

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

**RESOLUTION NO. 2015-68**

**A RESOLUTION DECLARING COST TO BE ASSESSED, ORDERING  
PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR  
HEARING ON PROPOSED ASSESSMENT FOR THE 2014 STREET  
IMPROVEMENTS**

**WHEREAS**, a contract has been let for the 2014 Street Improvements including a reclaim and overlay within the Packard Park neighborhood and reconstruction of Manning Trail N, Deer Pond Trail N, from Hidden Bay Trail to Jack Pine Trail and Deer Pond Court N; and

**WHEREAS**, the total cost of the improvements will be \$1,562,000; and

**WHEREAS**, the City Clerk and City Engineer have prepared the proposed assessment roll and will maintain said assessment roll on file in the City offices for public inspection.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,**

1. The portion of the cost of such street improvements to be paid by the City is hereby declared to be \$1,195,200, and the portion of the cost to be assessed against benefited property owners is declared to be \$429,200.
2. The City Clerk, with the assistance of the City Engineer, has calculated the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land to be benefited by the improvements, and the Clerk has filed a copy of such proposed assessment in the City offices for public inspection.
3. Assessments shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 2016, and shall bear interest at the rate of 4.61 percent per annum from the date of the adoption of the assessment resolution.
4. A public hearing shall be held on the 6<sup>th</sup> day of October, 2015, in the Council Chambers of the City Hall at or approximately after 7:00 P.M. to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
6. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid within 30

**CITY OF LAKE ELMO  
NOTICE OF HEARING ON  
PROPOSED ASSESSMENT  
2014 STREET  
IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will meet in the Council Chambers of the City Hall at or approximately after 7:00 P.M. on Tuesday, October 6, 2015, to consider, and possibly adopt, the proposed assessment against abutting property for the 2014 Street Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

Packard Park Area: The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Packard Park Area, including 24th Street North from Lake Elmo Avenue to Legion Avenue; 24th Street Court North; Lansing Avenue North; 20th Street Court North; and Legion Avenue North from 20th Street to 24th Street is \$5,000.

Manning Trail North: The amount to be specially assessed against each particular residential lot, piece, or parcel of land located along Manning Trail North from Manning Avenue to the City Limits is \$2,900. The amount to be specially assessed against Tartan Park, the non-residential property along Manning Trail North from Manning Avenue to the City Limits is \$87,400.

Deer Pond Area: The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Deer Pond Area, including Deer Pond Trail from Hidden Bay Trail to Jack Pine Trail; and Deer Pond Court is \$5,700.

You may at any time prior to certification of the assessment to the county auditor on November 21, 2015, pay the entire assessment on such property to the City Clerk with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid to the City Clerk 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 (date assessment certified to County Auditor) or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.61 percent per year.

Once assessments are certified to the County, the assessments are payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January 2016, and will bear interest at the rate of 4.61 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2015. To each subsequent installment when due shall be added interest for one year on all unpaid installments. The proposed assessment roll is

on file for public inspection at the City Clerk's office. The total amount of the proposed street improvement assessment is \$429,200. *The City contribution for the street improvement project is \$1,195,200.* Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council is authorized in its discretion to defer the payment of an assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

DATED: September 1, 2015  
BY ORDER OF THE LAKE ELMO  
CITY COUNCIL  
Mike Pearson, Mayor  
(Oakdale-Lake Elmo Review: Sept.  
9, 2015)

# Affidavit of Publication

State of Minnesota

} ss

County of Washington

**E. KITTY SUNDBERG**

\_\_\_\_\_ , being duly sworn, on oath, says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as OAKDALE/LAKE ELMO REVIEW \_\_\_\_\_, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed NOTICE OF HEARING \_\_\_\_\_

\_\_\_\_\_ which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on WEDNESDAY, the 9<sup>TH</sup> day of SEPTEMBER, 20 15, and was thereafter printed and published on every \_\_\_\_\_ to and including \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

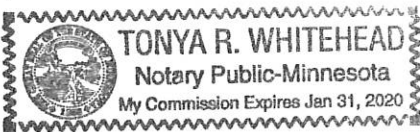
\*ABCDEFGHIJKLMN OPQRSTUVWXYZ  
\*ABCDEFGHIJKLMN OPQRSTUVWXYZ  
\*abcdefghijk lmnopqrstuvwxy z

BY: E. Kitty Sundberg  
TITLE LEGAL COORDINATOR

Subscribed and sworn to before me on this 9<sup>TH</sup> day of SEPTEMBER, 2015.

Tonya R Whitehead  
Notary Public

\*Alphabet should be in the same size and kind of type as the notice.



### RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space..... \$25.00 per col. inch
- (2) Maximum rate allowed by law for the above matter..... \$25.00 per col. inch
- (3) Rate actually charged for the above matter ..... \$ \_\_\_\_\_ per col. inch

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days from the adoption of the assessment. A property owner may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 21 or interest will be charged through December 31 of the succeeding year


**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIRST DAY OF  
SEPTEMBER 2015.**

**CITY OF LAKE ELMO**

By:   
Mike Pearson  
Mayor

(Seal)

ATTEST:

  
Julie Johnson  
City Clerk

