



Request for City Council Committee Action From the Department of Public Works

Date: May 18, 2010

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Referral: Honorable Betsy Hodges, Chair Ways & Means Committee

Subject: **Marquette Ave (PV052) 2008 Adopted Budget Amendment; Right of Entry Agreement Authorization**

Recommendation:

1. Amending the 2008 capital appropriation (Resolution 2007R-645) for Marquette Ave (CPV052) to accommodate the abandonment of the conflicting areaway located at 527 Marquette Avenue by increasing the assessment bond amount by \$550,000. The amended capital appropriation increase and revenue budget increases would be as follows:
 - a. \$550,000 increase to Fund/Department/Project: 04100-9010937-CPV052 and revenue source Fund/Department/Revenue: 04100-9010937-3846
2. Amending the 2008 Bonding Resolution 2007R-647 for Marquette Ave (CPV052) to sell assessment bonds to fund the abandonment of the conflicting areaway located at 527 Marquette Ave. The amended resolution will increase the assessment bond amount by \$550,000. The amended resolution increases would be as follows:
 - a. \$550,000 increase to CPV052 Marquette Ave Double Width Transit Lanes.
3. Authorize the proper City officers to negotiate and enter into a Right of Entry Agreement with the property owners of 527 Marquette Avenue and 501 Marquette Avenue upon satisfactory review by the City Attorney.

Previous Directives:

- January 13, 2009 Transportation & Public Works Committee – Marquette and 2nd Ave Transit Project Phase II Construction Plan, including Streetscape, Receive and File
- April 4, 2008 – Passed Resolution designating areaway improvements
- April 4, 2008 – Set a public hearing to be held on May 20 to consider abandonment and removal of areaways in conflict with the project and directing staff to give notice in accordance with Section 95.90 of Minneapolis Code of Ordinances
- March 21, 2008 – Approved preliminary cross-section and layout
- December 21, 2007 – Authorized Public Works to proceed with the Marquette and Second Avenue Transit Project design work
- June 29, 2007 – Approved Downtown Action Plan

Prepared by: Christopher M. Engelmann, Project Engineer 673-3274

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Christopher M. Engelmann, Project Engineer, Department of Public Works, Transportation Planning and Engineering

Reviews

Permanent Review Committee (PRC):	Approval	NA	Date
Civil Rights Affirmative Action Plan	Approval	NA	Date
Policy Review Group (PRG):	Approval	NA	Date

Financial Impact

Action requires an appropriation increase to the Capital Budget

Community Impact

Neighborhood Notification: Not Applicable

City Goals: A SAFE PLACE TO CALL HOME: the city's infrastructure will be well-maintained; people will feel safe in the city.

Comprehensive Plan: Not Applicable

Zoning Code: Not Applicable

Background/Supporting Information

The purpose of this letter is to increase the project budgets to ensure we have sufficient assessment bond amounts to cover the cost of the abandonment of the areaways. Once the areaway abandonment work is completed, a public hearing will be held to assess the final project costs to the property.

The Downtown Action Plan, which was approved by City Council on June 29, 2007, includes reconstruction of Marquette and 2nd Avenues to incorporate two transit lanes on each street. The plan also calls for wider sidewalks and additional transit passenger waiting facilities.

A public hearing regarding areaways was held on May 20, 2008, with the corresponding resolution 2008R-222 ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the 2nd Ave S and Marquette Ave Transit Project (Transit Projects) areas.

During the development of the design, multiple properties with areaways were evaluated and identified as conflicting with the Transit Project. In accordance with City of Minneapolis Ordinance 95.90, the 527 Marquette was alerted to the conflicts and ordered to bring the areaway into compliance. The property representatives were non-responsive to the City of Minneapolis' order to manage the areaway abandonment; therefore, the City of Minneapolis initiated the abandonment process with the costs to be assessed to the property.

A Right of Entry Agreement is necessary to access the private property to complete the abandonment of the areaways at 527 Marquette Avenue and 501 Marquette Avenue. The areaways can only be access through private property. Also, portions of the construction including the foundation work and relocation of existing building HVAC systems require access to the building to complete.

Cc: Jack Qvale, Board of Estimate and Taxation
Bill Schroeder, Finance
Craig Troutman, Finance

Robin Hennessy, Assistant City Attorney
Council Member Lisa Goodman, Ward 7
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