

RESOLUTION NO. 2014-095

APPROVAL OF ASSESSMENT POLICY

WHEREAS, the City Council originally passed an assessment policy statement on May 3, 1993; and

WHEREAS, City has discussed and reviewed proposed amendments to the assessment policy on May 20, 2014; and

WHEREAS, the final amended assessment policy statement was presented to Council on June 3, 2014.

NOW THEREFORE BE IT RESOLVED that the City Council hereby adopts the Assessment Policy Statement dated May 4, 1993 and amended on June 3, 2014.

Adopted by the City Council of the City of Stillwater, Minnesota this 3rd day of June, 2014

CITY OF STILLWATER



Ken Harycki, Mayor

ATTEST:



Diane F. Ward, City Clerk

ASSESSMENT POLICY STATEMENT

CITY OF STILLWATER

ADOPTED MAY 4, 1993

AMENDED JUNE 3, 2014

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**CITY OF STILLWATER
ASSESSMENT POLICY FOR LOCAL IMPROVEMENTS**

SECTION I - GENERAL POLICY STATEMENT

A. PURPOSE. The purpose of this Assessment Policy is to provide a fair and equitable manner of recovering and distributing the cost of public improvements. While there is no perfect assessment policy, it is important that assessments be implemented in a reasonable, consistent and fair manner. There may be exceptions to the Assessment Policy when unique situations or circumstances exist which may require special consideration and discretion by the City Council. Therefore the assessment policy is intended to serve as a guide for a systematic assessment process in the City of Stillwater.

B. PROCEDURE. The procedures used by the City of Stillwater ("City") for levying special assessments are those specified by Minnesota Statutes which provide that all or a part of the cost of improvements may be assessed against benefitting properties. The procedures for local improvements are summarized in Exhibit "A".

While establishing the authority by which communities may proceed to construct public facility projects, the statutes provide no guide as to how costs are to be apportioned. Therefore, it is the responsibility of the local legislative body to establish a fair and reasonable method by which properties will be assessed.

C. ASSESSMENT CRITERIA. Three basic criteria must be satisfied before a particular parcel can be validly assessed. They are:

1. The land must have received special benefit from the improvement.
2. The amount of the assessment must not exceed the special benefit.
3. The assessment must be uniform in relation to the same class of property within the assessment area.

The primary test for determining the validity of a special assessment is whether the improvement for which the assessment was levied has increased the market value of the property against which the assessment operates in at least the amount of the assessment. It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the sole determining factor in determining the amount to be assessed. An exception might be a project initiated by a single property owner/developer where market value increase may not be a relevant factor given the nature of the improvement.

Another test for determining the validity of a special assessment is whether the assessment is based on a uniform method for all like classes of property. For example, the use of a front

foot assessment for some properties and the use of a per lot assessment for other properties of the same class for a related improvement could result in a non-uniform assessment rate which could mean the assessment would be set aside or could be thrown out by the courts.

D. INITIATION OF IMPROVEMENTS. Public Improvements may be initiated in the following manner:

1. Council Initiated. The City Council, on its own motion and without petition, may order the improvement on at least a 4/5 vote of the City Council. However, the City must still follow all statutory provisions related to the local improvement process.
2. Property Owner Petition. The City Council may decide, by simple majority, on an improvement after receiving a petition for said improvement from the owners of not less than 35 percent (35%) of the properties abutting on the streets named in the petition as the location of the improvement. In addition, all owners of real property abutting upon any street named as the location of any improvement may petition the City Council to construct the improvement and to assess the entire cost against their property. In the latter case, the City Council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. However, it is advisable to conduct public hearings on the improvement to avoid misunderstanding by the petitioners and to also inform the general public about the nature of the project. Proper waiver of assessments and/or agreements should be obtained from each property owner affected by the improvement.
3. Developer Request. A developer who is the owner of all the property within the proposed subdivision may petition the City Council to construct the improvement and to assess the entire cost against the developer's property pursuant to Minnesota Statutes. In such event, the City may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. However, a developer's agreement, including a valid and enforceable waiver of assessments if appropriate, shall be negotiated and executed prior to said authorization. It may also be advisable to conduct public hearings on the improvement to avoid misunderstanding by the petitioners and to also inform the general public about the nature of the project.

E. PROJECT COSTS. Project costs shall include, but not be limited to, the following:

1. Construction costs (day labor or contractual).
2. Engineering and consulting fees.
3. Administrative fees.
4. Right-of-way acquisition/condemnation costs.
5. Legal fees.

