

## **RESOLUTION 08-53**

### **A RESOLUTION CREATING A POLICY FOR ROADWAY IMPROVEMENTS DETERMINED TO BE DEVELOPMENT RELATED**

**WHEREAS**, the City of Johnston is a duly organized municipal corporation organized under the laws of the State of Iowa, and

**WHEREAS**, pursuant to Chapter 180 of the Johnston Revised Ordinances of 2007, a subdivider/property owner is responsible for improvements to roadways adjacent to the subdivided property that currently do not meet City standards; and

**WHEREAS**, pursuant to Chapter 180 of the Johnston Revised Ordinance of 2007, a subdivider/property owner may be required to make such improvements to roadways adjacent to the subdivided property at the time of development, if required by the City Council and if the roadway does not meet current City standards; and

**WHEREAS**, from time to time it may be desirous to the City and the subdivider/property owner to delay improvements to roadways adjacent to the subdivided property, provided the subdivider/property owner provides sufficient surety that the improvements will be made in the future; and

**WHEREAS**, at the time of approval of the Preliminary Plat for any property within the City of Johnston, the City and the subdivider/property owner of the subject property shall determine whether the subdivider/property owner will make improvements to the roadways adjacent to the subject property or provide other surety to ensure completion of the improvements at a later date; and

**WHEREAS**, if the City determines that the improvements to roadways adjacent to the subject property must be made, but that the improvements can be made at a later date; the following policy shall guide the City and subdivider/property owner in determining that adequate surety is provided to ensure completion of the improvements at a later date;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JOHNSTON, IOWA, that:**

The subdivider/property owner shall make a cash payment, provide a performance bond to ensure completion of the improvements at a later date, or provide a petition and waiver that allocates the total future assessment among the platted lots in the amounts, per lot, determined by the subdivider/property owner. The value of the cash payment or performance bond shall be based upon a lineal foot cost based upon the frontage of the subject property for the following improvements that are required for a normal collector roadway:

- Half the cost of a 7-inch thick, 31 foot wide, PCC pavement
- Half the cost of a 12 inch maximum diameter storm sewer and necessary appurtenances

- 4-inch thick – four foot wide sidewalk (only applicable if sidewalk not constructed with the development)
- Contingency, Default Deficiency, and Engineering – 25% of above noted items
- Any additional costs determined necessary because of the development of the subject property, including but not limited to traffic signals, turn lanes, drainage facilities, etc.

The City shall annually review the costs of the improvements noted above and determine a per lineal foot cost to make the necessary improvements, herein known as the “base amount.”

If the subdivider/property owner provides a cash payment for the base amount the City shall deposit those funds into an escrow account and use those funds to make the necessary improvements at a later date.

If the subdivider/property owner provides a performance bond, the bond base amount shall be increased by 3% per year from the date of the plat to the planned date of the improvements as noted in the Capital Improvement Program or for seven years whichever is less. If the subdivider/property owner provides a performance bond, at the time the City desires to make the necessary improvements, the subdivider/property owner shall make the necessary improvements to the roadway, make a cash payment in the amount of the bond or the City shall redeem the bond to collect the funds necessary to make the improvements.

If the subdivider/property owner provides a petition and waiver, the petition amount shall be increased for inflation, on a yearly basis, based upon the Engineering News Record’s construction cost index, until the time of the assessment. The petition and waiver shall include a maximum per lot assessment. Collection of said amounts shall be in accordance with Section 384.60 of the Code of Iowa. If the subdivider/property owner elects to provide a petition and waiver and the adjacent roadway project is scheduled, pursuant to the City’s current Capital Improvement Program, to commence within three years of the date of the final plat approval, the petition and waiver shall include language requiring the payment of the assessment for any lot in which the ownership is transferred from the developer to be paid at the time the lot transfers.

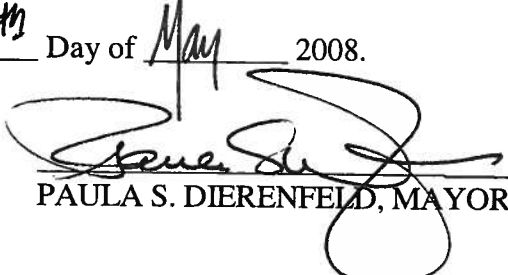
If the City fails to initiate improvements to the roadway within seven years of the City Council’s approval of the final plat for a subdivided property, the City shall return the cash payment in full with interest at the rate paid by the Iowa Public Agency Investment Trust (IPAIT) where the funds will be invested or release the bond, thereby releasing the subdivider/property owner of the responsibility of improving the roadway. If the subdivider/property owner provides a petition and waiver there shall be no responsibility on the City’s part to ensure completion of the improvement within seven years.

For properties which have frontage on two roadways that require improvements to meet City Standards, the subdivider/property owner shall be responsible only for

improvements to the roadway that the property has the most frontage on unless other improvements are deemed necessary to support the proposed subdivision.

For calendar year 2008, the lineal foot cost of a collector roadway as set forth in this policy shall be \$ 131.57 per lineal foot. This cost is for 1/2 of the total roadway cost as detailed above and shall be updated by Resolution annually.

PASSED AND APPROVED this 5<sup>th</sup> Day of May 2008.

  
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PAULA S. DIERENFELD, MAYOR

ATTEST:

  
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STEPHANIE L. REYNOLDS, CITY CLERK

<b>ROLL CALL VOTE:</b>	<b><u>Ave</u></b>	<b><u>Nav</u></b>
Clabaugh	✓	—
Culbert	✓	—
Kallen	✓	—
Hibbs	✓	—
Tingley	✓	—