



## MEMO

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**TO:** Finance Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** July 19, 2018

**SUBJECT:** Request from Raymond Dietzen for reconsideration of special assessments for concrete paving of Lake Park Road for parcel 31-9-4180-00.

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The Dietzen's own the 21.83 acre parcel, zoned agricultural, at the southeast corner of Lake Park Road and Plank Road (see attached map). They are requesting the City Council to reconsider the special assessment under the Appeal Process (page 19 of the Special Assessment Policy).

Significant street construction has been done adjacent to this property in the past several years including:

2007 – Concrete paving of Plank Road/Lake Park Road Roundabout. No special assessments were charged based on the Special Assessment Policy that states *"The City assumes the entire cost of permanent paving for all intersections on new construction."*

2009 – Rural to urban conversion of Lake Park Road. Dietzen's special assessment was \$3,742.27 for grade, gravel, asphalt and street lights.

2016 – Sidewalk installation on Lake Park Road. Dietzen's special assessment was \$6,504.10 based on 337 feet of frontage.

2016 – Concrete paving and sidewalk installation on Plank Road. No special assessments were charged based on the project being TIF 6 funded.

2018 – Concrete paving on Lake Park Road. Dietzen's special assessment is \$18,136.80 based on 198 feet of frontage and agricultural zoning (139 feet paved as part of intersection project in 2007 and not assessed).

Per the Special Assessment Policy, wheel tax funds are used for reconstructed asphalt and concrete streets only, and not for rural to urban conversion to concrete pavement (see page 5 of the Special Assessment Policy attached).

**Therefore, to be consistent with the Special Assessment Policy, staff recommends that no reconsideration of the special assessments for the Lake Park Road Concrete Paving Project be approved.**

Attachments





N

PLANK ROAD

31-9-4180-00

LAKE PARK ROAD



## **XII. APPEAL PROCESS**

1. If the governing body decides to reconsider and reopen any assessment, the body may, after giving a public notice as required for the initial assessment, and after a public hearing, amend, cancel or confirm the prior assessment. Any request for a change to the first assessment, must be made within 30 days of the passage of the original final resolution. The Clerk shall publish a notice of any resolution changing the assessment, as was done with the original assessment.

## **XIII. MISCELLANEOUS**

1. Deferred payment of special assessments is not permitted. (See WI Statutes Chapter 74.)
2. Any construction project where right-of-way acquisition would contribute to 25% or more of the assessment rate shall be brought to the Board of Public Works for review and establishment of an appropriate assessment rate. In establishing this rate, the Board will consider assessment rates for similar projects and any other information it considers relevant.

## **XIV. REFERENCED ITEMS**

1/17/83 Street and Sanitation Committee #3

The following policy concerning sump pump discharges adopted, "When streets are paved where storm sewer laterals exist, curb openings for sump pump discharges or surface drainage shall not be allowed."

7/06/83 Street and Sanitation Committee #6

Most of this information has been put in Appendix IX Stormwater/Clear Water Discharges

3/03/93 Street and Sanitation Committee #10

Any driveway adjacent to a street paving project that is not used will be closed with curb and gutter and will have the terrace reseeded in conjunction with the street paving. The cost of this work is to be included with the assessment for curb and gutter on the project.

Any driveway aprons without improved surfaces shall be either paved with permanent surface or abandoned and closed in conjunction with a street paving project. The cost of either option will be assessed to the property.

2/02/94 Board of Public Works Report - This was adopted as part of the assessment policy.

"Publicly owned property, including lands under the jurisdiction of the Board of Education, Park Board, Water Department and other branches of city, state or county governments, and churches and private schools be assessed 100% of the assessment rate.

11/16/94 Municipal Services Committee #2 - "Resolved, that when a property asks for a second curb cut, the two neighboring properties to each side of the requesting property be notified and asked if they have any problems with the curb cut. If any of the four (4) properties are against the second curb cut, the request must be brought to Municipal Services Committee and Council for approval, thus all neighbors have an avenue for input."

1/18/95 Board of Public Works #3 - The Board reaffirms its previous recommendation that: The special assessment policy for stormwater that recovers 75% of costs from new developers and 40% from existing benefiting owners be approved. Existing is defined as that

- b. The first 120 feet will be charged 25% of the rate calculated in “a” above. The balance of the frontage will be assessed at 100% of the rate calculated in “a” above. (BPW 1/21/98)
15. The requesting property owner, where permitted, shall pay all additional cost for indented parking.
16. When additional pavement width is required to accommodate on street bike lanes, the extra width beyond what would be required for a standard street design, will not be assessed.
17. Assessments will only be levied on partial or total street reconstruction for those streets that do not meet current City Street or Drainage standards prior to their reconstruction.
18. Calculation Guidelines:
- a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 25% (R-2, 50%) of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
  - b. On lots having multiple frontages, there will be NO assessment for the frontage to which access is legally precluded or fronts on a naturally occurring access barrier such as a steep incline.
  - c. On inside corner or multiple frontage lots, the side or sides precluded from access are not included in the assessment frontage determination.
  - d. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the “Addressed” side.
  - e. On cul-de-sac lots, the abutting property owner shall be responsible for cul-de-sac pavement, overbuild costs including the straightaway portion of the affected property. The assessment will be calculated using total assessable cost divided by the number of properties fully or partially abutting the “bulb” according to the number of originally platted lots.
  - f. On “mouse ear” lots, defined as abutting lots to a widening in the road around a curve but not including lots on a cul-de-sac, the front foot dimensions for assessment calculation will be determined by dividing the square footage of the property by the average depth of the lots in the block.
  - g. For work abutting only part of a parcel’s total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage.
  - h. Definition of “addressed” side: The street with the house number.
  - i. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to their combination.
19. The Wheel Tax is used for reconstructed asphalt and concrete streets only. Not for rural to urban conversion to concrete pavement.
20. Portions of projects funded by TIF and IPLF are not assessable.



Raymond Dietzen  
N1199 Van Handel Dr.  
Appleton, WI 54915

Paula Vandehy, P.E.  
Director of Public Works

July 10, 2018

Dear Paula:

I own the property on the NE corner of Blank Road and Lake Park Road. This parcel is zoned agricultural. This property has been assessed \$18,000 for road repair.

From what I have researched and read, Appleton has a "wheel tax" to alleviate this financial burden to property owners. I do not understand why this relief does not apply to me.

The property owners on the south side of Lake Park Road and Midway Road pay nothing for this road. I feel as though this is very unfair.

This assessment puts a burden on me and my family. We are retired

and have a fixed income. Eighteen thousand dollars is a large amount of money for us to borrow at our age. Please help us! There must be some kind of side or another solution to this issue.

Sincerely,  
Raymond Dietzen