6. Capitalized interest.
7. Financing costs.

The entire project shall be considered as a whole for the purpose of calculating and computing an assessment rate. However, project costs for work of a dissimilar nature (i.e., where a project contains different types of work such as street resurfacing in one project area and street reconstruction in another area) shall be calculated separately and assessed separately according to benefit received.

If City staff has doubt as to whether or not the costs of the project may exceed the special benefits to the property, the City Council should obtain such appraisals as may be necessary to support the proposed assessment. Appraisals may be obtained any time after the improvement has been ordered including prior to actually awarding the bid or entering into a contract for the work. The City Council may also conduct assessment hearings and actually adopt the assessment roll any time after the improvement hearing and before a contract for the work is awarded.

The Assessment Policy, in brief summary, consists of six (6) main sections addressing General Policy Statement, Methods of Assessment, Improvement Type and Cost Apportionment, Assessment Conditions, Supplementary Guide section and a Definition section. A summary of actions and resolutions is also included as Exhibit "A".

SECTION II - METHODS OF ASSESSMENT

The nature of an improvement determines the method of assessment. The objective is to choose an assessment method which will arrive at a reasonable, fair and equitable assessment which will be uniform upon the same class of property within the assessed area. The most frequently recognized assessment methods are: the unit assessment, the front footage assessment and the area assessment. Depending upon the individual project, any one or a combination of these methods may be utilized to arrive at an appropriate cost distribution. City staff will consider all methods and weigh their applicability to the project and present a recommendation to the City Council in the form of a mock assessment roll (or rolls). A description of each assessment and its corresponding policy application is presented. A separate section (Section III) will identify the appropriate matchup of method with a specific type of project and analyze why each is generally used.

- A. Unit Assessment. A unit assessment shall be derived by dividing the total project cost by the number of Residential Equivalent Density (RED) units in the project area. A RED unit is defined as a single family residential unit. All platted and unplatted property will be assigned RED unit values equivalent to the underlying zoning. When the existing land use is less than the highest and best permitted use, the Council may consider the current use as well as the full potential of land use in determining the appropriate number of RED units. Otherwise, the following RED chart will apply on a per unit basis, subject to adjustment by the Council for any inequities:

Single family	1.00 RED
Duplex	1.00 RED
Condominium	0.80 RED
Multifamily (3 units or more)	0.80 RED
Townhouse	0.80 RED
Commercial	RED units = SAC units
Industrial	RED units = SAC units
House Apartment	1.00 RED +0.2 RED for each additional unit

The unit approach has proven to be the best method in those instances whereby the improvement largely benefits everyone to the same degree and the cost of the improvement is not generally affected by parcel size.

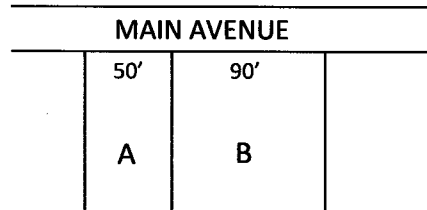
- B. Area Assessment. The assessable area shall be expressed in terms of the number of acres or the number of square feet subject to assessment. When determining the assessable area, the following considerations will be given:
1. Ponding Assessment Consideration. Lakes, ponds and swamps may be considered a part of the assessable area of a parcel. However, the property owner has the option of

providing a storm water pending easement to the City for the land under the lake, pond or swamp if integrated into the storm water management system. If such pending easement is accepted based upon its functional integration into the storm water management system, a reduction in area equal to the area of the easement for the lake, pond or swamp will be subtracted from the gross area assessment of the parcel. Lots utilizing a pending area for the purpose of density credit shall be charged for that area within the portion of the easement necessary to meet minimum lot standards.

2. Road Right-of-Way Assessment Consideration. Up to 20 percent (20%) of the gross acreage may be deducted for street right- of-way purposes within unplatted parcels of five acres or more depending upon the parcel configuration. Parcels of less than five acres may not qualify and may be assessed full acreage. The reason for this size restriction is that, in most instances, parcels of less than five acres cannot support an internal public road system.
 3. Park Dedication Assessment Consideration. When park land is dedicated as part of a residential development, as required by Subdivision Code - Chapter 31.06, the developer shall not be assessed an acreage charge on the portion of land dedicated.
- C. Front Footage Assessment. The actual physical dimensions of a parcel abutting an improvement (i.e., street, sewer, water, etc.) shall NOT be construed as the frontage utilized to calculate the assessment for a particular parcel. Rather, an "adjusted front footage" will be determined. The purpose of this method is to equalize assessment calculations for lots of similar size. Individual parcels by their very nature differ considerably in shape and area. The following procedures will apply when calculating adjusted front footage. The selection of the appropriate procedures will be determined by the specific configuration of the parcel. All measurements will be scaled from available plat and section maps and will be rounded down to the nearest 1/2 foot dimension with any excess fraction deleted. Categorical type descriptions are as follows:
1. Standard lots
 2. Rectangular variation lots
 3. Triangular lots
 4. Cul-de-sac lots
 5. Curved lots
 6. Irregularly shaped lots
 7. Corner lots
 8. Flag lots
 9. Double frontage lots
 10. Large tracts

