

COUNCIL ACTION FORM

SUBJECT: GRANT AVENUE PAVING PROJECT CORRECTED RESOLUTIONS

BACKGROUND:

On February 28, 2017, this matter came before Council for approval of the final steps in assessing the costs which the City fronted for paving the gravel portion of Grant Avenue (now Hyde Avenue) from Hyde Avenue north to West 190th Street.

Street construction costs were to be shared among developers and the City, and the Developer's portion of the costs were to be recovered through the special assessment process after the construction was done. The parties sharing these costs with the City are three developers: Rose Prairie, Quarry Estates, and the Hunziker companies (this developer has 2 separate companies in the assessment area). Pre-Annexation Agreements with each developer included a Special Assessment Contract and Waiver which was also executed by each of the respective developers. Pursuant to that contract, each developer agreed to waive, agree or consent to many of the specific components of the special assessment process found at *Iowa Code* Section 384, so only the final steps remained for the City Council to take.

The total final assessment cost of \$3,108,593.99 was to be divided as follows:

Rose Prairie	37%	\$1,150,179.77
Hunziker	23%	\$714,976.62
City	23%	\$714,976.62
Quarry Estates	<u>17%</u>	<u>\$528,460.98</u>
	100%	\$3,108,593.99

At the February 28th meeting, the final steps before applying the assessments to the property were taken, included the adoption of the Preliminary Resolution, the Resolution of Necessity, and the Resolution adopting the plat and final assessment schedule.

After the previous resolutions were adopted, it was determined that some of the land included in the earlier adopted Final Assessment schedule had been already been sold to third parties. This necessitated revision of the earlier adopted schedule so that only land remaining in ownership of the developers would be assessed.

The rescission of the earlier resolutions is appropriate so that new ones reflecting the correct parcels may be adopted.

ALTERNATIVES:

1. Rescind the earlier approved Preliminary Resolution, Resolution of Necessity, and the Resolution adopting the plat and final assessment schedule for this project, and adopt the new, corrected Preliminary Resolution, the Resolution of

Necessity, and Resolution adopting the plat and final assessment schedule and amending, confirming, and levying assessments for the Grant Avenue (now known as Hyde Avenue) Paving Project.

2. Direct staff to pursue modifications to the project.

CITY MANAGER'S RECOMMENDED ACTION:

In order for the City to recoup a portion of the funding for the Grant Avenue Paving Project from the developers who will directly benefit for this improvement, as was agreed to in previously approved pre-annexation agreements, six resolutions first must be approved. Therefore, it is the recommendation of the City Manager that the City Council support Alternative #1 and thereby rescind the earlier approved Preliminary Resolution, Resolution of Necessity, and the Resolution adopting the plat and final assessment schedule for this project, and adopt the new, corrected Preliminary Resolution, the Resolution of Necessity, and Resolution adopting the plat and final assessment schedule and amending, confirming, and levying assessments for the Grant Avenue (now known as Hyde Avenue) Paving Project.

**Grant Avenue Paving Assessment
Hyde Avenue to W 190th Street
Exhibit A**

	NAME AND ADDRESS	LEGAL DESCRIPTION	ASSESSMENT	PERCENT OF COST
1	ROSE PRAIRIE, LLC 1360 NW 121 ST. SUITE A CLIVE, IOWA 50325	ROSE PRAIRIE FINAL PLAT (AMES/GILB, AG) LOT :2 AMES ADDRESS: 5571 GRANT PARCEL ID: 05-21-200-150	\$1,150,179.77	37
2	HUNZIKER, ERBEN & MARGARET HUNZIKER APARTMENTS LLC 105 S 16 TH ST AMES, IA 50010-8009	COCHRANE FARM SD SECTION:21 TOWNSHIP:84 RANGE:24 OUTLOT A PARCEL ID: 05-21-400-004 AND COCHRANE FARM SD SECTION:21 TOWNSHIP:84 RANGE:24 OUTLOT B PARCEL ID: 05-21-400-006	\$578,198.48 \$43,520.32	19 1
3	HUNZIKER LAND DEVELOPMENT CO LLC 105 S 16 TH ST AMES, IA 50010-8094	HAYDEN'S CROSSING SD 1ST ADDITION OUTLOT A ADDRESS: 2108 AUDUBON DRIVE PARCEL ID: 05-22-160-003 AND HAYDEN'S CROSSING SD 1ST ADDITION OUTLOT B ADDRESS: 5416 HYDE AVENUE PARCEL ID: 05-22-150-003 AND HAYDEN'S CROSSING SD 2ND ADDITION OUTLOT A ADDRESS: 2223 LEOPOLD DRIVE PARCEL ID: 05-22-160-005	\$29,928.90 \$33,670.01 \$29,928.91	0.9 1.2 0.9
4	QUARRY ESTATES LLC 1799 ADA HAYDEN ROAD AMES, IA 50010	QUARRY ESTATES SUBDIVISION 1 ST ADDITION OUTLOT A. ADDRESS: 1412 ADA HAYDEN ROAD PARCEL ID: 05-22-205-001 AND	\$243,092.05	7.9

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		QUARRY ESTATES SUBDIVISION 1 ST ADDITION OUTLOT B. ADDRESS: 1516 LEDGES DRIVE PARCEL ID: 05-22-100-001	\$285,368.93	9.1
5	CITY OF AMES 515 CLARK AVE AMES, IA 50010-6135	PARCEL 'J' NW, SLIDE 112 PG 3, AMES, IOWA <u>ADDRESS:</u> 5300 HYDE AVE PARCEL ID: 05-22-100-340	\$466,289.10	15
6	CITY OF AMES 515 CLARK AVE AMES, IA 50010-6135	SECTION 22, TOWNSHIP 84 RANGE 24, NW, SW, AMES, IOWA <u>ADDRESS:</u> 5000 HYDE AVE PARCEL ID: 05-22-300-100	\$248,687.52	8
			\$3,108,593.99	100.0