



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

**Date:** May 20, 2008

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

**Subject:** **Areaway Abandonment & Removal Public Hearing for 2<sup>nd</sup> Avenue South, Project No 6739 and Marquette Avenue, Project No 6740, Transit Project**

**Recommendation:**

Passage of a Resolution ordering the City Engineer to abandon and remove the areaways located in the public right-of-way that are in conflict with the Marquette Avenue and 2<sup>nd</sup> Avenue South Transit Project.

This Resolution may be authorized for summary publication.

**Previous Directives:**

- May 16, 2008 - Direct the City Engineer to proceed with a formal request for a variance from State Aid Rules in order to allow the City of Minneapolis to let bids prior to receiving final State Aid approval on the Marquette and 2nd Avenue Transit Project
- May 2, 2008 - Authorize negotiation and approval of a Subrecipient Agreement with the Metropolitan Council, the designated recipient of the Urban Partnership Agreement FTA funds
- April 4, 2008 – Authorized Public Works to negotiate with private property owners to acquire and execute easements
- April 4, 2008 – Passed Resolution designating areaway improvements (Resolution 2008R-132)
- 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
- April 4, 2008 – Accepted URS proposal for design and construction administration services
- March 21, 2008 – Approved preliminary cross-section and layout
- December 21, 2007 – Authorized negotiation and execution of a Subrecipient application with the Metropolitan Council, the designated recipient of the Urban Partnership Agreement FTA funds
- December 21, 2007 – Authorized Public Works to proceed with the Marquette and Second Avenue Transit Project design work
- December 21, 2007 – Authorized development and issuance of a Request for Proposal (RFP) for a consultant to assist with design and construction management services in support of the Marquette and Second Avenue Transit Project
- June 29, 2007 – Approved Downtown Action Plan

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 Don Elwood, P.E. Director, Transportation Planning & Engineering

**Approved by:**

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

**Presenters:** Bill Fellows, P.E. Project Manager

**Reviews**

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

**Financial Impact** (Check those that apply)

- No financial impact - or - Action is within current department budget (If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Business Plan:  Action is within the plan.  Action requires a change to plan.
- Other financial impact (Explain): Special Assessments
- Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

**Community Impact**

**Neighborhood Notification:** Public hearing notices sent out 2 weeks prior to public hearing.

**Neighborhood Meetings:** Meetings have been held with property owners and other downtown stakeholders.

**City Goals:** The City's infrastructure will be well-maintained; streets will be destinations, connected network of transportation options.

**Comprehensive Plan:** Consistent

**Zoning Code:** Not Applicable

**Background/Supporting Information:**

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

On April 4, 2008, City Council designated the streets and areaway improvements or abandonment proposed to be made in the 2<sup>nd</sup> Av S and Marquette Av area. The location of the areaway abandonment is in the Marquette and 2<sup>nd</sup> Avenue corridors between 1<sup>st</sup> Street and 12<sup>th</sup> Street.

### Abandonment and Removal of Conflicting Areaways

Section 95.90 of the Minneapolis Code of Ordinances provides a procedure for dealing with areaway encroachments that would interfere with public improvements being made in the public right-of-way such as street construction, streetscape or street lighting projects. Before the City may abandon and remove conflicting areaways (upon failure of the abutting property owner to resolve or agree to resolve the conflict) and then later assess the costs, a public hearing must be held. In an effort to minimize delays and potential delay related costs to the project that conflicting areaways may pose, notices were given by the City Engineer that provided the initial notice required in Section 95.90 of the Minneapolis Code of Ordinances. Public Hearing notices were mailed to property owners/managers 2 weeks prior to this public hearing.

Cc: Council Member Lisa Goodman

**T&PW** – Your Committee recommends passage and summary publication of the accompanying Resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the 2<sup>nd</sup> Av S and Marquette Av Transit Projects, Special Improvement of Existing Street Nos. 6739 and 6740.

**Colvin Roy**

**Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the 2<sup>nd</sup> Av S and Marquette Av Transit Project areas.**

Whereas, the City of Minneapolis has scheduled the transit project improvements during the next few years commencing in 2008 in the 2<sup>nd</sup> Av S and Marquette Av S area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said transit project reconstruction; and

Whereas, a public hearing was held on May 20, 2008 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now, Therefore, Be It Resolved by the City Council of The City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along 2<sup>nd</sup> Av S and Marquette Av (both sides) from 1<sup>st</sup> St S to 12<sup>th</sup> St S.