CITY OF
BLOOMINGTON
MINNESOTA

DATE: July 11, 2014

TO: Mayor, City Council, and City Manager

FROM: Jen Desrude, Engineering
Amy Schmidt, Legal

RE: Special Assessment Policy
July 21, 2014 Study Session

Attachments:

A. City Council minutes from December 16, 2013
B. City of Bloomington Special Assessment Policy
C. Amsden Road Map
D. Amsden Road Special Assessment Calculations

Introduction:

At the December 16, 2013 City Council meeting, when considering the 2014 Pavement Management Program (PMP) reconstruction project, many of the Amsden Road property owners objected to the method used by staff to calculate their estimated special assessment because many of the properties on Amsden Road do not have direct street frontage. While all of these properties access Amsden Road, many do so by driving through another private property. The City of Bloomington Special Assessment Policy does not address how to calculate special assessments on properties that do not have direct frontage on a street. The City Council requested that staff review the policy and bring back a recommendation to amend the Special Assessment Policy to include a calculation for properties without street frontage. The minutes from this item are attached.

Applicable Law and City Special Assessment Policy:

Cities look to Minnesota Statues, Chapter 429 (Local Improvements, Special Assessments) for the rules and requirements of public improvements and special assessments. Minnesota Statutes Section 429.051 authorizes Minnesota cities to assess the cost of public improvements against "property benefitted by the improvement, based upon the benefits received, **whether or not the property abuts the improvement** . . . ." (emphasis added) The Statute requires that the property must receive a Special Benefit from the improvement in order to justify the special assessment. The statute does not proscribe a specific method by which the value of a benefit is determined. Accordingly, city councils generally have some discretion in making a determination as to how to apportion costs of improvements among benefitted properties. The only statutory limitation is that the amount must be "based on the benefits received."

Concurrent with this statutory limitation, Minnesota Courts have consistently held that a city's authority to assess for improvements is limited by three conditions: (1) the land must receive a special benefit from the improvement being constructed; (2) the assessment must be uniform upon the same class of property; and (3) the assessment may not exceed the special benefit. In making the determination, a city council has substantial discretion as long as its decision is fair and uniformly applied.

Minnesota Courts have also consistently held that the best measure of the benefit to a property is the increase in market value to the land that results from the improvement. This market value approach requires that an assessment must bear some reasonable relationship to the value of the special benefit. Any special assessment that exceeds the benefit to the property is considered a taking of property without fair compensation.

In addition to the statutes and case law, the City of Bloomington has a Special Assessment Policy (attached) in place that has been consistently implemented since 1962. The policy addresses the Adjusted Front Footage methodology for calculating special assessments, which is a calculation that incorporates the size and shape of the lot, in addition to the property frontage at the street. The policy does not specifically note how to calculate an Adjusted Front Footage on a lot that does not directly abut a public street, but still benefit from a public improvement.

It is notable that the City has a long-standing practice of not assessing the full cost of a public improvement to the benefitted properties. With this practice, the City has recognized that, despite the overall cost of improvements, individual properties do not always appreciate benefit in the full amount of the cost. Accordingly, the Adjusted Front Footage methodology is a fair and reasonable method for determining the benefit to each property. It is uniformly applied, predicable, and not arbitrary. Other methods are also legally defensible, so long as the method reflects the special benefit conferred.

Within this legal and policy framework, it is important for a city council to make this determination carefully, based on the specific circumstances of each project and proposed assessments, do the proper analysis, and make appropriate findings on the record. The analysis of the value of the benefit and its "reasonable relationship" to the property should include an examination of the fair market value of the property before the improvement and after the improvement. This does not require that an appraisal be conducted of every property to be assessed. It is within the discretion of a city council to make a determination of special benefit based on a reasonable formula that proportions costs among properties served by an improvement.

