



## REQUEST FOR COUNCIL ACTION

**To: Honorable Mayor and Members of the City Council**

**From: Patrick Urich, City Manager**

**AGENDA DATE REQUESTED:** MAY 10, 2011

**ACTION REQUESTED:** ADOPTION OF AN ORDINANCE FOR A PUBLIC IMPROVEMENT BY SPECIAL ASSESSMENT: NORTH AVALON PLACE ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT (FROM W. HUDSON AVENUE TO W. FORREST HILL AVENUE AND FROM W. ALBANY AVENUE TO BUEHLER HOME) [Council District 2]. Location Map Attached.

**BACKGROUND:** There appears on the agenda an Ordinance for the following public improvement:

N. AVALON PLACE (FROM W. HUDSON AVENUE TO W. FORREST HILL AVENUE AND FROM W. ALBANY AVENUE TO BUEHLER HOME)

General Data: On June 24, 2008, the Board of Local Improvements approved a resolution authorizing the proposed improvement. Improvements to Avalon Place include the area from Forrest Hill Avenue to Hudson Street and from Albany Avenue to Buehler Home, all in the Southeast Quarter of Section 29 in Richwoods Township. Majority Petitions were received June 4, 2008, with signatures of 55.41% of the frontage on Avalon Place from Forrest Hill to Hudson and signatures of 75.38% of the frontage on Avalon Place from Albany Avenue to Buehler Home requesting construction of a new city-standard ornamental street lighting system.

The roadway of North Avalon Place, from West Hudson Avenue to West Forrest Hill Avenue and from West Albany Avenue to Buehler Home, in the Southeast Quarter of Section 29 in Richwoods Township shall be improved by installing new poles and fixtures along with concrete foundations, junction boxes, conduit and wiring. All disturbed areas will be restored with sod.

Net Length of the Improvement: 723 feet (0.14 mile)

Assessment: Assessment will be determined by the Superintendent of Special Assessments for the City of Peoria, subsequent to the passage of the Ordinance and subject to possible later corrections. Tentative assessment rates as determined by the Board of Local Improvements at the Public Hearing are as follow:

Approximate Assessment Rates are:

\$29.37 per front foot

Assessed Against the Property	=	\$28,906.70	=	50.00%
Assessed Against the Public	=	<u>\$28,906.70</u>	=	<u>50.00%</u>
Total Assessment	=	\$57,813.40	=	100.00%

PUBLIC HEARING AND WRITTEN REACTION TO THE PROPOSED IMPROVEMENT:

Summary of the reaction to the proposed improvement:

OBJECT TO THE IMPROVEMENT COMPLETELY:	--
OBJECT TO THE IMPROVEMENT PARTIALLY:	1
IN FAVOR OF IMPROVEMENT COMPLETELY:	--
PASSIVE REACTION—INTEREST IN IMPROVEMENT, DETAILS OR ASSESSMENT:	5
PROPERTIES REPRESENTED AT PUBLIC HEARING:	6

TOTAL NUMBER OF PROPERTIES ASSESSED FOR IMPROVEMENT: 18

**FINANCIAL IMPACT:** The Engineer's Estimate for the construction is \$57,813.40. This project is budgeted in the Community Investment Plan, Special Assessment Program, Project **A09003**.

**NEIGHBORHOOD CONCERNS:** Per the original Petitions, the neighborhood is requesting a new city-standard ornamental street lighting system.

**IMPACT IF APPROVED:** The neighborhood improvement of a new city-standard ornamental street lighting system will be made pursuant to the majority petitions.

**IMPACT IF DENIED:** The neighborhood improvement can't be made, so the requirements of the majority petitions won't be met.

**EEO CERTIFICATION NUMBER:** N/A at this time.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** INFRASTRUCTURE Goal A. Strategy A.1. Update and maintain existing infrastructure and utilities; and NEIGHBORHOODS, VISION: Our Neighborhoods are Safe, Attractive, and Desirable Places in which to Live.

