

CITY OF OSHKOSH

POLICY FOR SPECIAL ASSESSMENTS

I. STREET CONSTRUCTION AND RECONSTRUCTION

A. GENERAL

1. Assessments shall be levied according to the front foot dimensions of the abutting property to the improvement except as noted below. **(Res. #00-37)**

Assessments to be levied for non-residentially zoned property located along the US Highway 41 frontage road system shall be levied in accordance with a zone system. **(Res. #00-37)** The zone established shall be parallel with the proposed street improvement and include all property lying one-half the distance from the proposed improvement to a parallel street, up to a maximum of 500 feet from the proposed improvement. The assessment zones shall be divided into three (3) subzones; each of which would constitute one-third of the depth of the zone. The owners of the property in the first subzone which is closest to the improvement shall pay 50% of the cost per lineal foot. Owners of the property in the second subzone shall pay 30% of the cost per lineal foot. The owners of the property in the third subzone, the farthest from the improvement, shall pay 20% of the cost per lineal foot.

Assessments for cold mix overlay, regardless of zoning, shall be levied according to the front foot dimensions of the abutting property to the improvement. The assessment rate for all properties abutting the improvement shall be two-thirds of the actual cost for the cold mix overlay project, including those costs attributable to intersections, for a maximum width of 36 feet and a maximum thickness of 3 inches. **(Res. #98-249)**

2. The standard width for streets are: local street – 32 feet from face of curb to face of curb (f-f); collector street – 36 feet wide f-f; and arterial streets – 48 feet wide f-f. The Public Works Director shall recommend to the Oshkosh Board of Public Works any variation from the standard width. **(Res. #18-67)** The warrants required for a local street to be built greater than 32 feet wide shall be the following: average daily traffic of 1500 vehicles per day, or population density as indicated by a multi-family residential zoning designation, or an existing development that generates unusual traffic conditions such as a business/industrial establishment, a school, or a church. The Board of Public Works will approve the location of all local streets to be constructed greater than 32 feet wide f-f. **(Res. #99-256)**

3. The City will assume the entire cost of improving all intersections, utility replacement (including storm sewer installation) associated with the improvement. Any utility laterals installed to vacant properties shall be assessed at full cost to the abutting property. Active sanitary sewer and storm sewer laterals found necessary to be replaced during street construction shall have 50% of the cost assessed to the abutting property. **(Res. #13-109/Res #18-67)**
4. Assessments for property owned and used exclusively for residential uses shall be assessed as residential property, irrespective of zoning. Properties with one (1) or two (2) dwelling units will be treated as "Residential 1" properties. Properties with more than two (2) dwelling units, churches, schools, or any similarly-used tax-exempt property shall be treated as "Residential 2" properties. Assessments for property owned and used partially or totally for commercial or industrial purposes shall be assessed as "Other" property, irrespective of zoning. **(Res. #01-35/Res. #01-337/Res. #18-67)** See *Table 1*. **(Res. #18-67)**
5. If the driveway apron was unimproved prior to the street improvement or in such deteriorated condition as to require repair or replacement under the City's Rehabilitation Project, it shall be paved with a permanent surface in conjunction with the street improvement project. This cost will be assessed to the property owner. If the driveway apron was previously improved and in good condition, it shall be replaced with similar materials at no expense to the property owner. Costs related to an increase in size will be assessed. **(Res. #00-37/Res. #18-67)**
6. In street reconstruction projects with asphaltic resurfacing, the cost of replacement of curb and gutter, which is incidental to asphalt reconstruction, shall be assessed uniformly throughout the project.
7. Trees for Property Owners: When trees are removed for street improvement projects, and the adjacent property owner is not otherwise compensated for the tree removed, the City will provide, at property owner request and at City expense, as large a tree as is possible to safely and conveniently plant in the terrace or front yard of any property owner, to replace the tree removed during construction; provided the owner grants the City a cost-free temporary easement for planting the tree. **(Res. #21-176)**

The Department of Public Works will send a written notice to the affected property owners offering a tree replacement. Property owners must submit their requests in writing within 30 days of the date of the written notice.