Amsden Road:
There are several properties with access to Amsden Road, but no street frontage on Amsden Road. It is staff's conclusion that these properties benefit as much from the reconstruction of Amsden Road as the properties with direct access. Each of these properties without direct access drives on Amsden Road approximately the same number of trips as the properties with direct access to Amsden Road. Therefore, to determine an estimated special assessment for these

properties, staff utilized an adjusted front footage method that is fair and equitable for the street. The methods presented at Council are attached.

The property owners without direct frontage along Amsden Road did not agree with staff's opinion and requested a different method. At the December 16, 2013 City Council meeting, the two owners spoke regarding how they would like to see the assessment allocated. One of the owners, at the end of Mariabo Circle, suggested that policy be strictly applied and only the two owners directly abutting Amsden Road should be assessed with the Amsden Road reconstruction. The other owner was at the end of Amsden and suggested that the three properties that share one driveway should split the special assessment of the one property that does have frontage on Amsden Road.

Update to Special Assessment Policy:
In addition to determining a method for assessing the Amsden Road properties without street frontage, the policy should be updated so that there is guidance when assessing future properties without street frontage. In a preliminary query of properties in the City without an Adjusted Front Footage, there were a little over 500 properties. Before the study session on July 21, staff will examine these properties more closely to determine how they might fit into a policy update. In addition, the Council at their December 16, 2013 meeting, inquired about the average Adjusted Front Footage for PMP projects historically. Below is a table of average Adjusted Front Footages (AFF) single and two family residential properties for PMP projects between 2010 and 2014:

Year	Average AFF *
2010	87
2011	85
2012	87
2013	87
2014	86

*Single and Two-family residential average

Necessary Next Steps:
The Special Assessment Policy must be updated prior to the 2014 PMP Assessment hearings, usually scheduled in late September/early October.

At the July 21, 2014 City Council study meeting, staff will review the Special Assessment Policy and Minnesota Statutes, Chapter 429 with the City Council. Staff will request feedback from the City Council regarding potential methods of assessing properties without direct street frontage. Following the Study Session, staff will schedule a Public Hearing to amend the City of Bloomington Special Assessment Policy. The hearing will be advertised in the Sun Current, posted on the City website, and a direct mailing will be sent to the interested property owners along Amsden Road.

Approved Preliminary & Adopted Resolution Granting Final Plat Approval of BUSH LAKE OASIS at 9020 West Bush Lake Road Case 10921AB-13 ITEM 5.2B1,2 R-2013-154

Londell Pease, Senior Planner presented the staff report on the application by Majid Mashad for Preliminary and Final Plat approval of BUSH LAKE OASIS at 9020 West Bush Lake Road. His presentation was as follows:

- Aerial: Corner of West Bush Lake Road. Lot is currently platted as three lots. Was put into one lot per the legal description but applicant wants to change the three-lot plat into two lots.
- Existing house will be removed and a new one built. This does get addressed under the Tree Preservation ordinance so they can only remove 50% of the prominent trees. The plan is to remove 8-10 trees.
- No NON ACCESS EASEMENT on Veness Road was ever filed with the deed.
- Staff recommends approval with conditions.
- Driveway to be reconfigured so it will be located further from the corner.

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval of BUSH LAKE OASIS at 9020 West Bush Lake Road, Case 10921AB-13, for Majid Mashad (applicant) and Smart City LLC (owner), subject to the following 2 conditions of approval and 7 Code Requirements:

1. Consent to plat forms must be provided for any mortgage companies with property interest;
2. A private access easement agreement must be filed of record with Hennepin County and a copy of the recorded document must be provided to the Engineering Division if the existing driveway stays in place and crosses over the proposed property line.

and subject to the following City Code requirements:

1. The approved final plat must be filed with Hennepin County (22.06);
2. A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within the past six months, must be provided (22.06(g)(2));
3. Standard drainage and utility easements must be provided as follows: 10 feet along all street frontages and 5 feet along all interior lot lines (22.09(b)(1));
4. A 10-foot sidewalk/bikeway easement must be provided along all street frontages by separate document (22.09(b)(3));
5. Utility permits will not be issued until sewer and water connection charges have been paid or petition for inclusion in an assessment district has been signed (11.04, 11.27);
6. Prior to plat recording, a tree removal plan and, if necessary, Code complying reforestation plan must be submitted for review and approval by the City Forester (19.53); and
7. Park dedication must be paid in cash for one lot (22.10).