**REQUIRED SIGNATURES**

**Department Director** \_\_\_\_\_  
Public Works Director

**Finance Director** \_\_\_\_\_  
(Certification of Availability of Funds)

**Corporation Counsel** \_\_\_\_\_

**City Manager** \_\_\_\_\_

DHB/JMS/rmb

Attachments: Recommendation by the Board of Local Improvements and Proposed Ordinance

**RECOMMENDATION BY THE BOARD OF LOCAL IMPROVEMENTS**

TO THE HONORABLE MAYOR AND MEMBERS  
OF THE CITY COUNCIL OF PEORIA, ILLINOIS

WE, the undersigned Board of Local Improvements of the City of Peoria, Illinois, do hereby and herewith submit to you an ordinance providing for a local improvement to be known as **THE NORTH AVALON PLACE ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT (W. HUDSON AVENUE TO WEST FORREST HILL AVENUE and WEST ALBANY STREET TO BUEHLER HOME)**.

And we do also herewith submit an estimate of the cost of the proposed improvement as prepared and signed by the Engineer of this Board, which estimate is itemized to the satisfaction of said Board, and is itemized so far as the said Board thinks necessary.

And we do also hereby recommend to you the passage of the said ordinance hereto annexed and the making of the improvement therein provided for.

Respectfully submitted,

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Gene Hewitt, President

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Randall Ray, Secretary

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Erle F. Currie, Member

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Jeffrey M. Smith, Member

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Amy Benecke McLaren, Member

Peoria, Illinois  
April 18, 2011

TO THE BOARD OF LOCAL IMPROVEMENTS  
TO THE CITY OF PEORIA, ILLINOIS

GENTLEMEN:

Pursuant to instructions received from your Honorable Board, I am herewith submitting specifications and estimate of the cost of an improvement in the City of Peoria, Illinois, the nature, character, and location of which improvement is hereinafter set forth:

## N. AVALON PLACE

The roadway of NORTH AVALON PLACE, from West Hudson Avenue to West Forrest Hill Avenue and from West Albany Street to Buehler Home, in the Southeast Quarter of Section 29 in Richwoods Township shall be improved by installing new poles and fixtures along with concrete foundations, junction boxes, conduit and wiring. All disturbed areas will be restored with sod. All adjustments and appurtenances, other than stated and necessary for the construction of this improvement, shall be constructed as shown on the plans or as directed by the Engineer.

All items of material and construction described herein and as shown on the plans for the proposed improvements shall conform in strict accordance with the "Standard Specifications for Road and Bridge Construction" as adopted by the Department of Transportation of the State of Illinois on January 1, 2007, and as subsequently revised.

The cost of making the proposed improvement including cost of materials, labor, equipment, tools, and incidentals necessary to construct said improvements as specified herein, and all lawful expenses attendant upon the making of said improvement as estimated by the City Engineering Division are as follows:

### E S T I M A T E

Installing new poles and fixtures along with concrete foundations, Conduit, wiring, and junction boxes:	\$50,272.50
<b>Estimated Construction Cost:</b>	<b>\$50,272.50</b>
9% Engineering and Inspection Expense:	\$4,524.53
6% Court Cost and Legal Expense:	\$3,016.35
<b>Estimated Total Cost:</b>	<b><u>\$57,813.40</u></b>

And I hereby certify that, in my opinion, the foregoing does not exceed the probable cost of the proposed improvement and the lawful expenses attend the same.

Respectfully submitted,

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Jeffrey M. Smith, Engineer for the Board of  
Local Improvements

**AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF  
NORTH AVALON PLACE**

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**BY SPECIAL ASSESSMENT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA:

**SECTION 1.** A local improvement shall be made in the City of Peoria, Peoria County, Illinois; the nature, character, locality, and description shall be as follows:

**NORTH AVALON PLACE**

The roadway of NORTH AVALON PLACE, from West Hudson Avenue to West Forrest Hill Avenue and from West Albany Avenue to Buehler Home, in the Southeast Quarter of Section 29 in Richwoods Township shall be improved by installing new poles and fixtures along with concrete foundations, junction boxes, conduit and wiring. All disturbed areas will be restored with sod. All adjustments and appurtenances, other than stated and necessary for the construction of this improvement, shall be constructed as shown on the plans or as directed by the Engineer.