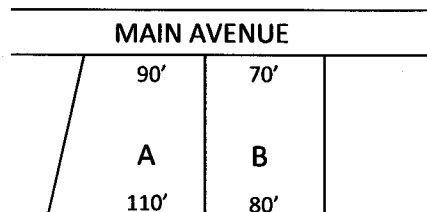
The ultimate objective of these procedures is to arrive at a fair and equitable distribution of cost whereby consideration is given to lot size and parcels are comparably assessed.

1. **Standard Lots.** In this instance, the adjusted front footage for rectangular lots will be the actual front footage of the lot. The frontage measured shall be the lot width at the front lot line.



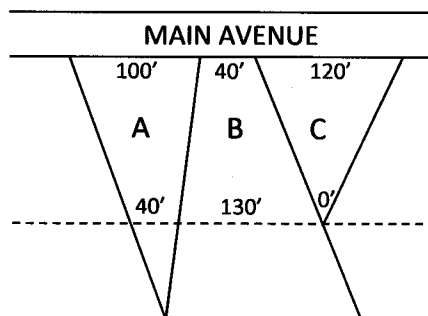
Adj. Front Footage
 EXAMPLES
 Lot A = 50'
 Lot B = 90'

2. **Rectangular Variation Lots.** For a lot which is approximately rectangular and uniform in shape, the adjusted front footage is computed by averaging the front and back sides of the lot. This method is used only where the divergence between front and rear lot lines is 20 feet or less.



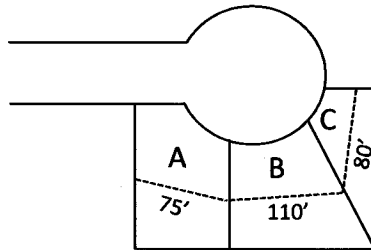
Adj. Front Footage
 EXAMPLES
 Lot A = $\frac{90 + 110}{2} = 100'$
 Lot B = $\frac{70 + 80}{2} = 75'$

3. **Triangular Lots.** For a triangular shaped lot, the adjusted front footage is computed by averaging the front and back lot lines. The measurement at the back lot line shall not exceed a maximum distance in depth of 150 feet.



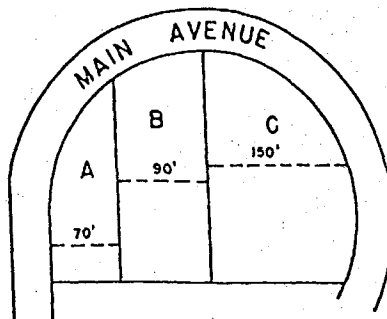
Adj. Front Footage
 EXAMPLES
 Lot A = $\frac{100 + 40}{2} = 70'$
 Lot B = $\frac{40 + 130}{2} = 85'$
 Lot C = $\frac{120 + 0}{2} = 60'$

4. **Cul-de-Sac Lots.** The adjusted front footage for those lots that exist on cul-de-sacs will be calculated at the midsection of the lot at the most reasonably defined and determinable position. This line will be computed by connecting the midpoints of the two side lot lines. Or, if the lots are similar in nature and configuration, a common lot width, such as the standard set back of 30 may be assigned based upon an evaluation of typical lots within the subdivision.



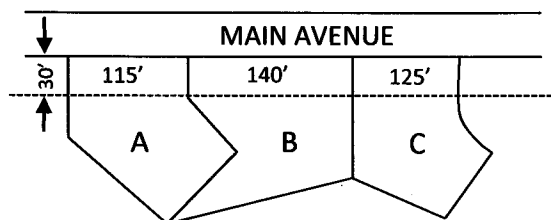
Adj. Front Footage
EXAMPLES
Lot A = 75'
Lot B = 110'
Lot C = 80'

5. **Curved Lots.** In certain situations such as those where lots are located along meandering trail system streets, read patterns create curvilinear frontages. In such instances, the adjusted front footage will be the width of the lot measured at the midpoint of the shortest side lot line.