No public testimony was received.

Adopted Resolution Ordering the 2014 PMP Street Reconstruction Project (City Project 2014-101) on Amsden Road ITEM 5.3A R-2013-155

Julie Long, Civil Engineer and Jen Desrude, Civil Engineer – Development Coordinator jointly presented the staff report regarding the addition of Amsden Road from West Bush Lake Road (WBLR) to the Southwest Terminus to the 2014 Pavement Management Program (PMP) Street Reconstruction Project (City Project 2014-101). Her presentation was as follows:

- Design Alternatives
- Original Alignment: Follows road as it is today. Disadvantages -- It has a lot of impervious surface, which requires plowing and future maintenance. Cost: $900,000.
- North Alignment: Takes one section of Amsden and connects it to Decatur Avenue. Requires property acquisition. Cost: $1.4 million.
- South Alignment: Reduces impervious surfaces. Similar advantages to the north alignment. Steep street grades. Cost: $910,000.
- Construction at Mariabo Circle
- Open House on December 9, 2013: Majority desired to keep the original alignment. Staff recommends reconstructing Amsden Road with the 2014 PMP and keeping the original alignment from Bush Lake to the terminus, which includes the homes on the west side; as is.

ITEM 5.3A continued

- Special Assessment Alternatives: *(Jen Desrude)*
- Special Assessment Areas
- Mariabo Circle (Strictly applying policy): Only two properties directly adjacent to Amsden Road would be assessed at the single-family rate (25%). Remaining four properties would be assessed if and when WBLR is reconstructed.
- Mariabo Circle (Method sent for estimate): As curb and gutter was assessed when the road was initially constructed, there will be no assessment for curb and gutter at this time. When WBLR was initially constructed, these properties were assessed for curb and gutter. They will not be assessed for curb and gutter now. For assessment purposes, staff recommends assessing them using the corner lot method.
- Mariabo Circle: As they have an association the Townhome assessment option could be used.
- Summary Table
- Mariabo Circle (when WBLR is reconstructed)
- Staff Recommendation – Mariabo Circle: Using their front footage, assess at the single-family rate of 25% or $37 per square foot with no additional assessment if and when WBLR is reconstructed.

From a timing standpoint, Peterson likes the townhome assessment option but not from an amount standpoint. He believes they should pay like other single-family homes from a use standpoint – at the single-family rate of 25%. From a rate standpoint, they should be treated as if they were not part of an association but more as free-standing lots. However, when there is an association that is located on a corner such as this, he said it makes sense to allocate it using the townhome method.

Winstead said the assessment policy uses lineal footage but this assessment is because the property owners are using the road. It's a balance between amount of footage and use.

Bernhardson said the recommended route for most of these properties would have them paying the assessment once at an amount of approximately $3500. He said if the property owners pay now, they would be excluded from an assessment on West Bush Lake Road if and when that one is done. He said while this is not the assessment hearing, this particular situation doesn't fit the City's policy so it will be something the Council will want to address in the policy going forward.

- 8519, 8521 & 8523 Amsden Road (strictly applying policy). Only one lot would be assessed.
- 8519, 8521 & 8523 Amsden Road (method used for estimate): Take the three lots and assume a frontage based on the lot width as if they abutted the street resulting in an adjusted front footage.
- 8519, 8521 & 8523 Amsden Road (treat like a townhome): Combines all three lots and calculating the adjusted front footage. Most expensive assessment method.
- Summary Table
- Staff Recommendation: Assume a frontage and use their lot width rather than just assessing the property that abuts the street. Order Amsden Road for inclusion in the 2014 PMP project. Assessment hearing to be held in September or October of 2014. Staff will discuss assessment policy in advance of the assessment hearing.

