

From: [Wolfe, James](#)
To: ["Sam Zelinka"](#)
Cc: [Evers, Tag](#); [Kari Zelinka](#)
Subject: RE: Alley Paving along the 1300 block of Chandler/Vilas
Date: Friday, January 17, 2020 5:36:36 AM
Attachments: [Alley Cross Sections.pdf](#)

Sam,

I will forward your email, along with this response, to be attached to the file for consideration by the Board of Public Works.

1. In the vast majority of the lengths of the alleys, the curb that would be installed is actually more of just a gutter section. Please see the attached drawing showing the potential cross sections in the alleys. Note that the proposed pervious pavement section does include some curb adjacent to the pervious pavement; should this section cross a driveway area, the curb head would be cut down to still allow easy access to the driveway, and the 4" curb head is low enough that it could be driven over by a vehicle in an emergency. One of the more significant aspects to the design of the alleys is reconstruct them such that all driveways, parking areas and garages remain accessible.
2. Installing storm sewer in a gravel alley results in some significant issues. While it may function OK initially, the gravel alley will settle with additional compaction from vehicles and erosion of the gravel, and the concrete storm sewer inlets would not due to their depth and compacted foundation. The stormwater in these situations, especially on flatter alleys, will not get into the storm sewer in an efficient manner, and will result in ponding water on the alley and further deterioration of the gravel surface (essentially the condition of the alley that's there now). Also, this results in gravel getting into the storm sewer system, which would ultimately take the gravel into Lake Wingra.
3. The assessments fall under Sec. 66.0701 of the state statutes and MGO Sec. 4.09, through the exercise of our police powers, so state statute 66.0703 isn't applicable. Under these sections, we can only assess if a property is benefited and the method of assessment is reasonable, which is the case with the alley reconstructions.
4. We recognize that there is some risk in doing a pilot project of the pervious pavement on the alley. The City has tried some different methods of pervious pavement on other projects, and, based on our experience there, we believe that there is a high likelihood of success in this location. Also, we will design in some safeguards, which will protect against potential failures of the pavement system. However, should this fail in a way that would result in the pervious pavement needing to be replaced, the City would do that work at no additional cost to the adjacent property owners. Please feel free to contact me with any other questions. Thanks.

Jim Wolfe, P.E.

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From: Sam Zelinka
Sent: Wednesday, January 15, 2020 9:07 AM
To: Wolfe, James
Cc: Evers, Tag ; Kari Zelinka
Subject: Alley Paving along the 1300 block of Chandler/Vilas

Dear Mr. Wolfe & Alderman Evers

I live at 314 S. Orchard St. and am one of the homeowners affected by the proposed paving of the alley. I would like to be on record noting my opposition to the paving of the alley and provide the following feedback to the city.

1. We believe that the **installation of a curb will be detrimental to the alley** on the 1300 block of Chandler/Vilas. This block, in particular, has many garages that set very close to the alley. Therefore, it is necessary to drive off the alley into the grass on the other side of the alley to pull into your garage. Furthermore, nearly the entire alley is frontage for garages or parking pads. If a curb were installed, most of the curb would be gaps. It is very important that the alley elevation not change from the yards on either side of the alley so that people can still park their cars in their garages.
2. We are quite happy with our unpaved alley and **see no reason that the alley needs to be paved**. The letter we received from the city on December 20th stated the a major objective of the project was to improve drainage in the alley and would involve the installation of storm sewer in our alley. Installing a storm sewer in-and-of-itself may likely fix the drainage issues in the alley without paving, thus saving the city property owners money and reducing runoff to storm sewers.
3. **We believe the special assessment violates the 14th Amendment of the US Constitution and §66.0703 of the Wisconsin State Statutes**. These laws clearly state that the value of a special assessment cannot exceed the actual benefit to the accruing property. Paving the alley will not change our property values by nearly \$5,000 dollars (as is the case for our property). Therefore, the amount of the assessment applied to homeowners is too high.
4. We are **concerned that participating in the pilot project for pervious pavement may result in more special assessments**. Because this pavement system is part of a pilot project, the City may find that this pavement is not as durable as normal pavement and need to repave the alley sooner than would otherwise be required. If this is a case, the homeowners would likely receive a second special-assessment to cover the cost of re-pavement. Since our participation in this program is involuntary, we ask that the city provide extra protections for homeowners who have been selected for this pilot program.

We ask that these considerations be taken into account at the Board of Public Works meeting on January 22nd.

Sincerely,

Sam Zelinka

314 S. Orchard St.

Madison WI 53715

cc: Kari Zelinka