

Engineering Division of the Public Works Department

To: Chairman Arnett and Commission Members

From: Andrew Beyer, P.E.

Date: May 8, 2025

Subject: Public Works Commission Meeting of May 13, 2025

Background

The prospective developer of 1013 S. Fifth Street is requesting access to the property via an unimproved gravel portion of the public right-of-way located in the 1000 block of S. Fifth Street. Approximately 110 linear feet of right-of-way would require improvement to meet City standards for public street access, including grading, pavement, curb and gutter, sewer & water improvements, and stormwater infrastructure.

The proposed development at 1013 S. Fifth Street has been reviewed by the Site Plan Review Committee and the Plan Commission, both of which recommended approval of the project conditional upon a determination regarding the required right-of-way improvement. The matter of project administration and funding responsibility for those improvements was also communicated to the subdivider prior to the proposed lot development.

Per the City's subdivision code, subdividers are generally responsible for constructing and dedicating public infrastructure, such as roadways, sidewalks, sanitary sewer, water main, drainage improvements, & curb and gutter, associated with new land divisions. Improvements must be substantially completed and accepted prior to the issuance of building permits. While the code provides some flexibility regarding how improvement costs are funded, right-of-way improvement construction costs have historically been borne by the subdivider or developer.

This request involves infill development rather than a conventional new subdivision. To date, staff is not aware of a project where the City has used public funds to construct roadway improvements in similar infill development scenarios. Allowing public funding in this instance may establish a precedent and shift future expectations regarding the City's role in providing access to private development sites through unimproved public right-of-way.

Given these considerations, staff is requesting direction from the Public Works Commission in two key areas:

1. Project Administration

Should the right-of-way improvement be administered and constructed by the City, or should the developer be required to complete utility and roadway construction independently?

2. Funding Responsibility

The estimated cost associated with design and construction of the unimproved right-of-way area is roughly \$110,000.

Enclosed:

- Site Map
- Chapter 545-4(C)(3)

Budget Goal

2. Proactively maintains and improves our parks and infrastructure to ensure safety, quality, and equity
4. Fosters community growth by assessing opportunities, stakeholder input, environmental needs, and modern code and policy priorities

Financial Impact

The estimated right-of-way improvement cost is roughly \$110,000 for design and construction.

Recommendation

City staff acknowledges that the request for access to 1013 S. Fifth Street via the unimproved public right-of-way presents a unique situation, as the development involves infill construction with site access proposed from a previously platted unimproved public right-of-way.

Staff recommends that the Public Works Commission provide direction on the following items:

1. Whether the right-of-way improvements should be administered and constructed by the City or the developer.
2. Whether the cost of the improvements should be publicly funded or privately funded.