Peterson proposed the Council make a recommendation for what the next Council should do to handle these new kinds of circumstances for which the new Council can either approve and/or reject. He said this Council won't be adopting the method or policy but could make a recommendation to be reviewed by the new Council.

Winstead said the Council can put forth a recommendation tonight regarding the assessment method but it won't be binding. Tonight's decision is whether or not to include Amsden Road in the 2014 PMP Project. He supported adding Amsden Road to the 2014 program in its current configuration.

ITEM 5.3A continued

Peterson said with a low traveled street like Amsden Road, a slight deviation from the current policy would be acceptable.

Long said currently the road slants toward the lake. She said stormwater is proposed to be added and treated to today's standards. She said in-ground storm sewer costs to be paid for by the City.

Baloga questioned how residents will be able to access their homes if storm sewers are going to be installed on this narrow road.

Long stated City staff will work closely with the homeowners and the contractor to ensure the property owners will have access to their properties.

The Mayor invited the public to speak.

Speaker #1: Steve Kirchner, 8983 Mariabo Circle
He agreed this is not a townhome association. He said the biggest issue is the frontage and the calculation of it. He said they were told their front footage was along WBLR. He said the only two properties that touch it are the two end ones. He's prepared to pay the assessment when WBLR gets built. He suggested letting the two end properties be assessed now and the rest on WBLR when it comes time. He promoted sticking to the policy.

Speaker #2: Greg Wallace, 8521 Amsden Road
He supports reconstructing the road but wanted to talk about the assessment. He said he's been calling the City for years about getting their road done and believes the trucks going back and forth during the reconstruction of Hwy. 169 fifteen years ago is to blame for its failed condition. He's agreeable to paying a fair assessment -- dividing the front footage by three.

Bernhardson commented the road was never a permanent road. He said the City always installs curb and gutter anytime there is a reconstruction and that the City is picking up 75% of the costs. He said homeowners are only paying for a certain amount of their frontage.

Wallace said the current policy goes back to 1962 and commented a neck lot is treated as having 80 feet of frontage.

Peterson said if the Council was creating a new policy, he would oppose the neck lot rule.

Bernhardson said in order to be fair, Council should look at what a typical lot on a straight street is paying. Try to come up with what an 80-100 foot lot would pay.

Wallace said they're just looking for something that is fair.

Winstead suggested adding Amsden Road to the 2014 PMP Project using the original plan per staff.

Motion was made by Peterson, seconded by Baloga, and all voting aye, to adopt a resolution ordering improvements 2014 Pavement Management Program (PMP) Street Reconstruction Project (City Project 2014-101) on Amsden Road from West Bush Lake Road to the Southwest Terminus in its current alignment.

Winstead said the Council will need to have a policy discussion on how to assess some of these private driveways and private roads around the city.

Peterson said one scenario that needs to be addressed is lots in a development that don't front a public street.

Winstead said the policy needs to define what is considered the front of a home when they're designed and built.

Peterson stated there needs to be an equitable way to assess the homes on the west side of Mariabo Road and the ones to the south that don't front on WBLR or Amsden Road. He said there are situations whereby some lots don't touch a public street. He asked if 80 feet is considered the standard lot width.

ITEM 5.3A continued

Winstead said maybe it should be allocated at a minimum lot width, which is 80 feet.

Wilcox asked if 80 feet is the average or the minimum and said he'd prefer to use the average.

Desrude stated the average adjusted front footage for the 2014 PMP project is 86 feet but she'll provide Council with some historic data on the average adjusted front footage.

Council requested Desrude provide them with the average lot size for the past PMP projects.

Baloga asked for a comparison using total square footage rather than adjusted front footage.

Peterson commented it's a balance between property size and the demand for traffic and trying to fairly address the odd-shaped lots.

Baloga asked if it wouldn't be more equitable to do away with assessments and add the project costs to the levy, as there appears to be no ideal way to calculate a fair the cost for all lots.