Adj. Front Footage
EXAMPLES
Lot A = 70'
Lot B = 90'
Lot C = 150'

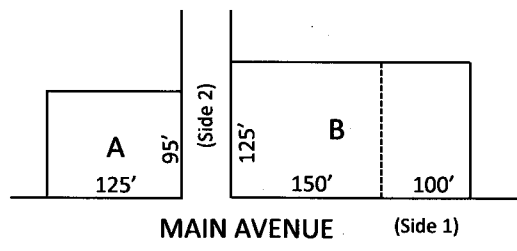
6. **Irregularly Shaped Lots.** In many cases, unplatted parcels that are legally described by a metes and bounds description are irregular and odd shaped. The adjusted front footage will be calculated by measuring the lot width at the 30 foot building setback line.



Adj. Front Footage
EXAMPLES
Lot A = 115'
Lot B = 140'
Lot C = 125'

7. Corner Lots.

- a. On a corner lot, 100 percent (100%) of the adjusted front footage of the short side will be assessed and 35 percent (35%) of the adjusted front footage of the long side will be assessed for improvements benefitting the respective sides. The length of the property sides and not the orientation of the principal building shall determine adjusted front footage in this case. A series of lots (two or more) under common ownership shall be considered as one parcel or lot for determining which is the short or long side of a property. However, this shall only apply to series of lots on which only one principal building is situated.



Adj. Front Footage
EXAMPLES

Lot A

Side 1 = 43.75'

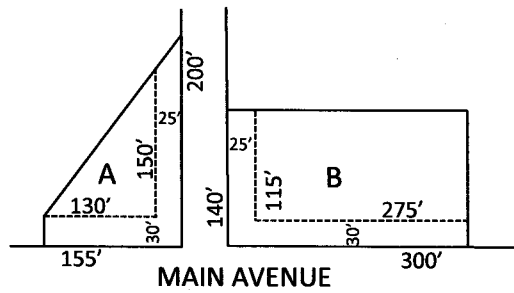
Side 2 = 95'

Lot B

Side 1 = 87.5'

Side 2 = 125'

- b. General Commercial Zoned Corner Lots. No allowance relief will be granted because of the higher inherent property value associated with improved traffic frontage and greater visibility along business district and industrial park intersections. The adjusted front footage shall be the entire frontage measured along the setback line comprising the building envelope.



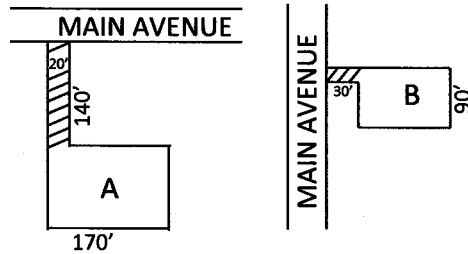
Adj. Front Footage
EXAMPLES

Lot A = 280'

Lot B = 390'

8. Flag Lots. Properties which utilize a narrow private easement or maintain ownership of access to their property exceeding a minimum length of 125 feet, thereby having a small frontage on a street, will be assigned an adjusted front footage of 80 feet. This

dimension is consistent with the subdivision ordinance which prescribes such length as the minimum lot frontage along a public roadway. The adjusted front footage for flag lots whose driveway access is under 125 feet will be measured at the building setback line from the access terminus.



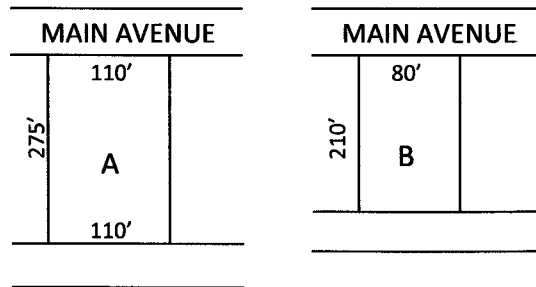
Adj. Front Footage

EXAMPLES

Lot A = 80'

Lot B = 90'

9. Double Frontage Lots. If a parcel, other than a corner lot, comprises frontage on two streets and is eligible for subdivision, then an adjusted front footage assessment will be charged along each street. For double frontage lots lacking the necessary depth for subdivision, only a single adjusted front footage will be computed.



