

Transfer of Private Infrastructure to Public Ownership Handbook

This handbook is intended as a guide.

There may be additional requirements identified by City Staff after review of a submitted application.



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BACKGROUND

Private infrastructure within the City of Cedar Rapids (City) is that which is privately owned and maintained by a single entity (person, firm, homeowners association, or corporation) or jointly by some or all of the abutting property owners. Since private infrastructure is not publicly maintained, the City does not retain an inventory of data on these facilities.

On occasion, a request for the City to take over private infrastructure is made by the owner or property owners who own property adjacent to the private infrastructure. Sometimes private infrastructure is poorly maintained. This may be due to a lack of resources on the part of the owner(s) or a lack of understanding about who is responsible for the maintenance.

At the time of the request, the private infrastructure may not be in good condition or not meet minimum city standards and therefore would require upgrading in order to become a public asset. The City does not have the resources (staff or funding) to upgrade on behalf of the owner. This handbook outlines the process for the transfer of private infrastructure to public ownership. The owner must provide the required information and the private infrastructure must meet the requirements and standards outlined in this handbook.

APPLICATION REQUEST

To begin the process for requesting the City to consider the transfer of private infrastructure to public ownership, the owner shall submit to the City an *Application of Transfer for Private Infrastructure*; the standard fee and a signed petition; and an application for annexation, if applicable.

1. The petitioner shall be the owner(s) of the private infrastructure.
2. A petition shall be signed by 100% of the abutting property owners to the private infrastructure indicating their interest in dedicating to the City.
 - a. Petition must indicate understanding that all real estate fees along with environmental, surveying, engineering, utility televising, construction upgrades, permit costs and personal property removals; i.e. fencing, gateways, landscaping, necessary to become a public asset will be the responsibility of the petitioners.
 - b. For petition purposes, each member of a condominium or Home Owners Association (HOA) is considered an abutting property owner.
 - c. In lieu of a petition, an action by the HOA board of directors is acceptable.
3. If the private infrastructure is located in Linn County, the owner must provide an application for the voluntary annexation into the City for the property of the private street and the private properties it serves.
 - a. The County property must be contiguous to the City of Cedar Rapids city limits.
 - b. The City will not accept an application without an acceptable application for the voluntary annexation of a Linn County property.

- c. The City will not accept an application if the property is not contiguous to city limits and does not meet the criteria for annexation.

Upon receipt of application, a meeting will be scheduled between City staff and representative(s) of the Petitioner(s) to review the application, city requirements and engineering report, and cost estimate for the City's review.

NOTE: Acceptance of application and fee to does not guarantee City approval to accept private infrastructure as a public asset.

REQUIRED INFORMATION FOR CITY REVIEW

In order for the transfer of private infrastructure to public ownership, it may require upgrading, under City supervision and at no cost or liability to the City. Converting private infrastructure into a public asset consists of several detailed steps and a financial commitment from the private owners.

A licensed engineer is required to conduct a field investigation and provide a signed and sealed written report with visuals interpreting the results and cost for upgrade to the City for review. Any design or as-built drawings would be beneficial to include. The following are the general tasks required for submittal for City review.

1. Pavement
 - a. Identify street pavement surface (i.e. gravel, asphalt, concrete)
 - b. Pavement cores are required to determine pavement condition and thickness at one per 150 linear feet or 1 per 5,000 square feet
 - c. The pavement core driller will work with the City, and Public Works Staff will be onsite, to identify specific location of cores required based surface cracking patterns
 - d. The number of cores performed is based on initial core results and less overall coring may be required if the initial cores are showing an adequate and a consistent deep pavement section
 - e. Condition assessment and report cost estimate for upgrade
2. Storm Water Management
 - a. Storm Sewer
 - i. Provide drainage report and/or identify storm sewer facilities and gaps in infrastructure to handle storm runoff
 - ii. Televis storm sewer and provide a condition assessment and rating report
 - iii. Extend storm sewer and provide intakes if determined necessary to meet design standards
 - b. Detention Basin
 - i. Identify any detention basin facilities

