

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2021-019

**A RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING
PREPARATION OF PROPOSED ASSESSEMENTS FOR THE HAMLET ON SUNFISH
LAKE PUBLIC IMPROVEMENT PROJECTS**

WHEREAS, in 2020, the City of Lake Elmo (the “City”) completed the first phase of a public improvement project in the Hamlet of Sunfish Lake development (the “Subdivision”) to connect the Subdivision’s private sanitary sewer collection system to the City’s sanitary sewer system and decommission the Subdivision’s homeowner’s association wastewater treatment system (the “2020 Project”); and

WHEREAS, the Sunfish Lake Homeowners’ Association (the “HOA”) paid the City for the 2020 Project’s estimated costs in the amount of \$489,500; and

WHEREAS, it was later determined by the City that the actual costs for the 2020 Project was \$597,623, which is a difference of \$108,123 (the “2020 Project Difference”); and

WHEREAS, the City agreed to defer payment of the 2020 Project Difference by the HOA to 2021 provided that all of the benefited properties in the Subdivision signed a petition and waiver agreement agreeing to the assessment amount, so that in the event that the HOA did not pay the 2020 Project Difference in 2021, the City will be able to collect it through assessments; and

WHEREAS, the second phase of the project consists of improvements and replacement and repair to the HOA’s sanitary sewer collection system with said work being completed in 2021 (the “2021 Project”); and

WHEREAS, the HOA has requested on behalf of the property owners in the Subdivision that the 2020 Project Difference and the 2021 Project costs be assessed by the City instead of the HOA paying these costs; and

WHEREAS, the City had agreed to consider this request, provided that all of the benefited properties in the Subdivision sign a petition and waiver agreement agreeing to the assessment amounts for both 2020 and 2021; and

WHEREAS, the City has received signed petition and waiver agreements from all benefited property owners in the Subdivision whereby they agreed to be assessed for the 2020 Project Difference and the 2021 Project.


NOW, THEREFORE, BE IT RESOLVED,

1. That up to \$2,640 of the cost of the 2020 Project, which is each property in the Subdivision’s share of the 2020 Project Difference be assessed against each property in the Subdivision.
2. That up to \$15,200 be assessed against each property in the Subdivision for the 2021 Project.

3. Assessments shall be payable in equal annual installments extending over a period of 20 years, the first of the installments to be payable on or before the first Monday in January, 2022, and shall bear interest at the rate of 4.50 percent per annum from the date of adoption of the assessment resolution.
4. The City Clerk, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for the 2020 Project Difference and the 2021 Project against every assessable lot in the Subdivision, without regard to cash valuation, as provided by law, and she shall file a copy of such proposed assessments in her office for public inspection.
5. The City Clerk shall upon the completion of such proposed assessments, notify the City Council thereof.
6. That the City Council will adopt a resolution approving such proposed assessments at a subsequent meeting.
7. That since all of the benefited properties in the Subdivision have signed petition and waiver agreements agreeing to the assessment amounts and waived their rights to the notice of public hearings and public hearings required by Minnesota Statutes Section 429.031 and 429.061, no public hearings on the improvements or the assessments will be necessary and said hearings will not be held.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SIXTEENTH DAY OF FEBRUARY, 2021.

CITY OF LAKE ELMO

By: 
Charles Cadenhead
Mayor

(Seal)

ATTEST:



Julie Johnson
City Clerk