Adj. Front Footage

EXAMPLES

Lot A = 220'

Lot B = 80'

SECTION III - IMPROVEMENT TYPE AND COST APPORTIONMENT

- A. **Street Reconstruction.** These projects consists of reconstructing the street section down to the sub base if necessary. New concrete curb and gutter may be installed in areas where it does not exist and/or replaced in areas where the concrete curb is in poor condition. The condition of the existing drainage system, storm sewers, watermains, sanitary sewers and sidewalks will be looked at and, if necessary will be replaced or newly installed.

Assessed cost of Street reconstruction shall not exceed 70% of the total project costs. The remaining cost shall be recovered by means of the general ad valorem property tax paid by the entire community or by other funds that may become available to the City for infrastructure cost recovery

- B. **Mill and Overlay.** Mill and Overlay or street resurfacing is where a new bed of road material such as bituminous is installed over an existing paved road to a specific thickness. New concrete curb and gutter may be installed in areas as needed or where the existing concrete curb is in poor condition. The condition of the existing drainage system, storm sewers, watermains, sanitary sewers and sidewalks will be looked at and if necessary they will be and replaced or newly installed as part of a mill and overlay project.

Assessed costs of mill and overlay overlay projects shall not exceed 80% of all street related costs associated including but not limited to asphalt removals, asphalt. The remaining cost shall be recovered by means of the general ad valorem property tax paid by the entire community or by other funds that may become available to the City for infrastructure cost recovery.

- C. **Sidewalk.** Sidewalk improvements may be done in conjunction with street reconstruction, a mill and overlay project or as a separate project. Sidewalk improvement in conjunction with a street project shall assessed as the same as the street project or at 50 percent (50%) if done separately the cost of sidewalk improvements shall be assessed to benefitted properties on a front footage basis.

The remaining cost shall be recovered by means of the general ad valorem property tax paid by the entire community or by other funds that may become available to the City for infrastructure cost recovery

- D. **Sealcoating.** Sealcoating shall be-treated as a general maintenance expense and shall be paid from the City's current operating funds. No assessments will be levied for sealcoating projects.

- E. Sanitary Sewer, Storm Sewer and Water Mains. Repair and replacement of sewers, sanitary and storm and water main is usually done in conjunction with a street reconstruction project and the cost of this work should be included as part of the total major street project cost. The remaining cost shall be recovered by means of the general ad valorem property tax paid by the entire community or by other funds that may become available to the City for infrastructure cost recovery. A portion of the storm water utility fund shall be also be used to offset the City's cost of curb and gutter installation. If it is determined that the repair and replacement work results in a greater benefit to some properties and not to others, the Council should consider establishing a different assessment rate based on the benefits received.
- F. Sanitary Sewer and Water Trunk Improvements. Trunk sewer and water mains are usually designed to carry larger volumes of flow than are necessary within an immediate property area in order to serve additional properties beyond the area of their immediate placement. Therefore, 100 percent (100%) of the cost of trunk improvements will be assessed on a unit basis to all properties within a district deemed to be benefitted from the trunk improvements.
- G. Sewer and Water Services. Individual sewer and water services benefit only the properties they serve and 100 percent (100%) of their cost shall be assessed to the property for which they are installed.
- H. Drainage Improvements. Storm drainage and ponding/basin systems are usually constructed to serve a specific drainage or "watershed" district. The cost of drainage improvements shall be 100 percent (100%) assessed to the properties within the drainage district. The cost may also be levied on an ad valorem tax basis to the properties within the district as provided by Minnesota Statutes. Storm sewer reconstruction normally takes place together with street reconstruction projects and the costs shall be assessed in accordance with the assessment policies related to street improvements.
- I. Special Consideration. Special consideration shall be given to the "age" of a street or utility system when determining the proportion of cost to be assessed to benefitted properties. If it is necessary to reconstruct or resurface a street or perform major repair/replacement work on sewer and water utilities before a reasonable amount of time (15 to 20 years for resurfacing, 20 to 25 years for partial reconstruction and 25 to 30 years for total reconstruction) the assessment shall be calculated on a pro-rata basis. The remaining cost shall be recovered by means of the general ad valorem property tax paid by the entire community or by other funds that may become available to the City for infrastructure cost recovery.

- J. Industrial Park Assessments. The Industrial Park is generally bounded by Orleans Street to the north, Greeley Street to the east, CSAH County Road 5 to the west and Highway 36 to the south.