- ii. Survey stormwater basin and determine if any removal of sedimentation is necessary to provide the original design volume.
 - iii. Review and report outlet structures to functionality.
 - iv. Report condition and provide cost estimate for upgrade.
3. Sub-Drain
 - a. Extend sub-drain, if determined necessary, to private street, sidewalks or to accommodate sump pump discharge
4. Sanitary Sewer
 - a. Identify sanitary sewer facilities and provide mapping
 - b. Televiser sanitary sewer and provide a condition assessment and rating report
5. Water
 - a. Identify water main facilities and indicate if private or public
 - b. Demonstrate that pipe is in good condition, maintenance history
 - c. Report condition of water main or water well(s) location and use
 - d. Identify fire hydrant locations
6. Private Utility or Miscellaneous Easements
 - a. Identify all private utilities that occupy the property proposed for transfer to public asset
 - b. Identify all easements
 - c. City will require releases of utility easements prior to acceptance of property as the utility will operate under their current franchise agreement with the City or if no franchise agreement, a license agreement with the City will be required.
 - d. Report findings
7. Sidewalks and Retaining Walls
 - a. Identify trails and/or sidewalks and report gaps, and existing conditions
 - b. City Policy requires sidewalk on both sides of the street and ADA accessible curb ramps at each street intersection and mid-block crossings at a minimum of every 600 feet,
 - c. In some cases, sidewalk installation may be difficult due to grades, therefore the report should identify areas to propose alternative solution such as a required retaining wall.
8. Trees and Landscaping
 - a. Identify and report on existing trees located in the street to ensure it meets City requirement.
 - b. Ash trees will require removal and any other trees considered a nuisance or an obstruction to pedestrian and vehicle safety.
 - c. Some items will not be maintained by the City and may be required to be removed (i.e. irrigation system, hardscapes, retaining walls)
9. Environmental
 - a. Provide a Phase I environmental assessment which indicates no recognized environmental conditions exist on the property.

- b. Site assessment shall be conducted by an environmental professional and in accordance with ASTM E1527-05 Standard Practice for Environmental Site Assessments: Phase I Site Assessment Process
- c. Provide environmental report to City for review.
- d. Review of the Phase I report may lead to the City requesting an additional Phase II environmental assessment.

10. Property Width and Survey

- a. Provide a copy of the surveyed right-of-way proposed to be conveyed
- b. If not previously platted separately, provide plat of survey showing the property necessary for the proposed street right-of-way.
- c. Confirm property width to be conveyed is in accordance with resolution or Complete Streets Policy.
- d. Report findings

11. Street Design

- a. Confirm street classification
- b. Confirm building setback based on proposed street right-of-way
- c. Confirm curb to curb street width per City standards
- d. Confirm street grade per City standards
- e. Dead-end street must contain fire-code compliant turn around
- f. Report cost for upgrades.

12. Other Fixed Objects

- a. Identify existing street lighting, fencing, signs, entrances gates, memorials located in the proposed street right-of-way.
- b. Any obstruction to pedestrian and vehicle safety will require removal.
- c. Report cost estimate for upgrades or removals.
- d. Fixed objects remaining in the right-of-way may require encroachment permission from the City.

Report items should include:

- 1. general items of work needed to bring the private street and utilities to City standards based on above;
- 2. construction costs for required work;
- 3. Permit costs, including inspection.

NOTE: The City will close the request if the petitioner(s) informs the City they do not want to proceed. The request will automatically close six months after date of application if the City receives no report or response.

CITY REVIEW OF PETITIONER(S) ENGINEERING REPORT AND COST ESTIMATE

Upon receipt of a signed and sealed engineering report, and payment of review fee, City staff will review the report and provide a written response. This evaluation will focus on determining what construction changes/upgrades are necessary to bring the existing infrastructure up to acceptable city standards as identified in the current version of Statewide Urban Design and Specifications (SUDAS) and the Cedar Rapids Supplemental Documents. Efforts to mitigate deviations from SUDAS and Supplemental should be included in the request to transfer. The review will require a site visit by City staff with the author of the engineering report. Additional information may be required for the City to conclude its review.

