirements shall be met:
 - a. As required by Section 136.07 of the Code, a **Right-of-Way Permit** is shall be obtained prior to public sidewalk installation. For questions on this permit, please contact John Horton, Public Works Director, at jhorton@cityofbondurant.com.
 - b. The sidewalks will need to be constructed in conformance with the specifications listed in **Section 136.08 of the City Code**. The required sidewalk area will need to be need to be 5'-wide.

If no plan in writing is received within 14 days receipt of this Notice, the City will begin the process for moving forward with Option 1.

Please contact me if you have questions or if wish to discuss this matter further. I can be reached at (515) 630-6985 or planning@cityofbondurant.com. Thank you, in advance, for your anticipated cooperation.

Respectfully,



Maggie Murray, AICP
Planning & Community Development Director
(515) 630-6985
planning@cityofbondurant.com

CITY OF BONDURANT
RESOLUTION NO. 200615-176

RESOLUTION AUTHORIZING STAFF TO MOVE FORWARD WITH MAILING THE SIDEWALK CONSTRUCTION ORDER LETTER TO CAB PROPERTIES LLC, PROPERTY OWNER AT 319 WASHINGTON AVENUE SE

WHEREAS, the property at 319 Washington Avenue SE, owned by CAB Properties LLC, currently lacks a sidewalk north of their driveway up north to their north property line; AND

WHEREAS, Section 136.06 of the City Code reads as follows: “The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa” ; AND

WHEREAS, Council authorizes staff to move forward with mailing a Sidewalk Construction Order notice to CAB Properties LLC; AND

WHEREAS, the purpose for this Sidewalk Construction Order is to help facilitate pedestrian traffic and to help create a logical connection in areas both north and south of this area missing public sidewalk; AND

WHEREAS, Construction of this sidewalk area appears to be consistent with Objective 4.15 of the Comprehensive Plan, which reads: Connect office and industrial districts to neighborhoods and retail service nodes by trails and sidewalks.

WHEREAS, if after 14 days receipt of this Sidewalk Construction Order no response is provided by the owner as noted in the letter, Council authorizes staff to move forward with beginning the process for having this sidewalk area constructed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Bondurant, Iowa, that this resolution is hereby approved.

Passed this 15th day of June, 2020,

By: _____
Curt Sullivan, Mayor

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the City Council held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year above written.

Shelby Hagan, City Clerk

Council Action	Ayes	Nays	Abstain	Absent
Cox				
Peffer				
Enos				
McKenzie				
Elrod				