The selection and placement of the replacement tree shall be made by the City Forester in consultation with the property owner, but the selection and placement shall be based on criteria used by the City Forester for terrace tree plantings throughout the City. **(Res. #00-208)**

B. ASSESSMENTS

1. Rates (Res. #99-256 & Res. #00-37)

The assessable costs will be the portion of nominal construction costs in accordance with the following table: (Res. #99-393)

TABLE 1

<u>IMPROVEMENT</u>	<u>ZONING</u>								
	Residential 1 (All SR, DR, & TR)			Residential 2 (All MR, HR, & I)			Other (All other zoning)		
	%	Max Width	Max Thick	%	Max Width	Max Thick	%	Max Width	Max Thick
Grade & Gravel	100	36' ^{**}	---	100	40' ^{**}	---	100	52' ^{**}	---
Asphaltic Concrete Resurfacing (single pass resurfacing operation)	66 2/3	32'	2'' ^{**}	66 2/3	36'	2'' ^{**}	75	48'	2'' ^{**}
Asphaltic Concrete Pavement Resurfacing with curb improvements and two passes	66 2/3	32'	3''	66 2/3	36'	3''	75	48'	5'' [*]
Concrete Pavement	66 2/3	32'	7''	66 2/3	36'	7''	75	48'	8''

* (Res. #02-391)

** (Res. #18-67)

2. Assessments will be reduced proportionately for street improvements less than the maximum width. The assessment shall identify a cost for curb, or curb and gutter, repair or replacement, and regular pavement or resurfacing cost. For streets either paved or resurfaced less than the maximum width, the pavement or resurfacing portion of the assessment, exclusive of the curb or curb and gutter costs, shall be reduced proportionately to account for the lesser width of pavement.
3. For any corner lots, the assessment rate would be reduced by 50% on the long side of the lot, as platted, up to a maximum deduction of 75 lineal feet. The short side of the lot, as platted, shall pay 100% of the assessment rate. For any lot which abuts two (2) streets and has a third side with frontage abutting an alley, the assessment rate shall be reduced by 50% on the alley side of the lot. For any lot which abuts three (3) streets, the assessment rates shall be reduced by 50% on the rear side street frontage. (Res. #08-300/Res. #21-302)
4. For any lot 200 feet or less in depth, abutting two (2) streets, front and rear, the assessment rate shall be reduced 50% at the rear lot line.
5. The assessable frontage for cul-de-sac lots should be calculated along the 25 foot setback line of each lot.

6. On corner lots where both sides have equal frontages, the side to be considered the short side is the side that has the street address for the property.
7. In the case of an extremely irregular shaped lot, assessments shall be based on the theoretical equivalent-sized lot. The assessable front footage of an extremely irregular-shaped lot shall be found by dividing the total square footage of the lot by the average lot depth in the area. As an alternative to the determination of the assessable front footage for non-residential property, the assessable front footage may be calculated by taking the front footage and subtracting any front footage which has less than a 75 foot depth measured perpendicularly from the front lot line. **(Res. #95-293)**
8. In cases of assessments to be levied for non-residentially zoned property located along the US Highway 41 frontage roads where only one (1) side of the improvement can be assessed, the assessable side shall be assessed at a rate of 150% of the normal rate. **(Res. 02-391)**
9. When state and/or federal aids are available, they will first be applied to the City's share of the cost of the project. Any remaining funds will be applied to reduce special assessments on a uniform basis.
10. For other than residentially-zoned property, the assessment rates shall be reduced by 66 2/3% in Subzone One, if the established grade of the portion of the street abutting the property is ten (10) or more feet different from the average grade of Subzone One. If the difference in the established grade and the average grade of Subzone One is between 5 and 10 feet, the assessment rate shall be reduced by 33 1/3%.
11. For paving in residential-zoned areas, the assessment rate for frontage shall not exceed one-third of the assessable construction cost divided by the total assessable frontage feet. For 32-foot wide f-f concrete pavement in residential-zoned areas during the 2002 construction season, the assessment rate shall not exceed \$47.60 per lineal foot. For the subsequent years, the assessment rate shall not be increased by more than 15% per year. **(Res. #99-393, Res. #00-37 & Res. #02-423)**
12. **(Repealed by Res. #02-423)**

C. CALCULATION OF STREET ASSESSMENT RATE

1. After contracts are awarded for street construction in a construction year, the assessment rate for the following year shall be calculated by the Public Works Director of the City of Oshkosh. The Public Works Director shall determine the cost per lineal foot of a nominal 32 foot, 36 foot, and 48 foot pavement, respectively. The nominal cost shall include all costs associated with pavement removal, subgrading, subbase, base, and surface pavement. The cost of terrace restoration and sawing and jointing, as well as adjusting or reconstructing existing utility manhole and storm inlets, shall also be included in the nominal cost. The calculation shall presume a 7 inch thickness for 32 foot and 36 foot pavement and an 8 inch thickness for 48 foot pavement. **(Res. #99-256/Res. #18-67)**

Similar calculations shall be made by the Public Works Director for costs associated with asphalt concrete resurfacing, with or without curb and gutter improvements. Similar calculations shall be made regarding the actual cost of grading and graveling the streets.