The City's written response will either confirm the findings and cost estimate or provide a recommendation and adjustment to the cost estimate. These budget estimates are preliminary, subject to change during both the design and construction process. The City shall also provide an Acceptance of Provision outlining the requirements.

If after receiving the City's written response and the petitioner(s) still wishes to pursue transfer to a public asset, the Petitioner shall provide to the City a signed *Acceptance of Provisions* as a commitment to proceed with construction and remaining requirements. Upon receipt of the signed acceptance, City staff will recommend that the City Council pass a resolution of intent.

NOTE: If after receiving the City's written response and the petitioner(s) informs the City they do not want to proceed, the request will be closed. The request will automatically close six months after date of City's written response if City receives no response.

CITY COUNCIL APPROVAL OF RESOLUTION OF INTENT

Upon receipt of a signed *Acceptance of Provisions*, City staff shall recommend that the City Council pass a resolution of intent to accept the proposed private infrastructure as a public asset upon satisfactory completion of the required improvements.

CONSTRUCTION REQUIREMENTS

The petitioner(s) or designee must submit a plan to the City showing all necessary improvements. This plan must be prepared, stamped, and signed by a professional engineer licensed in the State of Iowa with experience in the design in accordance with city standards. The City must review and approve the plan prior to beginning construction. The petitioner(s) shall hire a licensed contractor to perform all necessary construction work. This work must be performed

in accordance with permits obtained from appropriate agencies prior to beginning construction. The construction must be completed and approved by City prior to acceptance of the property to be conveyed to the City.

PROPERTY CONVEYANCE REQUIREMENTS

Prior to City Council approval to accept the property, the petitioner(s) must:

- a. If required, provide to the City a signed Plat of Survey describing the property underlying the street and proposed right of way for conveyance. The City will review and approve the plat.
- b. Provide to the City an Attorney's Title Opinion for the property underlying the private street showing clear title.
- c. Pay all outstanding taxes, assessments, liens on the property and all costs associated with providing a clear title to the City.
- d. Provide to the City, releases from private utility companies regarding private easements within the proposed right-of-way.
- e. Provide to the City a signed Warranty Deed, and a Ground Water Hazard statement.
- f. Pay all fees pertaining to recording the required legal documents.

CITY ACCEPTANCE OF PRIVATE INFRASTRUCTURE AS PUBLIC ASSET

Upon completion of the Construction and Property Conveyance Requirements, City staff will recommend to City Council that the private infrastructure be transferred to public ownership.

Once the City Council approves the resolution, the property becomes public. All future maintenance will be the responsibility of the City Public Works Department.

PROCESS TIMELINE

The process from application to City acceptance can take anywhere from a few months to a year to complete depending on the steps necessary and requirements of the particular transaction.

CONTACTS

Initial contact with the City should be through [Development Services Department](#) at 319-286-5780 or email developmentservices@cedar-rapids.org.

Public Works Department (specifications, encroachments, permits, ordinances)

SUDAS@cedar-rapids.org or 319-286-5802



Iowa One Call (underground utility locates)

www.iowaonecall.com or 800-292-8989

PETITIONER CHECKLIST

Application Request

- Application fee
- Completed Application
- Signed Petition or HOA Action
- Annexation Request (if located in Linn County) N/A

Required information for City Review

- Review fee
- Engineering Report and Cost Estimate
- Environmental Report

City Review

- City Written Response
- Acceptance of Provision

City Council Approval of Resolution of Intent

- Signed Acceptance of Provision to City
- City Council Approval of Resolution of Intent

Construction Requirements

- Construction plan of necessary improvements
- City review plans and approves
- Hire licensed contractor
- Complete construction upgrades
- City approval received

Property Conveyance Requirements

- Plat of Survey N/A
- Attorney's Title Opinion
- Pay outstanding taxes, assessments and liens
- Easement releases within proposed street right-of-way
- Signed Warranty Deed
- Signed Groundwater Hazard Statement
- Pay fees

City Acceptance of Private Street Right-of-Way Transfer to Public Asset

- City Council Approved Resolution to accept street