Peterson commented to some degree lot sizes do drive home valuations.

Winstead explained going forward the private road outlet will be the street that will bear the assessment if it comes and that it will be a minimum average/median distance in square footage for the rest of the city. He said there needs to be an agreed upon square footage number that people living on private roads will need to pay.

Adopted Ordinance Rezoning 8100 – 26th Avenue South Case 08490D-13 ITEM 5.4A4 O-2013-33

Markegard presented the staff report on the applications made by the City of Bloomington regarding the property at 8100 – 26th Avenue South. His presentation was as follows:

- Surrounding Area: Parcel owned by the Port Authority
- Rezoning: Zoned CO-1(AR-17) – Commercial Office (Airport Runway) today. Proposed rezoning to LX(AR-17) – Lindau Mixed Use (Airport Runway) to allow hotels.
- Comprehensive Land Use Plan: Guided for LX use.
- Lindau Link Addition: Buildings have been removed. This is a Code complying plat under the LX zoning.
- Plat Variance: Variance to defer park dedication fees until the issuance of a building permit.
- Recommendation: Staff and the Planning Commission recommend approval of all four applications subject to conditions.

Motion was made by Baloga, seconded by Wilcox, and all voting aye, to adopt an ordinance rezoning the property located at 8100 – 26th Avenue South, Case 08490D-13, from CO-1(AR-17), Commercial Office (Airport Runway), to LX(AR-17), Lindau Mixed Use (Airport Runway) for the City of Bloomington.

No public testimony was received.

Adopted Resolution Approving a Platting Variance at 8100 – 26th Avenue So. Case 08940A-13 ITEM 5.4A1 R-2013-156

Motion was made by Baloga, seconded by Wilcox, and all voting aye, to adopt a resolution approving a platting variance to defer Park Dedication fees until the issuance of a Building permit at 8100 – 26th Avenue, Case 08940A-13, for the City of Bloomington, subject to the following condition of approval and Code requirement as set forth by the Planning Commission and Planning Division staff:

1. Park dedication must be paid in cash separately on each lot prior to the issuance of a building permit on the respective lot;

and subject to the following Code Requirement:

1. The property must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of footing and foundation or building permits (22.03(a)(2)).

No public testimony was received.

CITY OF
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MINNESOTA

City of Bloomington

General Assessment Policies

January, 1962

A. SPECIAL ASSESSMENTS - GENERAL

The assessment rate for any special assessment district is computed by dividing the total assessable cost of such improvement by the total number of assessment units, such as dividing the total cost of a water lateral project by the total adjusted front footage of property served by that project. The entire project is considered as a whole in computing the assessment rate and applying it to all properties.

The cost of installing the improvement in front of, or past, any particular parcel of property is not the basis for assessment.

All property within the assessment district, whether City, park, school or private property, is assessed in a uniform manner upon lands similarly situated.[3]

All footages are computed to the nearest tenth of a foot, but the recorded figure is an even foot. If the footage is 84.7 feet, 84 feet is used. Areas are computed and recorded to the nearest square foot.

In general, the front footage applies only to property, which borders a public street or right-of-way. Footage is not charged where the utility is located within an easement unless the utility is located in the easement to specifically serve that property. Whenever property that has not been assessed for laterals connects to a line located in an easement, a connection charge must be made.

Assessments for improvements benefiting properties developed as a "condominium" or a "planned community" shall be separately assessed against the "units" within such development, and no special assessments shall be made against the "common elements" thereof. For purposes of these assessment policies, the definitions of the terms "condominium", "planned community", "unit", and "common element" shall be as provided in Minn. Stat. Section 515B.1-103. The method of assessment is more specifically described in Section D.9. below. [4]

Connection Charges[1] are used to assess for sanitary sewer and water lateral benefits beyond the 150-foot depths in residential areas or the 300-foot depth in commercial-industrial zones. In

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order to serve areas with development beyond these depths, sanitary sewer and water mains must be oversized and placed deeper for gravity flow. Since the initial lateral assessment covers only the front 150 or 300 feet in an area, under the assessment policy, some methods of collecting the cost of the extra depths in sanitary sewers and oversizing mains in both sewer and water mains is necessary.

