



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

<input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> P&F COMMITTEE <input type="checkbox"/> SPW COMMITTEE <input type="checkbox"/> MAIN AGENDA	<b>Action Requested:</b> <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading
<b>Submitted by:</b>	<b>Department:</b>
<b>Presenter (Name &amp; Title):</b>	<b>Estimated Time Needed:</b>
<b>Summary of Issue:</b>	
<b>Alternatives, Options, Effects on Others/Comments:</b>	
<b>Recommended Action/Motion:</b>	
<b>Financial Impact:</b> Is there a cost associated with this request: <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping    \$ _____ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Please Explain:</u>	

Mayor Badeaux  
and Brainerd City Council Members



RE: City Improvements 20-05 and 20-06 – Madison Street and SE Brainerd Construction Project [www.ci.brainerd.mn.us](http://www.ci.brainerd.mn.us)

Madison Street – S 10<sup>th</sup> Street to SE 13<sup>th</sup> Street  
St. Louis Avenue – SE 11<sup>th</sup> Street to 260 feet east of SE 13<sup>th</sup> Street  
Chicago Avenue – SE 11<sup>th</sup> Street to 250 feet east of SE 13<sup>th</sup> Street  
Portland Avenue – 300 feet west of SE 11<sup>th</sup> Street to 260 feet east of SE 13<sup>th</sup> Street  
Rosewood Street – 280 feet west of SE 11<sup>th</sup> Street to SE 11<sup>th</sup> Street  
SE 15<sup>th</sup> Street – 230 feet south of Rosewood Street to Oak Street  
Quince Street – SE 15<sup>th</sup> Street to SE 16<sup>th</sup> Street  
SE 16<sup>th</sup> Street – Quince Street to Oak Street  
Walnut Street – Breilly Court to Oak Street  
Pine Street – Walnut Street to Beech Street

Dear Mayor Badeaux and City Council Members,

I am pleased to present this report for improvements as listed above, and from here on out in this report, I will generally refer to these as the “Improvements” to simplify and condense this report. Generally, the improvements consist of approximately 29 blocks of resurfacing and reconstruction of street surfaces, storm sewer replacement, watermain replacement and upgrades, sub-cuts of unsuitable soils, curb and gutter replacements, sidewalk additions, and other miscellaneous incidental items. The construction type and intrusiveness vary across the project limits, and this report will do its best in explaining project limits, work types, existing, and proposed project conditions and outline the feasibility and cost effectiveness of the proposed improvements.

### **Project Description and Existing Curb and Gutter, Pavement Condition Ratings, and Utility Priorities**

This project is a large-scale resurfacing and reconstruction project in southeast Brainerd on streets that have fallen into general disrepair and have conditions that may not be acceptable for public use. When streets come to this point, the City has an obligation to repair or make repairs to these streets to make them safe and passable for the travelling public.

The City utilizes a pavement management system in which scores pavement and curb conditions based on current deficiencies within the pavements. The equation utilizes measurements of different cracking, potholing, and other surface and subgrade deficiencies that lead to a street falling into disrepair or an unacceptable condition. The score is from 0-4, zero means the road is completely impassable and a 4 means that a street is brand new or newly constructed. Below is a list of the streets planned for work this summer and their respective pavement and curb scores based on 2018 data. This data also has the last year a resurfacing was completed. Please note the scores read pavement score/curb score:

Madison Street – 3.25 / 2.50 – Last resurfaced in 1981.  
St. Louis Avenue – 2.32 and 2.57 / 2.5 and 3.5 – Last Resurfaced in 1973 and 2001.  
Chicago Avenue – 1.64, 1.81, and 2.14 / 2.0, 3.5, and 3.0 – Last Resurfaced in 1986, 2001, and 1972.  
Portland Avenue – 1.87, 2.17, and 3.45 / 2.5, 3.0, 2.0 – Last Resurfaced in 1986, 2001, and 1997.

City of Brainerd, 501 Laurel Street, Brainerd, MN 56401 218-828-2307

Rosewood Street – 1.82 / 2.0 – Last Resurfaced in 1975  
SE 15<sup>th</sup> Street – 2.71 / 3.0 – Last Resurfaced in 1973.  
Quince Street – 2.54 / 2.5 – Last Resurfaced in 1971.  
SE 16<sup>th</sup> Street – 3.47 / 3.0 – Last Resurfaced in 1971.  
Walnut Street – 1.83 and 2.26 / 3.0 – Last Resurfaced in 1984 and 1990.  
Pine Street – 2.13 / 2.5 – Last Resurfaced in 1983.

