



City of Burlington
Department of Public Works

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Memo

Date: February 12, 2020

To: City Council

From: Phillip Peterson, Associate Public Works Engineer

CC: Chapin Spencer, Director of Public Works
Norm Baldwin, P.E., City Engineer/Asst. Director – Technical Services
Susan Molzon P.E., Senior Public Works Engineer
Timothy Devlin, City Attorney's Office

Subject: Red Maple Lane & Franklin Square Street Acceptance

Communication: The Department of Public Works (DPW) submits to the City Council information regarding the proposed dedication and acceptance of Red Maple Lane and Franklin Square as public rights-of-way, as undertaken by DPW and the City Attorney's Office, and to notify the City Council that documentation is being prepared generally consistent with terms included in this memo for the City Council's consideration at a later date.

Background:

DPW, the City Attorney's Office, and Burlington Housing Authority (BHA) have been collaborating on the formal acceptance of Red Maple Lane and Franklin Square into the City of Burlington's public Right-of-Way (ROW). DPW Staff and the City Attorney's Office have reviewed the City's Land Records and other historical documentation. Records indicate that in 1975 the City Council, with the support of the City Engineer, passed a Resolution accepting Franklin Square as a City street, see Attachment-1. However, there is no documentation that Burlington Housing Authority, or any previous owner, completed the process of dedicating the street to the City. Therefore, the process was not fully completed, though the intent may have been there, and the transfer of property rights was never effectuated.

Over the years, the incomplete transfer of property rights led to differing opinions between BHA and the City on whose responsibility it was to maintain the infrastructure. This disagreement led to minimal maintenance activities occurring on the various systems and the overall condition of the assets declined. The deferred work over many decades has impacted the quality of life for Franklin Square residents – all of whom are low-income and many of whom are new Americans.

Previous City Administrations have sought to resolve this situation but have not been successful. Most recently, representatives from the City and BHA worked from 2010 through early 2012 but were unable to come to agreement mainly around the issue of parking management.

With support of New North End City Councilors and Councilor Ali Dieng in particular, Public Works Staff restarted efforts in early 2019 to resolve this impasse. After a number of meetings, additional research, and creative problem solving, the staff of the respective parties have hammered out a proposed solution.

Now, based on the general terms outlined below, the Burlington Housing Authority intends to formally dedicate portions of the property located at 1554 North Avenue, commonly known as Franklin Square, to the City of Burlington. In order to complete this process, the City Council will need to accept the dedication of Franklin Square as a City street and establish it is a public right-of-way.

Proposed Right-of-Way:

In collaboration with BHA, DPW is advancing with this process to complete the dedication and acceptance of Franklin Square under the following assumptions:

- Proposed Right of Way to be deeded would be approximately 2 feet outside the outside curb and approximately 2 feet off the sidewalks adjacent to the buildings.
- For the sidewalk to be properly maintained, BHA will provide a 2 foot clear zone along the building side of all sidewalks, which will require relocation of some of the existing yard fencing.
- The proposed City street will maintain one-way circulation on Franklin Square in a counter-clockwise direction.
- Existing on-street parallel parking on the north and south sides of Franklin Square will be reconfigured to 45-degree angled parking which will increase parking capacity for residents.
- Parallel parking on Red Maple Lane will be retained.
- On-street parking will be divided into two winter parking ban zones which would be alternated with the first evening being the Standard Parking Ban-Zone A and the next day, Zone H Parking Ban would be in effect.
 - Existing Zone A - South and West Side of Franklin Square and Red Maple Lane.
 - Proposed Zone H-North and East Side of Franklin Square.
- BHA will educate residents on this dual parking zone approach.

Ongoing Efforts:

In order to prepare a formal dedication and acceptance proposal to City Council, DPW Staff continue to advance the following items:

- DPW and BHA held a neighborhood meeting (see Attachment-2) on January 28, 2020 to inform the residents of these proposed changes and to gather feedback. The presentation prepared for this meeting is attached. Additional Franklin Square neighborhood meetings will be held as this process continues.
- DPW Staff communication of Franklin Square work was submitted to the TEUC through a memo February 4, 2020.
- DPW and BHA will share evenly in the cost to perform a boundary survey, deed research and monumenting to establish the limits of the proposed right-of-way.

- DPW continues to coordinate with the City Attorney's Office related to the legal instruments for street acceptance and the establishment of public right-of-way.
- The various City departments, to include BED, DPW, Water Resources; have assessed the conditions of water resource infrastructure (stormwater, sanitary sewer, water), street lighting, electrical distribution, pavement, and sidewalks. Anticipated near-term capital investments are discussed below.
- DPW continues to collaborate with Burlington Police and Fire Departments on ability for Emergency Services response on Franklin Square.
- DPW continues to evaluate Zoning implications of changing the acreage and boundary lines of the BHA parcel.
- DPW continues to coordinate with the City's E911 Coordinator to implement any necessary re-addressing.

Near-term Capital Investment:

Following the dedication and acceptance of Franklin Square as public right-of-way, DPW anticipates near-term capital investment by the City will be required within the next 1-3 years. Based on the condition assessments performed in 2019, DPW anticipates the following:

- Burlington Electric Department: street lighting upgrades (Estimated \$16,000)
- DPW Traffic Division: Re-striping and signage for reconfiguration of on-street parking. Installation of snow ban signal equipment and signage. (Estimated \$2,500)
- DPW Water Resources Division: Stormwater drainage repairs (Estimated \$36,000).
- DPW Technical Services: Street pavement reconstruction (Estimated \$450,000), scope includes repaving of Red Maple Lane and Franklin Square, replacement of all sidewalks, and replacing approximately half of the existing curb.
- DPW Streets Maintenance: Pothole repair, street sweeping, and snow plowing.
- With increased State stormwater regulations, additional stormwater management will likely be required for the additional impervious surfaces (Estimated \$288,000).

These are significant costs. The City typically requires a street be up to City Standards prior to recommending the City Council accept the street. The critical distinction in this case is that a prior City Engineer and a prior City Council signed off on accepting this particular street in 1975. The action by the City appears to indicate that the street was up to standard at that time – soon after the development was constructed. DPW knows of no other street in the City that has been accepted, but not dedicated.

Next Steps:

DPW and BHA will continue to coordinate efforts to advance the dedication and acceptance process through the ongoing efforts discussed above. DPW anticipates bringing forward a recommendation for the City Council to accept the proposed Franklin Square right-of-way in Fall 2020. Direct any questions to Philip Peterson, Associate Public Works Engineer DPW, ppeterson@burlingtonvt.gov (802)865-5832.

Attachments:

1. City of Burlington City Council Resolution Accepting Franklin Square as a City Street.
 2. Franklin Square Neighborhood Presentation 1.28.20
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