B. BASIC ASSESSMENT DATA REQUIRED FOR EACH PARCEL

1. Area (see E.I. Areas)
   Area is used for computing storm sewer and sanitary sewer trunk assessments. Area used is the gross area of the parcel as it is benefited by each separate improvement. Normally, there will be only one area; and it will apply to both storm sewer and sanitary sewer trunk.

   All property within district boundaries is to be included. District boundaries are determined by the engineer.

   In general, all property will be assessed. Permanent ponding areas or property below the bluffs of the Minnesota River or Nine Mile Creek may be exempt.

2. Adjusted Front Footage (see E.II. Adjusted Front Foot)

   Adjusted front footage is used for all improvements except storm sewer and sanitary sewer trunk. In the adjusted front footage method, odd- shaped lots are adjusted to an average frontage that would be the equivalent to the frontage of a rectangularly shaped lot of the same area and depth.

C. DETAILS OF COMPUTING ADJUSTED FRONT FOOTAGE

1. Odd-Shaped Lots (Index A: see E.II. Example 1)

   For odd-shaped lots, such as exist on cul-de-sacs or triangular intersections, etc., the adjusted front footage is computed by dividing the area of the lot, up to a maximum distance of 150 feet from the street where the improvement is to be installed, by 150 (or by the average depth, if less than 150 feet).

2. Approximately Rectangular Lots (Index B: see E.II. Example 2)

   For a lot which is approximately rectangular, the adjusted front footage is computed by averaging the front and back sides of the lot. If the lot is deeper than 150 feet, the width at the 150-foot depth is used for the back lot line. This method is used only where the divergence between front and rear lot lines is 5 feet or less.

3. Rectangular Lots (Index C)

   For the normal rectangular lot, the adjusted front footage is the actual front footage of the lot.

4. Shallow Lots (Index D: see E.II. Example 3)

   For rectangular lots under 130 feet in depth, or irregular lots averaging less than 130 feet in depth, the adjusted front footage is determined by actual lot area divided by 130 feet.

5. Corner Lots (Index E: see E.II. Example 4)

   Corner lots are treated like any other lot, and there is no assessment for the first 150 feet on the side street. If the depth is over 150 feet, a second frontage is computed.

6. Large Tracts (Index F: see E.II. Examples 4, 5, 6 and 7)

   Large tracts may have adjusted front footage on two or more sides. This adjusted front footage shall apply only to improvements on the particular street upon which the adjusted front footage faces. The corners of these large tracts shall be considered as side lots. A distance of 150 feet back from the corner on one of the streets at each street intersection shall be considered as the side of the lot and will not receive an adjusted front footage assessment. Corner credits are given on last side assessed.

7. Double Frontage Lots (Index G: see E.II. Example 8)

   For double frontage lots, 150 feet or less in depth, a single adjusted front footage is computed by using Index A, B, C or D.

   If the lot is more than 150 feet in depth, the area within the first 150 feet of depth abutting the primary access is divided by 150 to arrive at the first adjusted front footage. The balance of the lot is then used in computing the second frontage by using Index A, B, C or D.

   If the second frontage abuts a MSA, County or State roadway[3] where restricted access is desired by the City, an exemption for the first 150 feet of such second frontage may be granted upon receipt by the City of a formal access restriction executed by the property owner. Such formal access restriction shall be in the form of a deed for a planter (non-access) easement, running to the City of Bloomington, with a minimum width of 10 feet.

8. Neck Lots (Index I: see E.II. Example 9)

   For lots that have a small frontage on a street, with a narrow strip running back 130 feet or more, an adjusted frontage of 80 feet is arbitrarily assigned.

