



**Engineering/Projects Section: Public Works & Mobility
Department – Surface Transportation Administrative Rule
No. 418**

**Road District #1 Funding Assistance for City Council
Ordered Curb and Sidewalk Improvements Right-of-Way
Special Improvement Assessment Program**

Adopted: April 2, 2013

Revised: September
9, 2021

DEFINITIONS:

City Council order(ed): Formal process by which City Council adopts a resolution ordering installation, ~~construction,~~ or replacement of certain curbs, gutters, sidewalks, ~~drive~~ approaches, alley approaches and appurtenant public infrastructure improvements ~~in certain locations.~~

City('s) Contractor: Contractor which City Council formally awards a construction contract through a competitive bidding process to complete construction of City Council ordered ~~curb and sidewalk related~~ right-of-way improvements project.

PURPOSE: ~~To govern the use of Road District #1 funds to assist property owners with the cost of constructing.~~ This Administrative Rule provides direction for implementation of the Special Improvement Assessment Program for City Council ordered ~~curb and sidewalk~~ and related improvements ~~within public street right-of-ways.~~

APPLICABILITY: ~~Missoula City Engineering Division~~ Public Works & Mobility Department - Surface Transportation

DISCUSSION/BACKGROUND: On ~~September 24, 2012~~ March 2, 2020, the City Council passed ~~Resolution 7736~~ Resolution 8416 establishing a ~~funding assistance program for curb~~ Funding Assistance Program to provide financial support for installation of sidewalks, approaches, boulevards, and sidewalk assessments for public right-of-way construction projects pursuant to Missoula Municipal Code related appurtenances in accordance with the provisions of MMC 12.10 (formerly MMC 12—Curbs, Sidewalks and Paving. The program funding assistance is described as the “City First Equal Share Model”. Under this program, eligible 12). Eligible property owners are provided funding assistance ~~in the following manner: per Resolution 8416.~~

~~Deductible: is the initial portion of the construction cost the City pays, from \$0.00 up to \$1,000, for public right-of-way improvements ordered by City Council.~~

~~Co-pay: is the percentage of construction cost the property owner pays, established at 50% of the construction costs, above the \$1,000 Deductible to be assessed as a special tax against the property in front of or along which the public right-of-way construction improvements are installed.~~

~~Normal Maximum Out of Pocket: is the amount the property owner pays up to the next \$3,500 for assessments and any amount over \$15,000 Stop Loss Amount described below to be assessed as a special tax against the property in front of or along which the public right-of-way construction improvements are installed.~~

~~Stop Loss Amount: is the amount that the City pays in excess of the Normal Maximum Out of Pocket of \$3,500 up to \$15,000 assessment amount. All assessed costs above the \$15,000 Stop Loss Amount are to be assessed to the property owner as a special tax against the property in front of or along which the public right-of-way construction improvements are installed.~~

POLICY: The ~~funding assistance program~~ Funding Assistance Program shall be used to assist property owners with ~~public adjacent~~ right-of-way ~~construction~~ improvements under the following conditions:

1. ~~Road District #1 funds~~ The funding assistance shall only be allocated toward ~~constructionsidewalk and related~~ improvements, ~~and does not include street section work~~, adjacent to properties ordered ~~in~~-by City Council through the ~~Annual Sidewalk Installation Replacement Program~~. ~~This does not include properties in the annual Miscellaneous Parcels Project ordered by City Council~~. Special Improvement Assessment Program (Program).
2. Funding assistance shall only be available to those properties with Road District #1 yearly assessments greater than \$0. Properties that do not ~~contribute to the~~ pay property taxes (i.e. publicly owned property, non-profits, etc.) or otherwise contribute to Road District #1 are ineligible.
3. Funding assistance for vacant parcels that have a Road District #1 yearly assessment greater than \$0 will be applied based on the 1 & 2 Family Dwelling formula.
- 3.4. Funding assistance for eligible properties shall be based on the actual construction costs, not including finance costs, for those ~~portions of work~~ sidewalks, approaches, boulevards and related improvements as determined to be necessary by the City Engineer for Surface Transportation and quantified in the City Council order and/or on the construction plans. All other ~~work~~ improvements desired by the property owner, if permitted to be constructed, will not receive funding assistance but may ~~be financed through the assessment program~~ utilize City financing.
- 4.5. For eligible properties to receive funding assistance the property owner must participate in the City Council ordered project and the City's hired contractor must complete the work. If the property owner elects to obtain their own contractor, funding assistance is not available. ~~This funding assistance does not include~~ However, these property owners ~~hiring their own contractor to construct curb and sidewalk related improvements and subsequently could still be~~ included in the Miscellaneous Parcels Order for the sole purpose of using City financing ~~through the assessment program~~ for infrastructure improvements.
- 5.6. Properties identified for inclusion in a City Council ordered project for which a building and/or zoning permit has been issued requiring curb and/or sidewalk repair, replacement ~~of, and/or~~ installation prior to City Council ordering the project are ineligible for ~~the~~ funding assistance. Once these prior requirements have been satisfied, these properties will be eligible for future funding assistance.

~~Utility service stubs/repairs, landscaping (other than topsoil/seeding & sleeves), boulevard irrigation,~~
- 6.7. ~~Removal of encroachments, such as fences, structures, signs and, or other private improvements requiring removal/relocation~~ not provided for in Section 8 below, and installation and/or repair of utility service lines within the public right-of-way, are not eligible expenses ineligible for funding assistance and will be fully assessed to the property owner.
- 7.8. ~~Tree/stump/shrub removal,~~ Removal and replacement of trees, landscaping, irrigation, and related improvements such as irrigation ditch work, retaining walls, ~~etc.~~ boulevard topsoil, seeding and sleeves, that ~~is~~ are required and necessary for the installation of curb ~~and/or,~~ sidewalk, and related improvements are eligible expenses for funding assistance.

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