You will note that some of the above scores are a little higher than we would typically be recommending resurfacings. During pavement evaluation processes, we look at specific types of pavement deficiencies to score the pavements and enter equations. We typically look at a localized 100-foot segment for scoring pavements that is most representative of the street. This does not mean that other areas of the street may be in worst or better condition during scoring. Staff looks at the entire street when identifying project limits and does not focus solely on scores. There are also other needs when considering project limits such as underlying utility needs and needs for sidewalk inclusion that staff looks at when evaluating project termini.

All the streets listed above are at or have exceeded their planned life expectancy. All streets are seeing weathered surfaces, transverse and longitudinal cracking, alligator cracking, potholing, and other distresses that indicate the pavement needs rehabilitation. Underlying watermain needs were also taken into consideration with the help of Brainerd Public Utilities in identifying project limits and construction type (resurfacing/reconstruction) based on location of watermains under the street surface.

The surfacing on Madison Street has been on the priority list for a while due to the storm sewer line located near the north curb line continually pushing through the pavement during freeze/thaw cycles. The storm sewer in this area will be completely replaced and bedded heavily with sewer rock to prevent this from happening in the future.

### **Proposed Project and Work Types**

The intent of this section of the report is to give a broad overview of construction types for each segment of street on this project along with the street layout and proposed utility work.

Madison Street – Maintaining the 44' wide street surface, replacing the storm sewer in its entirety and heavily bedding with sewer rock, full reconstruction of curb and gutter and pavement, and paving to a 9-ton road design because it is a commercial area.

St. Louis Avenue – Resurfacing of pavement with spot repair of curbs, sub-cut of unsuitable materials from 12<sup>th</sup> Street SE east to the dead end, replacement of watermain and services in select locations, resurfacing of pavement to a 7-ton residential road design and width.

Chicago Avenue – Resurfacing of pavement with spot repair of curbs, sub-cut of unsuitable materials from 12<sup>th</sup> Street SE east to the dead end, resurfacing of pavement to a 7-ton residential road design and width.

Portland Avenue – Resurfacing of pavement with spot repair of curbs, sub-cut of unsuitable materials from 12<sup>th</sup> Street SE east to the dead end, replacement of watermain and services in select locations, resurfacing of pavement to a 7-ton residential road design and width.

Rosewood Street – Reconstruct of street with full curb removal, watermain and service replacement, replacement of surfacing to 7-ton residential roadway design and width.

SE 15<sup>th</sup> Street – Most curb being removed due to watermain needing to be replaced, sidewalk incorporated on the west side of 15<sup>th</sup> between Pine Street and Oak Street per the Walkable-Bikeable City Committee Non-Motorized Transportation Plan, replacement of curb and resurfacing of street to residential 7-ton roadway design and width.

Quince Street – Resurfacing of street, a lot of curb being removed due to water services needing to be replaced, replacement of curb removed and resurfacing of street to 7-ton residential roadway design and width.

SE 16<sup>th</sup> Street – All curb and surfacing being removed due to sidewalk and watermain needs, sidewalk being added on west side of street from Rosewood Street to Oak Street per the Walkable-Bikeable City Committees Non-Motorized Transportation Plan, curb replaced, and street resurfaced to 7-ton residential roadway design and width.

Walnut Street – Resurfacing work with spot curb replacement, roadway resurfaced to 7-ton residential roadway standard design and width.

Pine Street – Resurfacing with spot curb replacement, watermain and water service replacement, curb coming out due to watermain needs, street being resurfaced to 7-ton residential roadway standard design and width.

Most streets will be a simple resurfacing, but other needs on the streets will require removal of more curb due to water services being placed, sidewalk additions, or other needs (condition or tipping of existing curb). Madison Street curb is being fully reconstructed due to its condition and the storm sewer replacement need.

The City utilizes the Walkable-Bikeable City Committees Non-Motorized Transportation Plan to guide sidewalk placements during road construction projects. 15<sup>th</sup> Street SE and 16<sup>th</sup> Street SE were indicated on the plan as needed north/south sidewalk connections from the existing east/west sidewalks in this area due to the proximity to Harrison School. The City does not assess for the costs for new sidewalk.