9. Areas Partially Served by Utilities (see E.II. Examples 6 & 7)

   For any tract or parcel which is only partially served by water or sewer lateral, only that part so served will be assessed and computed as adjusted front footage for the particular project for which the assessment is figured.

D. SPECIFIC ASSESSMENT PROCEDURES

1. Sanitary Sewer Trunk Lines (see E.III. Sanitary Sewer Trunk)

   The Assessment for trunk lines is based on area. A graduated area method of assessment for sanitary sewer trunk districts has been established. By this method, property up to 12,000 square feet in any one parcel will be assessed at the full rate; and all square footage over 12,000 square feet in any tract will be assessed at 75% of the full rate.

   The same rate is used for all sanitary sewer trunk districts; except that, over a period of time, this rate may be adjusted to take into account general increases or decreases in the cost of construction.
   Assessments are spread over a l0-year period.

2. Storm Sewers (see E.IV. Storm Sewer)

   The assessment for storm sewers is based on area. One-half of the cost of storm sewers is assessed directly to the properties in an area, with the remaining half paid out of General Obligation funds.

   The basis for a storm sewer assessment is not the installation of a pipe in front of a particular property, but rather, the installation of pipe in an area. The definition of these areas is done by topographic maps and data in the City Engineer's office. When installation of the pipe is completed in full in an area, the area is assessed in full. Any area that contributes water to this system, whether by overground runoff or by piping, is assessed up to the current rate per square foot. Credit is given for previous assessments or installations by subdividers.

   Assessments are spread over a 10-year period.

3. Concrete Curb & Gutter[3]

   The adjusted front foot method is used. Curb and gutter assessments include items necessary and related to such an improvement to meet city standards. Assessments are spread over a 10-year period.

   a. Initial Construction - The rate of assessment to be utilized when concrete curb and gutter is constructed to meet city standards the first time (except as set forth in Sec. D.3b(3)) is to be based on the use of the land as follows:

      (1) single family and two family land uses as shown on the City Assessor’s records at a rate equal to 100% of that year’s cost on residential street curb and gutter projects (involving initial construction).

(2) all other land uses at a rate equal to 100% of the cost of the curb and gutter being improved on that project.

b. Subsequent Reconstruction - The rate of assessment to be utilized when concrete curb and gutter is reconstructed is to be based on the use of the land as follows:

(1) single family and two family land uses as shown on the City Assessor's records at a rate equal to 25% of that year's cost on residential street curb and gutter reconstruction projects, with the remaining 75% paid from city-wide general property taxes.

(2) all other land uses at a rate equal to 50% of that year's cost on residential street curb and gutter reconstruction projects, with the remaining 50% paid from city-wide general property taxes.

(3) any roadway having the pavement reconstructed which also requires concrete curb and gutter construction to bring the roadway up to city standards, shall have the concrete curb and gutter assessed in accordance with section D.3.b(1) and D.3.b(2) depending on land use.

(4)[4]any streets not eligible for reconstruction under the Pavement Management Program which also require concrete curb and gutter, shall be assessed at a rate equal to 100% of the cost of the concrete curb and gutter.

4. Permanent Surfacing[3]

The adjusted front foot method is used. Pavement assessments include items necessary and related to such an improvement to meet city standards. Assessments are spread over a 10-year period.

a. Initial Construction - The rate of assessment to be utilized when a pavement is constructed to meet city standards for the first time to be based on use of the land as follows:

(1) single family and two family land use as shown on the City Assessor's records at a rate equal to 100% of that year's cost on residential street pavement projects (involving initial construction).

(2) all other land uses at a rate equal to 100% of the cost of the pavement being improved on that project.

b. Subsequent Reconstruction - The rate of assessment to be utilized when a pavement which meets city standards is reconstructed is to be based on the use of the land as follows:

(1) single family and two family land use as based on the City Assessor's records at a rate equal to 25% of that year's cost on residential street pavement reconstruction projects, with the remaining 75% paid from city-wide general property taxes.

