CHAPTER 95: LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section

General Provisions

GENERAL PROVISIONS

§ 95:01 FINDINGS AND PURPOSE

Minnesota §§ 429, commonly referred to as the local improvement code, regulated the procedure for the construction and financing of local improvements when at least part of the cost is defrayed by special assessments.

§ 95:02 CUT-OFF DATE FOR PETITION

No petition for construction of local street, storm sewer, curb and gutter, sanitary sewer or watermain improvements shall be accepted or acted upon by the Council unless it is filed with the City Clerk on or before March 1, of the year of requested construction.

§ 95:03 FINANCING IMPROVEMENTS

It is the policy of the city to finance improvements by the methods prescribed in § 95:04 through § 95:10. The apportionment of the cost between benefited property and the city at large and the method of levying assessments prescribed in those statutes shall be followed in each case

unless the council, by resolution, finds that because of special circumstances stated in the resolution, a different policy is necessary or desirable in the particular case.

§ 95:04 ASSESSMENT RULES FOR TRUNK WATER MAINS & SANITARY SEWERS

When a trunk sewer or water main is constructed and is to serve also as a lateral sewer or water main for abutting property, the abutting property shall be assessed for the cost of a lateral sewer of eight (8) inches and 12 ½ feet or water main of eight (8) inches. The cost of the trunk sewer or water main where no direct assessment have been made, shall be assessed on the basis of a connection charge of $1,300 against all properties benefited. The cost of a lift station shall be assessed on the basis of a connection charge of $350 minimum charge against that property actually benefited by the lift station.

§ 95:05 ASSESSMENT RULES FOR ARTERIAL STREET IMPROVEMENTS

Arterial are defined as all streets with a roadway greater than thirty-six (36) feet. When an arterial street is paved with concrete, bituminous mat, or other permanent surface, the cost of the pavement on a thirty-six (36) foot roadway shall be assessed against the benefiting property on the basis of frontage on the abutting street. When the standards for such paving are higher than those the city would use for a residential street, the cost to be assessed shall be based on the cost of paving a residential street of the same width. The rest of the cost shall be paid from the city funds.

§ 95:06 ASSESSMENT RULES FOR TRUNK STORM SEWERS

Twenty-five (25) percent of the cost of constructing trunk storm sewers shall be paid by the city. The remainder of the cost shall be assessed against the property in the area served by the sewer on the basis of the square footage of the property. The area to be assessed shall be determined on the basis of topographic maps and other pertinent data.

§ 95:07 ASSESSMENT RULES FOR SIDEWALKS

One hundred (100) percent of the cost of the construction of sidewalks shall be assessed on the basis of frontage against property abutting the sides of the street on which the sidewalk is located. When a sidewalk requires replacement because of damage caused by the roots of a boulevard tree, the city will pay for the removal of the sidewalk and the abutting property owner the replacement. Curb and walk within intersections or curb return area shall not be assessed.

§ 95:08 ASSESSMENT RULES FOR WATER AND SEWER LATERALS

When a water or sewer main is laid across or adjacent to unplatted property, the city shall not defer the assessment against the unplatted property if the assessment would be made for such an improvement in the case of platted property, but the city shall make the assessment at the time the assessment against the other property is made, apportioning the assessment against the unplatted property on the basis of front footage. The cost of lateral water mains not exceeding eight (8) inches in diameter and of lateral sanitary sewer mains not exceeding eight (8) inches in diameter shall be assessed against abutting property on the basis of frontage. The cost of water mains to be assessed includes the service lines if furnished, hydrants and valves. The cost of sewer mains includes service lines, if finished.

§ 95:09 ASSESSMENT RULES FOR RESIDENTIAL STREETS

Fifty percent (50) percent of the cost of construction on any thirty-six (36) foot street, of grading, graveling, oiling and applying non-permanent surfaces to residential streets shall be assessed on the basis of frontage. Fifty (50) percent of he cost shall be paid by the city.

§ 95:10 SPECIAL RULES

CORNER LOTS: In any street or storm sewer assessment made on the basis of footage, corner lots shall be assessed for footage along the front of the lot plus the length of the side frontage. In the case of an assessment for a sewer main or lateral water, corner lots shall be assessed for the footage along the front side of the lot and shall not be assessed for side footage unless the lot is large enough to accommodate another building which would be benefited by construction of the second main.

INTERSECTIONS: The cost of water and sewer improvements in street intersections shall be included as part of the total assessable cost.

ADJUSTED FRONTAGE: When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment.

(A) Front footage shall be measured at setback on cul de sacs and sharply curved streets and irregularly shaped lots.

(B) Equivalent front footage shall be determined by dividing the square footage of the lot By the general lot depth of the subdivision for per-shaped lots and irregular shaped lots where other rules do not apply.

(C) Where frontage curves so greatly as to give a general appearance of a corner, the lot Shall be considered a corner lot and equivalent front footage, as well as side footage where required, determined on the basis of an irregularly shaped lot.

(D) Where a lot consists of a combination of rectangular and pie-shaped or irregular Portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.

§ 95:12 FEDERAL, STATE AND COUNTY AID USE

If the city receives financial assistance from the federal government, the state government or the county, to defray a portion of the cost of a street improvement project, such aid shall be used first to reduce the share of the project cost which would be met from city funds according to the assessment formula contained in this resolution. If such aid is more than the amount of the improvement cost to be borne by the city, the remainder of the aid so received shall be used to fund the appropriate construction fund. In no case will the individual property owner's assessment be reduced.

§ 95:13 DEFERMENT OF SPECIAL ASSESSMENTS

The City Council may provide for the recovery of all or any part of the cost of public improvements through special assessments against the property benefited by the improvements. Any such special assessments shall be levied and collected as provided by Minnesota §§ 429, except that the City Council may in its discretion, provide for the delay of the commencement of the payment of installments of principal of special assessments for sewer or water for a period of not to exceed five (5) years provided, however, that interest shall be assessed without any such delay and the commencement of the payment of installments of principal shall not be delayed beyond the time when the sewer or water is used for the parcel of property to be assessed.

§ 95:14 BRANCH SERVICE LINES

Water and sewer lines shall be installed from the main to the front property line of property to be served before any permanent street surfacing is constructed in the street.

§ 95:15 PARTIAL PREPAYMENTS

After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment or the first installment to the county auditor, pay to the city treasurer any portion of the assessment. The remaining unpaid balance shall be spread over the period of time established by the council for installment payment of the assessment.

§ 95:16 CERTIFICATION OF ASSESSMENTS

After the adoption of any special assessment by the council, the clerk shall transmit a certified duplicate of the assessment roll with such installment, including interest, set forth separately to the county auditor to be extended on the proper tax lists of the county.

§ 95:17 LENGTH OF ASSESSMENTS

Sidewalks, curbs and gutters assessment can be spread over a maximum of ten (10) years, street improvements over a maximum of ten (10) years, sanitary sewer and water mains over a maximum of fifteen (15) years and storm sewer over a maximum of twenty (20) years.