The following assessment methods shall be used for Industrial Park improvement projects:

1. Area Assessment -
 - a. Total or partial street reconstruction projects
 - b. Water and sewer mains
 - c. Storm sewer/drainage.
 - d. Trunk sanitary sewer.
2. Unit Basis -
 - a. Sewer services
 - b. Water services
3. Front Footage Method
 - a. Street Reconstruction Projects
 - b. Mill and Overlay Projects
 - c. Watermain
 - d. Storm Sewer
 - e. Sanitary Sewer

One hundred percent (100%) of the cost of improvements shall be assessed to benefitted properties except that the assessment for new street construction costs shall not exceed \$9,800 per acre(1993). This assessment rate shall be adjusted from time to time based on the Engineering News Record Index. The remaining cost shall be recovered by means of the general ad valorem property tax paid by the entire community or by other funds that may become available to the City for infrastructure cost recovery.

SECTION IV - ASSESSMENT CONDITIONS

- A. Term of Assessment. The term of special assessments shall normally be for a ten (10) year period. However, in some cases the project costs could warrant either shorter or longer terms. For example, sidewalk improvements undertaken separately may be assessed for over a five (5) year period because the costs are usually nominal (under \$2,000). On the other hand, some major reconstruction projects where several types of improvements are involved could lead to a very high assessment which could create a financial hardship if assessed for a ten (10) year term. A fifteen (15) to twenty (20) year term may be appropriate in this case. In any event, the assessment term should never exceed the potential life of the improvement.
- B. Interest Rate. The interest rate charged on assessments for all projects financed by debt issuance shall be one and one-half percent (1-1.2%) greater than the net interest rate of the bond issue or debt used to finance the improvement. This is necessary in order to ensure adequate cash flow when the City is unable to reinvest assessment prepayments at an interest rate sufficient to meet the interest cost of debt or when the City experiences problems of payment collection delinquencies. Interest on initial special assessment installments shall begin to accrue from the date of the resolution adopting the assessment. Owners must be notified by mail of any changes adopted by the City Council regarding interest rates or prepayment requirements which differ from those contained in the notice of the proposed assessment.
- C. Payment Procedures. The property owner has five available options when considering payment of assessments:
1. Tax Payment. If no payment is undertaken by the property owner, then special assessment installments will appear annually on the individual's property tax statement for the duration of the assessment term.
 2. Full Payment. No interest will be charged if the entire assessment is paid within 30 days of the date of adoption of the assessment roll.
 3. Partial Payment. The property owner has a one-time opportunity to make a partial payment reduction of any amount against his/her assessment. This option may only be exercised within the 30-day period immediately following adoption of the assessment roll.
 4. Prepayment. The property owner may at any time prior to November 15 of the initial year, prepay the balance of the assessment with interest accrued to December 31 of

that year. The property owner may also choose to pay the remaining assessment balance at any time, with the exception of the current year's installment of principal and interest.

5.

- D. Appeals Procedures. No appeal may be taken as to the amount of any assessment adopted unless a written objection signed by the affected property owner is filed with the city clerk's office prior to the assessment hearing or presented to the presiding officer at the hearing. The property owner may appeal an assessment to District Court by serving notice of the appeal upon the Mayor or city clerk within 30 days after the adoption of the assessment and filing such notice with the District Court within 10 days after service of the appeal upon the Mayor or city clerk.
- E. Reapportionment Upon Land Division. When a tract of land against which a special assessment has been levied is subsequently divided or subdivided by plat or otherwise, the City Council may, on application of the owner of any part of the tract or on its own motion, equitably apportion among the various lots or parcels in the tract all the installments of the assessment against the tract remaining unpaid and not then due if it determines that such apportionment will not materially impair collection of the unpaid balance of the original assessment against the tract. The apportionment shall be done on the same basis as the original assessment unless another method of apportioning can be done with the owner's acceptance and if the apportionment will not materially impair collection of the unpaid balance of the assessment against the tract of land. In any case, the City Council may require furnishing of a satisfactory surety bond in certain cases as specified in Minnesota Statutes Section 429.071, Subd. 3. Notice of the apportionment and of the right to appeal shall be mailed to or personally served upon all owners of any part of the tract.
- F. Senior Citizen Deferral. Chapter 56.05 of the Stillwater City Code allows the City Council, at its discretion, to defer the payment of any special assessment for local improvements constructed by the City when it determines by a three-fifths (3/5) vote that the property being assessed is homestead property and that one or more of the owners of the property is sixty-two (62) years of age or over and that the payment of the assessment would be a hardship for the owner thereof.

The interest for senior citizen deferral shall be at the same rate that the City sets for other property owners for the improvement.