### **Project Estimated Costs**

Below is a breakdown of estimated project costs for the project (Madison Street separated due to a different improvement number). Cost breakdowns of each specific roadway will be made available upon request. The totals outlined below reflect an estimated cost with 10% engineering costs included. The costs reflected in bids from contractors may vary from these costs based on workload, project site conditions, or other factors out of the City's control. The costs are based on historical values for each item of work and vary due to market conditions. Costs are broken down to Roadway (street, curb and gutter, restoration, etc.), storm sewer, sanitary sewer, watermain, assessable (based on a residential roadway design), and staff took the liberty to break out sub-cut costs and sidewalk costs to give an idea of the cost of those additional items that are necessary for the street construction:

#### **SE Brainerd Resurfacing Project**

Roadway	\$1,711,754
Storm Sewer	\$59,290
Sanitary Sewer	\$31,625
BPU (Watermain)	\$704,308
Assessable Costs	\$638,964
Sidewalk (part of the roadway costs)	\$62,452

Sub-cut (part of the roadway costs)	\$148,905
<b>Total Construction and Engineering</b>	<b>\$2,506,977.00</b>

**Madison Street**

Roadway	\$489,515
Storm Sewer	\$219,032
Sanitary Sewer	\$6,270
BPU (Watermain)	\$95,101
Assessable Costs	\$164,549
<b>Total Construction and Engineering</b>	<b>\$809,918</b>

The intended uses of these streets and this infrastructure is not anticipated to change over the life of these improvements, therefore sizes of utilities, widths of streets, and other project elements are not proposed to change. No right-of-way acquisition is anticipated for this project and all improvements will utilize existing City right-of-way. The improvements will provide Brainerd constituents with long term clean, potable water, upgraded road surfaces built to withstand poor soil conditions in the SE Brainerd area, and drainage and conveyance systems to handle increased intensity rain events. This improvement is feasible, cost effective, and necessary due to the current condition of the pavements as presented, underlying utility needs, curb and gutter conditions, and other factors as indicated in this report.

Respectfully Submitted,



Paul G. Sandy, P.E.  
City Engineer/Interim Public Works Director  
City of Brainerd

## NOTICE OF HEARING ON IMPROVEMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota, will meet in the Council Chambers of the City Hall at 7:30 p.m. on April 5, 2021 to consider making the improvement as described below pursuant to Minnesota Statute Sections 429.011 to 429.111:

### IMPROVEMENTS 20-05 AND 20-06

Street Reconstruction, Street Resurfacing, and Sidewalk Construction – Grading, Aggregate Base, Bituminous Surfacing, Storm Sewer, Watermain, Concrete Curb and Gutter, Sidewalk, and ADA Improvements

Madison Street – S 10<sup>th</sup> Street to SE 13<sup>th</sup> Street

St. Louis Avenue – SE 11<sup>th</sup> Street to 260 feet east of SE 13<sup>th</sup> Street

Chicago Avenue – SE 11<sup>th</sup> Street to 250 feet east of SE 13<sup>th</sup> Street

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The area proposed to be assessed is the property abutting said streets and alleys.

The estimated cost of such improvements is \$3,316,895.

Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

Any individual needing special accommodations please call 828-2307.

Dated: March 1, 2021

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Jennifer Bergman  
City Administrator

Publish Brainerd Dispatch March 12, 2021 and March 19, 2021

**RESOLUTION**  
**NO. \_\_\_\_\_**

**RESOLUTION ORDERING IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, a motion by the City Council passed on the 1<sup>st</sup> day of March 2021, fixed a date for a Council hearing on the proposed improvement listed below; and

WHEREAS, the City Engineer has prepared plans and specifications for the improvement of the following described project:

**IMPROVEMENTS 20-05 and 20-06**

Street Resurfacing and Reconstruction

Madison Street – S 10<sup>th</sup> Street to SE 13<sup>th</sup> Street

St. Louis Avenue – SE 11<sup>th</sup> Street to 260 feet east of SE 13<sup>th</sup> Street

Chicago Avenue – SE 11<sup>th</sup> Street to 250 feet east of SE 13<sup>th</sup> Street

Portland Avenue – 300 feet west of SE 11<sup>th</sup> Street to 260 feet east of SE 13<sup>th</sup> Street

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SE 16<sup>th</sup> Street – Quince Street to Oak Street

Walnut Street – Breilly Court to Oak Street

Pine Street – Walnut Street to Beech Street

WHEREAS, such plans and specifications have been presented to the Council for approval;

WHEREAS, ten days' mailed and two weeks' published notice of the hearing was given and the hearing was held thereon on the 5<sup>th</sup> day of April 2021, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, at said hearing there was available a reasonable estimate of the amount to be assessed and a description of the methodology, in the forms attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA:

1. Said improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Said improvement is hereby ordered as proposed in the Council motion on the 5<sup>th</sup> day of April 2021.
3. City Engineer Sandy is hereby designated as the engineer for this improvement. He shall prepare plans and specifications for the making of such improvement.
4. The City Council declares its official intent to reimburse itself for costs of the project from proceeds of bonds, which are expected to be issued in the maximum principal amount of \$3,316,895.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA:

