



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: December 7, 2015

Re: Authorizing the Issuance of a Special Tax Bill for the Broadway Sidewalk Reconstruction Project

## Executive Summary

The Broadway Sidewalk reconstruction project, from Eighth Street to Ninth Street, was completed in 2011, and public hearings were held December 5, 2011 and January 3, 2012 concerning special assessments against properties benefited by and abutting the constructed sidewalk improvements. Since this project was located within the downtown central business district, it was eligible for a 50/50 cost share with the City, per the Sidewalk Maintenance and Construction policy.

At the January 3, 2012 Council meeting, Council Bill 329-11 accepting and approving the work of the Broadway Sidewalk project, and levying special assessments and authorizing the issuance of special tax bills against the parcels benefited and abutting the improvements was amended to remove one parcel from the legislation due to issues to be worked out between the property owner, Arnold Fagan, and the City. It was determined that staff would come back to Council to impose the tax bill on Mr. Fagan's property once the issues were mutually resolved.

## Discussion

The Broadway Sidewalk project constructed during the summer of 2011 involved the reconstruction of sidewalk and installation of a water main along the south side of Broadway from Eighth Street to Ninth Street. The existing sidewalk along this corridor did not meet the downtown sidewalk standards due to excessive cross slope and deterioration of the surface at many locations. The project also included installation of electrical conduit for street lights, tree grates and decorative brick pavers. Two vaults under the sidewalk were filled and capped as well as two skylights. A new 12" water line, connecting the existing water lines under Eighth and Ninth Streets, was constructed by the Water & Light department.

On December 5, 2011, a public hearing was held and Council Bill 329-11 was proposed to accept the work on the project and levy special assessments and authorize the issuance of special tax bills against the parcels benefited and abutting the sidewalk improvements. Due to Mr. Fagan's claim that moisture in his basement was caused by the sidewalk reconstruction project, Council tabled the public hearing to January 3, 2012 to allow staff time to address this issue. An excerpt from the meeting minutes, proposed legislation, and supporting documentation from the December 5, 2011 Council meeting are attached.

On January 3, 2012, Council further discussed the issue concerning Mr. Fagan's claim of moisture in his basement and determined that since it was not known whether the moisture



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was an issue before or after the sidewalk was installed, that the legislation be amended to remove the portion of the tax bill associated with Mr. Fagan's property. The City attorney further suggested that if there was a dispute between Mr. Fagan and the City, it would be best to resolve through a settlement agreement. If that couldn't be accomplished, a separate ordinance imposing the tax bill for Mr. Fagan's property could be brought forward in the future. A motion was made and passed removing parcel number 16-320-00-17-133.00.01 from the legislation, which had a special assessment of \$5,959.03. An excerpt from the January 3, 2012 Council meeting minutes and amended Council Bill 329-11A are attached.

To date, staff has been unsuccessful in resolving this issue with Mr. Fagan and his attorney. Staff recommends moving forward with Legal's earlier recommendation to treat the tax bill issue separately from a settlement agreement, and recommend Council pass the legislation to impose the tax bill on Mr. Fagan's property in the amount of \$5,959.03. Mr. Fagan has the option to pursue a settlement agreement with the City.

## Fiscal Impact

Short-Term Impact: The eligible cost for the sidewalk reconstruction was \$45,716.50. With the 50/50 cost share program, the property owners for the abutting properties were responsible for a total of \$22,858.25 in special assessments. Mr. Fagan's portion of this assessment is \$5,959.03.

Long-Term Impact: N/A

## Vision & Strategic Plan Impact

### Vision Impacts:

Primary Impact: Transportation, Secondary Impact: Community Facilities & Services, Tertiary Impact: Tertiary

### Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Public Safety, Tertiary Impact: Operational Excellence

### Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Livable & Sustainable Communities

## Legislative History

Date	Action
05/03/2010	R80-10 - Setting a public hearing for 6/07/10 for the construction of sidewalk and waterline improvements along the south side of



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	Broadway, from Eighth St to Ninth St.
11/07/2011	R186-11 - Setting a public hearing for 12/05/11 for special assessments against property specially benefited by and abutting the sidewalk improvements constructed along the south side of Broadway, from Eighth St to Ninth St.
12/05/2011	B329-11 – Public Hearing and accept the work on the Broadway Sidewalk reconstruction project and levy and assess special assessments for seven properties benefitting from this project (tabled until 01/03/2012)
01/03/2012	B329-11A – Public Hearing and accept the work on the Broadway Sidewalk reconstruction project and levy and assess special assessments for properties benefited from this project. Council Bill amended to remove parcel number 16-320-00-17-133.00.01 from the legislation.

## Suggested Council Action

Pass the ordinance to authorize the issuance of a special tax bill for Parcel 16-320-00-17-133.00.01, in the amount of \$5,959.03.