2. The Public Works Director shall present the results of this study to the Oshkosh Board of Public Works, who shall review the report and make whatever modifications are necessary to ensure fairness in the calculation of the assessment rates. The Board of Public Works shall then certify to the Public Works Director the rates for each type of street construction and reconstruction to be used in the following year's street construction or reconstruction projects. The calculation shall be rounded off to the nearest \$0.10 per lineal foot.
3. All nominal rates for types of improvement shall include the factor of 12% of the construction cost, which shall be considered to reimburse the City for all engineering and administrative costs.

II. SIDEWALKS

A. GENERAL

1. Assessments will be levied according to the front foot dimensions of abutting property.
2. The assessment rate for all sidewalk construction will be determined on the basis of assessing 100% of the cost of the sidewalk installation.
3. All sidewalks in street intersections (beyond the property corner), which are considered crosswalks, shall be installed at a cost to the City.

III. SANITARY SEWERS

A. GENERAL

1. Assessments for new sanitary sewer mains shall be levied according to a square foot cost uniformly distributed over a zone, which shall be parallel with the proposed sewer improvement and include all property lying within 120 feet of the public right-of-way containing the sanitary sewer improvement.

B. CALCULATION OF AREA ASSESSMENT RATE

1. After contracts are awarded for sewer construction in a construction year, the assessment rate for the following year shall be calculated by the Public Works Director of the City of Oshkosh. The Public Works Director shall determine the cost per lineal foot of a nominal 8 inch sanitary sewer installed at a depth between 8 and 10 feet, backfilled with aggregate and one (1) standard manhole installed every 350 feet. The nominal cost shall not include any extra or special manholes or other sewer appurtenances and shall presume no removal of pavement is necessary for sewer installation. Additional calculations shall be done to calculate the cost to repair the street pavement. A separate calculation shall be done for asphalt pavement and concrete pavement. The calculation shall be based on an 8 foot wide trench for restoration and shall include any sawcutting, grading, and manhole adjustment typically required. Based on the location of the proposed sewer extension, the assessment rate will include the cost of the sewer and appropriate street patch, if necessary. **(Res. #18-67)**
2. The Public Works Director shall present the results of the study to the Oshkosh Board of Public Works who shall review the report and make whatever modifications are necessary to ensure fairness in the calculation of the assessment rate. The Board of Public Works shall then certify to the Public Works Director the rates for sewer construction to be used in the following year's sewer construction projects.
3. All nominal rates shall include a factor of 12% of the construction cost, which shall be considered to reimburse the City for all engineering and administrative costs.

C. SANITARY SEWER LATERALS

1. For sanitary sewers installed in streets, which necessitate the installation of lateral connections to the right-of-way line, the cost of the lateral shall be determined and shall be assessed at 100% of the estimated cost. **(Res. #13-109)**

2. For active sanitary sewer laterals which need to be reconstructed or re-lined on a City-funded paving project, the cost of the lateral shall be determined and shall be assessed at 50% of the cost, as explained in **Item I.A.3. (Res. #13-109/Res. #18-67)**
3. When the installation of lateral connections or reconstruction of active sanitary sewer laterals is not part of a City-funded paving construction project, the cost to remove and restore the pavement will be assessed to the benefitting property owner. **(Res. #13-109)**
4. The special assessment charge for the cost of the lateral will be averaged, by size, so each property owner pays the same special assessment charge, on a given project, for the same size service. As an exception, City-funded sanitary sewer lateral lining and partial lateral replacements, within the project limits, will be assessed for the actual lateral footage lined or relayed to the benefitting property. All special assessment charges shall include a factor of 12% of the construction cost, which shall be considered to reimburse the City of all engineering and administrative costs. **(Res. #13-109/Res. #18-67)**

IV. WATER MAIN INSTALLATION

A. GENERAL

1. Assessments for new water mains shall be levied according to a square foot cost uniformly distributed over a zone, which shall be parallel with proposed water improvements and include all property lying within 120 feet of the public right-of-way containing the water main improvement.

B. CALCULATION OF AREA ASSESSMENT RATE

1. After contracts are awarded for water construction in a construction year, the assessment rate for the following year shall be calculated by the Public Works Director of the City of Oshkosh. The Public Works Director shall determine the cost per lineal foot of a nominal 8 inch water main installed at a depth between 6 and 8 feet, backfilled with aggregate, and an 8 inch gate valve and a standard hydrant every 600 feet. The nominal cost will not include any other or special valves, hydrants, or other water utility appurtenances and shall presume no removal of pavement that is necessary for the water main installation. Additional calculations shall be done to calculate the cost to repair the street pavement. A separate calculation shall be done for asphalt pavement and concrete pavement. The calculation shall be based on an 8' wide trench for restoration and shall include any sawcutting and grading and manhole adjustment typically required. Based on the location of the proposed water main extension, the assessment rate will include the cost of the water main and appropriate street patch, if necessary. **(Res. 18-67)**
2. The Public Works Director shall present the results of the study to the Oshkosh Board of Public Works who shall review the report and make whatever modifications necessary to ensure the fairness in the calculation of the assessment rate. The Board of Public Works shall then certify to the Public Works Director the rates for water main construction to be used in the following year's water construction projects.
3. All nominal rates shall include a factor of 12% of the construction cost, which shall be considered to reimburse the City for all engineering and administrative costs.