1. Such plans and specifications, a copy of which is on file at the offices of the City Administrator and the City Engineer, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published, shall specify the work to be done, shall

state that bids will be received by the City Administrator until 10:00 a.m. on May 7, 2021, at which time they will be publicly opened in the Council Chambers of the City Hall by the City Administrator and City Engineer, will then be tabulated, and will be considered by the Council at 7:30 p.m. on May 17, 2021, in the Council Chambers of the City Hall, Brainerd, Minnesota. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for five (5) percent of the amount of such bid.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
KELLY BEVANS  
President of the Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
DAVE BADEAUX  
Mayor

ATTEST: \_\_\_\_\_  
JENNIFER BERGMAN  
City Administrator



## **EXHIBIT A**

### **IMPACT OF ASSESSMENTS CITY OF BRAINERD IMPROVEMENT NO.'S 20-05 and 20-06**

Available at Hearing Held April 5, 2021

The impact of the improvement is to provide necessary and desirable facilities for public use. The impact of the assessments for the improvement is to make benefited properties and their owners responsible for paying the costs of the improvement over time, not the public at large. The extent of the impact of the assessments depends upon the amount assessed.

A reasonable estimate of the total amount assessed is \$803,513. This estimate is approximately 50% of the street resurfacing costs. The City reserves the right when actually levying assessments to assess up to the full costs of the improvement, which may exceed estimates available at the time of the hearing on the improvement.

The following is a description of the methodology the City intends to use to calculate individual assessments for affected parcels on Improvements 20-05 and 20-06: front footage. The City reserves the right when actually levying assessments to modify or depart from this methodology to the extent the City deems appropriate.

# **City of Brainerd, Minnesota**

## **Street and Sewer Assessment Policy**

### **1. Introduction**

Special assessments are a charge imposed on properties for an improvement that benefits the owners of that selected property. The authority to use special assessments originates in the state constitution which allows the state legislature to give cities and other local government units the authority “to levy and collect assessments for local improvements upon property benefitted hereby”. The legislature designates that authority to cities in Minnesota Statutes Chapter 429.

A charter city (in which Brainerd is) may choose to use either Chapter 429 or provisions of the charter to assess for local improvements, however, even the state law requires that charter cities follow state law in certain steps of the proceedings.

Special Assessments have three distinct characteristics:

- They are a levy the City uses to finance, or partially finance, a public improvement program.
- The city levies the charge only against those parcels of property that receive some special benefit from the program.
- The amount of the charge bears a direct relationship to value of the benefits the property receives.

The City of Brainerd, Minnesota finds it beneficial to fund portions or all the 5-year street and sewer capital plan using special assessments. Special assessment proceedings will follow the procedures as outlined in Minnesota Statute 429 and any modifications thereto.

### **2. Assessable Improvements**

#### **How Much is Being Assessed?**

##### **Developer New Construction**

On projects where utilities and roadways are being constructed for the first time, the developer is responsible for installing the watermain, sanitary sewer, grading, surfacing, storm sewers, and any other incidental features it sees fit. The city requires developers to construct all facilities to city standards and be approved by the City engineering department. While it is ultimately up to the developer to decide how the development costs incurred are recouped, the developer will typically split these costs to the number of parcels developed and recoup its cost through the sale price of the lots.

### **Petitioned New Construction**

On projects where the city is petitioned to install the new improvements, the entire project cost being constructed is assessed to the abutting properties, as either by a per lot basis or by a front-foot basis.

### **Petitioned or Council Authorized Reconstruction of Resurfacing**

Whether the city acts upon its own authority to make an improvement or it is petitioned by property owners, the city assesses one-half (1/2) of the cost of the reconstruction or resurfacing improvement including construction and engineering of the said improvement on a front-foot or per lot basis. The other one-half (1/2) of the resurfacing or reconstruction cost is paid by the city. If utilities such as sanitary sewer, water mains, or storm sewers are being reconstructed along with the project, the cost of this work is not assessed, but rather is covered through user fees and rates set by council or public utilities commission. If a project consisting of overlaying a street is proposed, the entire project cost is assessed to abutting properties. The City does not typically assess for new sidewalks, but may from time to time, assess for the entire costs of repairs thereto.

