

RESOLUTION 2004-13
CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA

POLICY FOR SPECIAL ASSESSMENTS
FOR ROAD IMPROVEMENTS

WHEREAS: The City Council of the City of Grant wishes to adopt a policy for determining the allocation of special assessments for road improvements so that all residents shall be treated, and improvements assessed, in a manner that is fair, consistent, and meets State laws.

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

I. BASIC PHILOSOPHY

- A. One hundred percent (100%) of the cost of construction or reconstruction of residential streets shall be assessed to benefited properties based on special benefits received except as otherwise indicated in the General Road Policy.
- B. Each property owner of each buildable lot shall be responsible for one (1) public road.
- C. In carrying out this policy, the Council will always endeavor to act in a manner that is in the best interests of the citizens of the City of Grant.
- D. It is the policy of the City to follow the General Road Policy. The Council is mindful of the fact that a paved road's general life expectancy is approximately thirty (30) years.

II. DEFINITIONS

- A. "Buildable lot" as referenced herein shall mean that number of lots which exist, or could be created, on a given piece of property. For example, an eighty (80) acre parcel may be able to be subdivided into eight (8) buildable lots. In determining "buildable lots," the City shall also consider whether or not a parcel of land is restricted by wetlands, deed restrictions, or other factors that prohibit the full development potential of the land-
- B. "Road reconstruction" as referenced herein refers to the definition in the General Road Policy.

III. ALLOCATION OF SPECIAL ASSESSMENTS

- A. Preferred Method. In order to fulfill the basic philosophy of this policy, the lots to be assessed are those which have an address on the road to be improved/reconstructed, have road frontage on that road, or use that road for access to their property (local collector road). In most circumstances, the assessment should be allocated as follows:
1. Each buildable lot with road frontage and an address (or potential address) on the road to be improved is one (1) unit.
 2. A buildable lot with road frontage on the road to be improved, but an address for that parcel on a different street is one quarter (1/4) unit. In no case will a buildable lot be charged more than one (1) unit.
 3. A buildable lot with no frontage on the road to be improved, but the address for that buildable lot is on the road to be improved is one (1) unit. (The access to the road to be improved could be by easement, private drive, or other means.)
 4. An area wide assessment may be considered for properties benefited by paving or reconstruction of a local collector road.
 5. Uses that generate addition traffic shall be assessed based on the percent and type of traffic generated.
- B. Alternate Methods. In the case of unique circumstances, in which case the preferred method of assessment does not appear to fairly apportion special assessments, then the Council may apportion special assessments by reference to front foot, buildable lot, a combination of front foot and buildable lot, or any other method that will fairly and equitably distribute the special assessments.
- C. In no event shall any special assessment exceed the benefit to the property being assessed.

IV. PROCEDURES

The Council will follow the following processes and procedures subject to the provisions of Minnesota Statutes Chapters 429 and 735:

- A. Petitions to pave existing gravel roads.
1. Petition by All Owners. Whenever all owners of real property abutting upon any street (or with access to any street) named as the location of any improvement shall petition the Council to construct the improvement and 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.

2. Petition by At Least Thirty-Five Percent (35%) of Owners. When the improvement has been petitioned for by the owners of not less than thirty-five percent (35%) in frontage (required by State law???) of the real property abutting on the streets proposed for the improvements, then the Council shall authorize the City Engineer to prepare a feasibility study as outlined in Minnesota Statutes Section 429.031.
3. Approval of Projects. As a general rule, after receiving the Engineer's feasibility report, if property owners representing about seventy-five percent (75%) of the buildable lots proposed to be assessed are in favor of the project, then the project will be approved. If less than seventy-five percent (75%) of the owners of buildable lots proposed to be assessed approve of the project, then, generally, the project will not be approved.
4. Notwithstanding anything else in this policy, the City Council reserves unto itself the right to approve or disapprove of any project according to what the Council believes to be in the best interests of the residents of the City of Grant. The Council will, at all times, endeavor to follow all applicable laws regarding special assessments.
5. Adjacent properties will not be assessed for upgrades to private roads and unimproved, unmaintained public rights of way.

B. Reconstruction of paved roads.

1. Roads will be reconstructed according to the General Road Policy and the City Five Year Reconstruction Plan.
2. Petitions for road reconstruction will not be accepted by the City.
3. Adjacent properties will not be assessed for reconstruction of private roads.

EFFECTIVE DATE, These policies are effective from and after the date of their adoption unless repealed or amended by further action of the City Council of the City of Grant.

WHEREUPON, a vote being taken upon a motion by Councilperson Vanzwol and seconded by Councilperson Schwarze, the following members voted in favor: Mr. Vanzwol, Mrs. Schwarze, Mrs. Kraemer and Mr. Carr. And the following members voted against: Mr. Gangnon

Adopted by the City Council of the City of Grant this 27th day of July, 2004.

Tom Carr, Mayor

ATTEST: Barb Bartholdi, City Clerk