C. WATER LATERALS

1. For water mains installed in streets, which necessitate the installation of lateral connections to the right-of-way line, the cost of the lateral shall be determined and be assessed at 100% of the estimated cost. The special assessment charge for the cost of the lateral will be averaged, by size, so each property owner pays the same special assessment charge on a given project for the same size service. **(Res #18-67)**
2. For water laterals larger than 2 inches in size, relayed with a City project, 100% of the estimated cost shall be assessed. The special assessment charge for the cost of the lateral will be averaged, by size, so each property owner pays the same special assessment charge on a given project for the same size service. **(Res #18-67)**

3. When the installation of lateral connections is not part of a City-funded paving construction project, the cost to remove and restore the pavement will be assessed to the benefitting property owner. **(Res. #18-67)**
4. The special assessment charge for the cost of the lateral will be averaged, by size, so each property owner pays the same special assessment charge on a given project for the same size service. As an exception, partial lateral replacements, within the project limits, will be assessed for the actual lateral footage relayed to the benefitting property. All special assessment charges shall include a factor of 12% of the construction cost, which shall be considered to reimburse the City of all engineering and administrative costs. **(Res. #18-67)**

V. STORM SEWERS

A. GENERAL

1. The cost of installing storm sewers necessary for street drainage shall not be assessed to the abutting property owners.
2. Assessments for special storm sewer laterals installed for the specific purpose of providing storm sewer connections for clear water sump pumps from buildings to the public right-of-way shall be levied at a fixed dollar amount per assessable connection. **(Res. #00-37/Res. #18-67)**

B. CALCULATION OF AREA ASSESSMENT RATE

1. Area assessment calculations are not used for storm sewer main installation. **(Res #18-67)**

C. WAIVER OF FEES

1. All fees for plumbing permits necessary for the connection of sump pump drains to existing storm sewer systems, existing storm sewer laterals, and special (“mini”) storm sewers are hereby waived for the property owner if the private property connection is completed in the same calendar year as the public contract construction of any storm sewer lateral to the property. These plumbing permit fees shall be paid by the City of Oshkosh Storm Water Utility. **(Res. #10-409 & #12-415/Res #18-67)**

D. STORM SEWER LATERALS

1. The assessment rate for special purpose storm sewer laterals shall be \$750 per assessable connection, not to exceed 100% of the cost for the installation of the

special storm sewer lateral. **(Res. #00-37/Res. #12-49)** The rate shall be reduced to \$400 shall the property owner not need a lateral inlet due to connecting the special purpose storm sewer lateral to an underground connection to the clear water sump pump on the property. **(Res #18-67)**

2. For storm sewer installed in streets, which necessitate the installation of non-special purpose storm sewer lateral connections to the right-of-way line, the cost of the lateral shall be determined and shall be assessed at 100% of the estimated cost. **(Res. #11-123/Res #18-67)**
3. For any active storm sewer laterals which need to be reconstructed on a City-funded paving construction project, the cost of the lateral shall be determined as a storm sewer lateral, and not as a special storm sewer lateral, and shall be assessed at 50% of the cost as explained in **Item I.A.3. (Res #18-67)**
4. When the installation of non-special purpose storm sewer lateral connections or reconstruction of any active storm sewer laterals is not part of a City-funded paving construction project, the cost to remove and restore the pavement will be assessed to the benefitting property owner. **(Res #18-67)**
5. The special assessment charge for the cost of the non-special purpose storm sewer lateral will be averaged, by size, so each property owner pays the same special assessment charge on a given project for the same size service. As an exception, partial lateral replacements, within the project limits, will be assessed for the actual lateral footage relayed to the benefitting property. All special assessment charges shall include a factor of 12% of the construction cost, which shall be considered to reimburse the City of all engineering and administrative costs. **(Res #18-67)**

VI. GENERAL

1. These, in no way, supersede the requirements, etc., in the Subdivision Ordinance, and are not applicable to subdivisions or new streets.
2. The Board of Public Works shall certify final special assessment calculations and submit to the City Clerk for invoicing the special assessment to impacted property owners within 24 months of the completion date as specified in the applicable construction contract. **(Res. #14-12)**