### **Pursuant to Petition – Properties Abutting the City but outside City Corporate Boundaries**

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

### **Pursuant to Council Action – Properties not Abutting the City Corporate Boundaries**

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

In prior years, the City Council authorized the construction of utility improvements outside its corporate boundaries and not abutting the city. To pay for such costs, the council established a Water Connection Charge (WCC) and Sewer Connection Charge (SCC). This charge, as initially set by council resolution, represents the average costs of constructing such utility improvements and is payable immediately upon connection to the system. This charge is enacted if the property owner elects to divide the property in which assessments were imposed and deferred. If a lot is split and the owner elects to connect to sewer and water, the WCC and SCC are charged to the property owner, with the balance of the deferred assessment remaining on the other parcel created from the split.

The WCC and SCC set by council resolution will remain in effect until repealed by the council. Said resolution may be adjusted periodically by the city council.

### **3. Initiation of an Improvement**

#### **By Petition from Property Owners**

Per Minnesota Statute 429, if the council chooses to proceed with an improvement based on a petition, it must have the signatures of at least 35 percent in frontage of the property bordering the proposed improvements. If the council relies upon a petition as its basis for proceeding, it cannot make substantial change the improvement from what is asked for in the petition. The council must pass a resolution determining whether the petition is legally sufficient or not.

#### **By Council Action**

Per City of Brainerd Charter Section 92, in the first instance in which the council desires to levy a special assessment for an improvement, it shall require a two-thirds (2/3) vote of the members elect except in the case of sidewalks, in which a majority is sufficient.

### **4. Proceedings**

#### **Minnesota Statute 429**

The City of Brainerd has elected to utilize Minnesota Statute 429 for its assessment proceedings, as amended and incorporated by reference into this policy.

#### **Interest Rates**

The council determines the interest rate on the special assessments, along with any other repayment provisions. The interest rate is typically set by ensuring a reasonable relationship between the assessments interest rate and the bond interest rate if the city issued bonds for the project. If the city finances the project with funds on hand, the council will look at the interest rate the city would otherwise have earned on the funds.

### **5. Payments**

Once the assessments have been adopted, property owners originally have numerous options for repayment:

1. Pay the total amount of the assessment within 30 days after the council adopts the assessment rolls. This this situation, the city cannot charge interest; or
2. Pay the assessments in annual installments (with interest) under the terms set by the council; or
3. Pay the entire amount at any time after the 30 days, but before any certification to the county auditor. The property owner pays only the amount of interest accrued as of the date of payment; or
4. At any time after certification to the County Auditor, the property owner may still pay the entire remaining unpaid amount to the County Treasurer. However, the property owner must pay the entire remaining unpaid amount of the assessment before November 15 of any year and must also pay all interest accrued until the end of that calendar year.

## **6. Deferments**

The City Council has adopted policy which allows for assessment deferments for elderly person and for all other persons who fall within the economic hardship criteria. A deferred assessment is not forgiven but is postponed until such time that the property owner either elects to resume making the annual installments as certified, no longer meets the economic hardship criteria, or sells the property. Persons interested in deferring assessments must apply each year to have the following year assessment installment deferred. After 10 years, no further applications are necessary, and the deferred installments will remain permanently deferred without accrual of additional interest, until such time that the deferred assessment is voluntarily paid of the property is sold. The most current deferment criteria passed by council resolution can be requested from the City Clerk and a copy provided to the requestor.

## **7. Other Frequently Asked Questions**

### **Will Improvements Affect my Property Taxes?**

While it is well documented within the real estate industry that streets and utilities that are in poor condition decrease the marketability and sale prices of homes, improvements to the streets and utilities do not automatically increase the taxes on the property. Property market valuations, as determined by the County Assessor, are based on the recent sale prices of comparable properties within the neighborhood. Following improvements to streets and utilities, the marketability of properties tends to increase, and the properties can demand a higher sale price. As years pass and the history of sale prices in the neighborhood show increases, the County Assessor will adjust the market valuation of properties to more closely reflect the price the property would sell for. If the market valuations in the neighborhood are increasing at a faster rate than the City, County, and School District averages, the property taxes will tend to increase over time.

### **Why is There a Difference Between my Front Footage and Assessable Footage?**

If you live on a corner lot, your property is subject to assessments for improvements on both streets. The City Council has adopted a side-yard deduction assessment policy to help reduce the burden for the owners of corner lots or reconstruction or resurfacing projects. Your side-yard is defined as the side of your lot with the most street frontage. Improvements made to your side-yard street result in the city paying for the cost of one-half of your side-yard footage and the property owner being assessed for one-half (1/2) of the side-yard footage. The most common assessment notices for side-yard street improvements will list the front-footage as 140 feet and the assessable front-footage as 70 feet.