

CITY OF NORTHFIELD, MINNESOTA
CITY COUNCIL RESOLUTION 2016-068
A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
NORTHFIELD, MINNESOTA, PASSING UPON OBJECTION TO PROPOSED SPECIAL
ASSESSMENT FOR EDGEWOOD TOWNHOMES

WHEREAS, the Northfield City Council conducted a duly noticed special assessment public hearing for the 2013 Woodley Street Reconstruction Project (2013STRT-A18) on June 21, 2016; and,

WHEREAS, the Edgewood Townhome Association consists of 9 properties; 1012 Winona St. S, 1014 Winona St. S, 412 Woodley St. E., 410 Woodley St. E., 408 Woodley St. E., 406 Woodley St. E., 404 Woodley St. E., 402 Woodley St. E., 400 Woodley St. E., (the “properties”); and,

WHEREAS, at the request of the association the proposed assessment is to spread across all nine townhome properties, Exhibit 1; and,

WHEREAS, the association president for Edgewood Townhomes appeared before the Mayor and Council and objected to the proposed assessment at the public hearing; and,

WHEREAS, the properties are seeking a reduction in the proposed assessment based on the fact that their property should be considered a corner lot; and,

WHEREAS, the subject property is not a corner lot and is not subject to the corner lot assessment ordinance; and,

WHEREAS, at the special assessment public hearing on June 21, 2016, the Northfield City Council adopted a motion receiving the above-referenced objection and continuing the special assessment public hearing to allow further analysis and consideration of the objection in order for the City Council to pass upon said objection; and,

WHEREAS, notice of the time, date and place of this continued hearing was additionally provided in writing and mailed to the subject property on June 29, 2016; and,

WHEREAS, the duly noticed continued special assessment hearing was held on July 5, 2016 by the Northfield City Council to consider the above-referenced objection.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT, based upon the record, testimony and evidence presented at said hearing, the City Council makes the following:

FINDINGS

1. The Northfield City Council conducted a special assessment public hearing for the 2013 Woodley Street Reconstruction Project (2013STRT-A18) on June 21, 2016.
2. The association president for Edgewood Townhomes appeared before the Mayor and Council and objected to the proposed assessment at the public hearing representing the “properties” seeking a reduction in the proposed assessment based on the fact that their property is a corner lot.
3. At the special assessment public hearing on June 21, 2016, the Northfield City Council adopted a motion receiving the above-referenced objection and continuing the special assessment public hearing to allow further analysis and consideration of the objection.
4. Notice of the time, date and place of this continued hearing was mailed to the property owner on June 29, 2016.
5. The duly noticed continued special assessment hearing was held on July 5, 2016 by the Northfield City Council to consider and pass upon the above-referenced objection.
6. The property frontage along Woodley Street has 181 feet of frontage, which at the proposed assessment rate of \$70 per foot, yields a proposed assessment amount of \$12,670.09 under the Northfield special assessment ordinance, Northfield City Code, Chapter 66.
7. Northfield City Code Section 66-25 provides in part that:

The cost of public improvements, or any part thereof, may be assessed upon the property benefited from the improvement.

8. The City had a licensed certified general real property appraiser conduct a benefit appraisal and identifies a benefit to the properties of \$14,200.00, which is above the actual amount proposed for assessment to the properties of \$12,670.09.
9. Northfield City Code Section 66-1 provides in part that:

The purpose and intent of this chapter is to serve as a guide for the making of public improvements and the levying of special assessments within the city. ... Where a project includes unusual or extraordinary circumstances or conditions, the council may, in its discretion, vary from the standards of this chapter in order to accommodate such circumstances or conditions in a fair and reasonable manner.

10. Northfield City Code Section 66-27 provides in part that:

The cost of public improvements shall be assessed against all properties benefited thereby, based upon the benefits received. ...

(3) Corner lots. a. For a corner lot with improvements being made along more than one side of the lot, the frontage subject to assessment shall be the entire length of the shorter frontage and ten percent of the longer frontage of the lot. The City shall pay the remaining 90 percent of the assessment on the longer frontage of the corner lot.

11. Northfield City Code Section 66-35 provides in part that:

Unless otherwise determined by the City Council, the City shall use one of two methods of calculating special assessments for public improvement projects, or a combination of those methods, depending on the circumstances of the project: the "front foot method" or the "per lot method." ...

Because different parcels vary greatly in front footage, back and side footage, area, and configuration, and yet each similar property (for instance, each single family home) uses public improvements approximately equally, the City will adopt and employ a means of adjusting for these variations in size and configuration and arriving at an adjusted front footage, in order to render the allocation of assessments for public improvements reasonable, fair and equitable among all affected properties.

12. Minnesota Statutes, Section 429.061, subd. 2 provides in part that:

At such meeting or at any adjournment thereof the Council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The Council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. ...

The Council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the Council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The Council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the Council shall become a part of the adopted assessment roll. ...

If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the clerk must mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment.

- 13. Both Minnesota Statutes and Northfield City Code authorize and contemplate adjustments to special assessments in order to accommodate unusual or extraordinary circumstances or conditions in a fair and reasonable manner.
- 14. The properties’ assessment amount was compared to similar properties in the project area and found that the proposed assessment amount, based on a per acre rate spread across the property, and percentage of the assessment against the estimated market value of the land, was less than compared with similar properties.
- 15. Additional findings, if any:
None.

BE IT FURTHER RESOLVED THAT, based upon the record, testimony and evidence presented at said public hearing and the above findings, the City Council adopts ONE (X) of the following ALTERNATIVES:

 ALTERNATIVE 1

The Northfield City Council hereby; 1) receives and acknowledges the objection of the proposed special assessment for the properties, 2) has reviewed the basis for the proposed assessment, and 3) finds the proposed assessment to be supported by the evidence or in compliance with established city assessment policy, Chapter 66 of Northfield City Code, and Chapter 429 of Minnesota Statutes, and therefore hereby denies the objection in its entirety and determines that the assessment amount for the properties shall be as originally proposed at \$12,670.02, which assessment amount is to spread across equally across all nine townhome properties, Exhibit 1.

 X **ALTERNATIVE 2**

The Northfield City Council hereby receives and acknowledges the objection of the proposed special assessment for the properties, has reviewed the basis for the proposed assessment, and finds that the proposed assessment for the properties shall be revised to \$8,570.

PASSED by the City Council of the City of Northfield on this 5th day of July, 2016.

ATTEST

City Clerk

Mayor

VOTE: ___ GRAHAM ___ POWNELL ___ ZWEIFEL ___ PETERSON WHITE
___ NAKASIAN ___ LUDESCHER ___ DELONG