All items of material and construction described herein and as shown on the plans for the proposed improvements shall conform in strict accordance with the "Standard Specifications for Road and Bridge Construction" as adopted by the Department of Transportation of the State of Illinois on January 1, 2007, and as subsequently revised.

**CONFORMANCE TO PLANS:**

Wherever herein in the description of the locations of this improvement there is any duplication of locations, no duplication of the improvement is intended, or shall be made and the said improvement shall be constructed in good and workmanlike manner to conform to the plans attached hereto and made a part hereof.

All materials used in the construction of this improvement not specifically herein described shall be of good quality and suitable for the purpose for which they are to be used.

All of the above described improvements shall be constructed under the direction and supervision and to the satisfaction of the Board of Local Improvements, and all the necessary labor and work shall be performed in a good and workmanlike manner.

**ENGINEERING AND INSPECTION:**

For the purpose of constructing this improvement in accordance with the elevations, dimensions and positions as herein provided for, the grades and lines of construction shall be given by use of stakes and other necessary devices as the work progresses; and to protect those benefited by this

improvement from the use of improper material and poor workmanship, all material used shall be inspected, and all labor performed shall be superintended. To this end, the Board of Local Improvements shall employ the necessary competent engineers, inspectors and superintendents during the construction of the work.

All work in connection with the improvement herein provided for shall be executed in a good and workmanlike manner and under the superintendence of the Board of Local Improvements.

SECTION 2. That the recommendation of the Board of Local Improvements and the estimate of the cost thereof, both hereto attached, be, and the same are hereby approved.

SECTION 3. That said improvement shall be made and the whole cost thereof, together with an amount not exceeding six (6%) percent of the estimated cost to-wit: FIFTY SEVEN THOUSAND EIGHT HUNDRED THIRTEEN AND 40/100 DOLLARS (\$57,813.40) which is hereby provided for to apply toward the payment of all lawful costs and expenses incurred in making, levying and collecting the assessment for said improvement, being the amount included in the estimate therefore, shall be paid for by special assessment in accordance with Article 9 of Chapter 65 of the Illinois Compiled Statutes as amended.

SECTION 4. That the aggregate amount herein ordered to be assessed and each individual, assessment, and the amount to be assessed against the City of Peoria as public benefits, shall be divided into ten installments which shall bear interest at the current maximum rate of interest per annum until paid, all in the manner and in accordance with the provisions of the aforesaid Article 9 of Chapter 65 of the Illinois Compiled Statutes as amended.

SECTION 5. That the several and respective installments of the amounts that may be assessed against the City of Peoria for and on account of public benefits, and confirmed by the Court, shall be paid out by the Comptroller out of any money arising from the collection of the direct annual tax provided for in and by 65ILCS 5/9-2-39, as amended, and out of any other money in his hands that may be used for that purpose, including any sum allotted to the City of Peoria of its share of the Motor Fuel Tax collected by the State of Illinois, the use for such purpose having been previously approved and designated for such purpose, as provided by law.

SECTION 6. That for the purpose of anticipating the collection of the second and succeeding installments of said assessment for said improvement bonds shall be issued payable out of such installments, bearing interest at the current maximum rate of interest (3.25%) per annum, payable annually, and signed by such officers as prescribed by the Municipal Code of Peoria, Section 11-6. Said bonds shall be issued in accordance with, and shall in all respects conform to the provisions of Article 9 of Chapter 65 of the Illinois Compiled Statutes as amended.

SECTION 7. That the Superintendent of Special Assessments for the City of Peoria, be and he is hereby directed to file a petition in the Circuit Court of the Tenth Judicial Circuit of Illinois, Peoria County, as provided by law in the name of the municipality, praying that steps may be taken to levy a special assessment for said improvement, in accordance with the provisions of this ordinance and in the manner prescribed by law.

SECTION 8. This ordinance shall be in full force and effect from and after the passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

EXAMINED AND APPROVED:

\_\_\_\_\_  
Corporation Counsel