

**RESOLUTION 2022-05
CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

**AMENDED POLICY FOR SPECIAL ASSESSMENTS
FOR ROAD IMPROVEMENTS**

WHEREAS the City Council of the City of Grant desires to amend its policy for determining the allocation of special assessments road improvements so all residents are treated, and improvements assessed, in a reasonable manner consistent with state law.

NOW, THEREFORE, be it resolved by the City Council of the City of Grant that the following special assessment policy be adopted.

**I.
BASIC PHILOSOPHY**

- A. The project costs associated with completion of the improvement shall be assessed against properties benefited by the improvement as defined by this policy.
- B. In carrying out this policy, the City Council shall act in the reasonable interest of the citizens of the City of Grant.
- C. The city may contribute roadway maintenance dollars together with the special assessments to pay for the improvements of the existing roadway.
- D. The city encourages all neighborhoods within the feasibility study to participate in the project to benefit from the economy of scale of a much larger competitively bid construction project.
- E. Unless otherwise approved by the City Council no special assessments will be levied against City of Grant unless the property owned meets the definition of a buildable lot as described below.

**II.
DEFINITIONS**

The following definitions shall have the following meanings:

- A. "Buildable lot" means the number of lots that exist, or could be created per city code, on a piece of property. "Buildable lots" shall include consideration of whether a parcel of land is dividable or was lawfully divided.
- B. "Improvement" means any type of improvement granted by Minnesota Statutes §429.021.

- C. "Project" means any single roadway segment or any combination of several roadway segments together representing a single project ordered by Council.
- D. "Reconstruct" means removal, reclaiming, replacement, or overlay of the existing roadway surface or section and may include aggregate base, subgrade, and drainage.

III.

ALLOCATION OF SPECIAL ASSESSMENTS

- A. **Assessment Method.** Unless otherwise directed by the City Council, lots to be assessed are those with either 1.) an address on the road to be improved or 2.) road frontage on the road to be improved. The assessment may be allocated as follows:
 - 1. On a per project basis.
 - 2. Each buildable lot with road frontage and an address or potential address on the road to be improved shall be assessed as one unit.
 - 3. Each buildable lot with road frontage on the road to be improved, but with an address for that parcel on a different street, shall be assessed as one quarter ($\frac{1}{4}$) unit. A buildable lot shall not be charged more than one unit per project or assessable event.
 - 4. A buildable lot with no frontage on the road to be improved, but where the address for that buildable lot is on the road to be improved shall be assessed as one quarter ($\frac{1}{4}$) unit.
 - 5. A buildable lot that generates additional traffic may be assessed based upon the traffic generated.
- B. **Alternate Assessment Methods.** When in the judgement of the City Council the Assessment Method does not fairly apportion the proposed assessments, the City Council may adopt an alternate method of assessment, including but not limited to front foot, buildable lot, a combination of front foot and buildable lot, or any other methodology which reasonably apportions the assessments.
- C. In no event shall the amount of any special assessment exceed the benefit to the property being assessed.

IV. PROCEDURES

Petitions to reconstruct existing paved roads or to pave gravel roads:

- A. **Petition by one hundred percent (100%) owners.** Whenever all owners of frontage abutting any street or with access to any street named as the location of an improvement petition the City Council to construct the improvement and sign a waiver of rights to appeal to assess the entire cost against their properties, the Council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement.

- B. **Petition by at least thirty-five percent (35%) of owners.** When the improvement has been petitioned for by the owners representing at least thirty-five percent (35%) of the units proposed to be assessed, the City Council may authorize the City Engineer to prepare a Feasibility Report.
 - a. The cost to prepare the report will initially be paid for by the city. If a project is ordered, the cost to prepare the report will be included with the total project costs to be assessed. If the project is not ordered, the initial cost of the report will remain the responsibility of the city.
 - b. The City expresses the preference for more than fifty percent (50%) of property owners to sign the petition.

- C. **Consideration of Projects.** The first step in the project approval process is for council to accept the feasibility report by resolution and to order the public improvement hearing. The purpose of the hearing is to take public comment and for council to discuss a specific local improvement before ordering it done. A published and mail notice is required describing the assessment proceedings and notifying property owners of the date and time of the public hearing.
 - a. Property owners to be assessed are strongly encouraged to attend the public hearing or to submit in writing to the clerk prior to the hearing their comments or opinion on the project. Council members will consider all public input prior to voting on ordering the improvement.
 - b. Ultimately the council decides whether a project is ordered if the improvement is made pursuant to a legally sufficient petition from property owners.
 - c. The council may order the improvements by adopting a resolution with a simple majority vote at any time within 6 months after the date of the improvement hearing.
 - d. If the council does not order the project improvements, residents may continue pursuing support for the project on their own but must submit a

new petition with at least seventy five percent (75%) of the parcels adjacent to the street in favor of a project before council would consider a new public hearing. In this case, the process would restart at the feasibility stage and include a new or amended feasibility report. All the associated costs to update or amend an existing feasibility report for any roadway segments or projects will be the responsibility of the petitioners.

- e. The City Council reserves the right to initiate any local improvement in ordering a feasibility report in accordance with the best interest of the citizens of the City of Grant. In this case, a “super majority” or four-fifths vote is required when ordering the improvement.

- D. Notwithstanding the foregoing, the City Council reserves the right to approve or disapprove of any project in accordance with the best interest of the City of Grant.
- E. Those petitions submitted in accordance with Minnesota Statute 429 et.seq. shall be considered in accordance therewith.

EFFECTIVE DATE. This policy is effective on the date of adoption.

Whereupon a vote being taken upon the motion, the following members voted in favor:

Whereupon a vote being taken upon the motion, the following members voted against:

Whereupon said motion was duly passed this ___ day of _____, 2019.

Jeff Huber, Mayor

ATTEST:

Kim Points, City Clerk