SECTION V - SUPPLEMENTAL ASSESSMENT POLICY GUIDELINES

- A. Areas Partially Served by Utilities. Any tract of land, lot or parcel whereby a project improvement, such as a sewer or water lateral or ending street terminus, does not extend fully past or beyond the property shall be considered served, benefited and assessed accordingly. The current special assessment shall be subject to an adjusted front footage not to exceed 150 feet and a maximum current acreage of 2.5 acres, provided said assessment does not exceed the special benefit conferred upon the affected property. If an improvement benefits, non-abutting properties which may be served by the improvement when later extensions or improvements are made but are not initially assessed, the City may reimburse itself for all or part of the costs incurred by assessing those non-abutting properties at the time of the later extensions or improvements. However, proper notice must be given of that fact at the time of making the extensions or improvements to the previously unassessed non-abutting properties. The City may also establish "hookup" charges to recover costs of sewer and water main improvements not initially assessed.
- B. Preliminary Plat Consideration. Land could be considered for assessment based on preliminary plat consideration. This consideration will occur only when the following scenarios exist: (1) the City Council has approved a preliminary plat, and (2) a public hearing ordering the improvement project has not yet occurred. In the event this exists, assessment frontages may be calculated based upon the proposed lot configuration within the preliminary plat. Road right-of-way within the proposed street alignment will not be subject to assessment.
- C. Tax Exempt Property. Other than land under City ownership, there are three categories of tax exempt properties. Said properties shall be assessed as follows:
1. Churches and schools shall be assessed in the same manner as commercial and industrial zoned property, as long as the assessments do not exceed the special benefits conferred. Acreage assessment shall be based upon the gross acreage of the site. Adjusted front footage shall be similarly calculated along the building setback line in its entirety.
 2. State land is normally exempt from assessment unless otherwise negotiated or agreed upon by the affected state agency.
 3. County land is subject to assessment and shall be assessed in the same manner as commercial and industrial zoned property, as long as the assessments do not exceed the special benefits conferred.

D. Municipal Property Assessments. City owned property is divided into three classifications for the purpose of determining assessment participation. They are:

1. Public facility land
2. Public right-of-way
3. Park land

Public facility property is defined as land utilized for public buildings such as city halls, fire halls, libraries, maintenance garages, municipal parking lots, etc. Public facility property within a project area will participate in the total assessable cost of an improvement and will be treated in the same manner as any other benefited parcel.

Public right-of-way property consisting of all City acquired easements, subject to fee title, for the specific purpose of utility placement or street construction will be exempt from assessment.

Park land assessment eligibility is further categorized according to the following descriptions:

1. "Community Parks" are characterized by a higher degree of intense public use and are relatively large in area size. They are normally associated with athletic events and sporting activities, i.e., softball, football, baseball, hockey, etc. Park lands of this nature will be subject to assessments. Because community parks provide citywide benefit, the cost of these assessments shall be recovered by a special levy upon the ad valorem taxes.
2. "Neighborhood Parks" accommodate open space objectives within residential development and are passive in use as indicated by such features as playground structures. Because neighborhood parks are commonly used by the immediate residents of the area, such park land will not be assessed if it comprises less than 25 percent of the aggregate project area. Larger parks representing an area greater than 25 percent of the aggregate project area shall participate in the assessment process in the same manner as community parks.
3. "Parkland Dedication" is required either in the form of cash in lieu of land or a land grant. The developer shall be responsible for the payment of all special assessments existing at the time of dedication. Depending upon the amount of land involved, the development shall not be assessed trunk acreage for that portion exceeding the minimum percentage dedication requirement for park purposes.

- E. Tax Forfeiture Assessments. When a parcel of tax forfeited land is returned to private ownership, and the parcel is benefited by an improvement for which special assessments were cancelled because of the forfeiture, the City may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to the parcel in an amount equal to the amount remaining unpaid on the original assessment.
- F. First Serve Situations. If the plans of the City and a developer coincide in regard to utility installations on certain properties, the plans of the City shall receive first consideration. In that event, the City may, upon notice and hearing, assess all unplatted parcels according to this Policy if the improvements are approved prior to hardshell consent of the unplatted properties.
- G. New Subdivisions. The improvement costs of new subdivisions shall be the sole responsibility of the property developer except consideration shall be given for assessing any other properties that receives special benefit from the improvements.
- H. State Aid Participation.

- 1. Residential Improvements -

Residential lots abutting and having access to collector streets (streets which are designated as part of the City's Municipal State Aid System and qualify for state aid funding) shall be assessed the residential equivalent of a standard City street, normally consisting of a 30 foot paved roadway within a 50 foot right-of-way. This cost shall be determined by the City Engineer during the preparation of the feasibility report. The difference in cost shall be reimbursed by applicable state aid funds. In no event shall the assessment exceed fifty percent (50%) of the project cost.

- 2. Industrial Park Improvements -

Land abutting and having access to streets in the industrial park shall be assessed in accordance with Section III, J, whether or not the street is designated MSA. Any MSA funds received by the City for work in the Industrial Park shall be "pooled" and used to offset the cost of the street improvements within the Industrial Park Area.

SECTION VI - DEFINITIONS

Adjusted Front Footage	The number of feet actually utilized in calculating an assessment for a particular property. This may differ from the actual front footage of the property.
Assessment	The dollar amount charged against a property receiving an improvement benefit.
Condominium	Individual ownership of a unit in a multi-unit structure (similar to an apartment building). A special relationship exists whereby the individual owns the actual air space within the physical confines of the unit but not the barrier walls themselves.
Drainage District	An area defined by the City Engineer which shall form the physical boundaries where benefit exists within a storm sewer project. Property to be included within a district shall be all land which contributes to storm water runoff, as well as land serving as a collector basin for storing such water. Natural geographical features normally form these boundaries.
Lateral	A lateral sewer is designated to collect the sewage from a project area for conveyance to a trunk facility. A water lateral is sized to provide water in sufficient volumes and pressure as required to serve a defined project area.
Multifamily	A structure of more than two units, the primary purpose of which is to provide rental or leased living space to the general public. Building characteristics include common hallways for access purposes and a common parking lot.
Nuisance Abatements	The elimination of a nuisance whereby the City acts on behalf of the property owner as authorized by ordinance to eliminate problems such as junk, weeds, dead trees, etc. The City may collect the charges for all or any part of the

cost of eliminating any such nuisance by levying a special assessment against the property benefited.

Oversizing

A pipe which is designed and constructed larger and/or deeper than necessary to serve a specific project area.

Public Improvement

A project undertaken by the City under the authority granted in MSA 429.021 for the purpose of installation of improvements such as street, curb and gutter, sewer, water, etc. A public hearing shall be conducted to determine the necessity and common good of the project as it affects the community. Upon authorization, the City will proceed with construction and administration of the project.

Townhouse

Single family attached units in structures housing three or more contiguous dwelling units, sharing a common wall, each having separate individual front and rear entrances; the structure is that of a row-type house as distinguished from multiple-dwelling apartment buildings.

Utility Improvement Area

A defined area within which all properties are deemed to have been served by an important project and are considered to receive the benefit.

**SUMMARY OF
SCHEDULE OF ACTIONS AND RESOLUTIONS
FOR LOCAL IMPROVEMENT PROJECTS**

1. Initiation of proceedings either by the Council or by petition of affected property owners. Owners may waive public hearing and submit "Agreement of Assessment and Waiver of Irregularity and Appeal."

Adopt Resolution "Declaring Adequacy of Petition and Ordering Preparation of Report" (should be published because of appeal process) or, if not using petition, "Ordering Preparation of Report on Improvement (need not be published)."

2. Preparation of report on the proposed improvement, submission to and approval by Council, Council then accepts the report and orders a Public Hearing. (When a petition signed by 100% of the landowners requests the improvement, the Council may order the improvement without a hearing.)

Adopt Resolution "Receiving Report and Calling Hearing on Improvement" (need not be published).

3. After a public hearing, or if hearing is waived, adopt following Resolution:

Adopt Resolution "Ordering Improvement and Preparation of Plans and Specs".

4. After submission to and approval by Council the following Resolution is required:

Adopt Resolution "Approving Plans and Specifications, Ordering Improvement and Advertisement for Bids".

5. After receiving bids, Council will adopt the following Resolution awarding the bid:

Adopt Resolution "Accepting Bid". (Need not be published).

6. After work is completed and receiving Engineer's recommendation for final acceptance, the following Resolution is adopted:

Adopt Resolution "Accepting Work".

7. Assessment Proceedings:

Adopt Resolution "Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment".

Adopt Resolution for "Hearing on Proposed Assessment" (need not publish resolution - but must publish and mail hearing notice.

8. After hearing and adopting assessment, adopt the following Resolution:

Adopt Resolution "Adopting Assessment". (Need not be published.)

Stillwater\02 Administration\ADM 5400 Policies & Procedures\Policies

Assessment Policy 2014-06-03