(2) all other land uses at a rate equal to 50% of that year's cost on residential street pavement reconstruction projects, with the remaining 50% paid from city-wide general property taxes.

(3)[4]any streets not eligible for surfacing reconstruction under the Pavement Management Program, shall be assessed at a rate equal to 70% of the cost of the surfacing.

(4)[6]any gravel streets that are eligible for surfacing under the Pavement Management Program shall be assessed for pavement reconstruction in accordance with sections D.4b(1) and D.4b(2)

5. Sidewalk

Adjusted front footage method is used. When sidewalk is installed on a MSA, County or State roadway[3] or in an approved school walkway system, no assessment is made; otherwise, assessment is spread over a 10-year period.

6. Sanitary Sewer Lateral, Water Lateral

Sanitary sewer laterals and water laterals are assessed on the adjusted front footage basis.

Only that property within 150 feet of the street right-of-way is considered served by and assessed for sanitary sewer and water laterals. All other property - more distant than 150 feet from the street right-of-way may be subject to "connection charges" or future assessments.

All sewer and water lines, regardless of size or designation, are considered as laterals to adjacent property. Trunk sewers and large water lines that provide lateral service are considered as laterals.

Whenever a corner lot has a sewer or water line on its side, but not in front of the lot, it shall be included in the assessment district.

Assessments on laterals are spread over a 20-year period.

7. Connection Charges[1]

Only that property lying within 150 feet of the street right-of-way where utilities are installed is considered to be served by and assessed for the sewer and water lines. Property lying more distant than 150 feet from the street right-of-way is required to pay a connection charge when that property is developed and the development is connected to the sewer and water utilities. In effect, this is a deferred charge or assessment, and may be paid in cash; or, if the amount

of the connection charge exceeds $500.00, it may be added to the assessment roll by submission of waivers of hearing.

Connection charges are computed by dividing the area of the property subject to connection charges by 150 and multiplying by 50% of the average of the most recent 5 years' assessment rates.

Records are kept; and when assessments or connection charges are processed, strips of property 150 feet deep are recorded as levied. In the future, should other streets go in, the area so marked would be subject to assessment for utilities, but would receive full credit (without interest) for any connection charges previously paid or levied.

However, connection charges for any property lying within 150 feet of an existing street that has utilities installed, but which has not been previously assessed for utility construction, will be calculated on the full last previous assessment rate.

8. Restricted Access[2]

On any property having frontage on a street designed as a County road, MSA[3] or State highway, where direct driveway access to that street is not desired by the City, and when the property owner grants to the City a formal access restriction, there shall be no special assessment for curb and gutter or permanent surfacing constructed on the County road, MSA[3] or State highway. Such formal access control shall be in the form of restrictive covenant declaration prohibiting driveways. Such declaration shall run with and bind the land and be enforceable by the City.

9. Condominiums and Planned Communities[5]

When assessments are to be made for improvements benefiting properties that are developed as a condominium or as a planned community, the following process shall be applicable:

(a) Total adjusted front footage and assessable area amounts (as applicable) shall initially be calculated for the condominium or planned community development as a whole, including both units and common elements, as if they constituted a single parcel, using the assessment procedures described in these policies.

(b) These total adjusted front footage and assessable area amounts shall then be allocated among the units in the condominium or planned community. No allocation shall be made to common elements. Absent a determination by the City Council that an alternative approach is more appropriate in a given circumstance, the total adjusted front footage and assessable area amounts shall be allocated among the units as follows:

(1) condominiums - allocated among the units in the condominium on the basis of each unit's percentage ownership of the common elements; and

(2) planned communities (including townhomes) - allocated equally among the units in the planned community (Example: each unit in a ten unit development would be allocated 1/10 of the total adjusted front footage and assessable area).

(c) The assessable improvement rates shall then be applied to the adjusted front footage and assessable areas of the individual units to determine the assessable amounts for each unit.

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[1]D.7. Connection Charges: Amended by Council resolutions April 5, 1971; December 26, 1973; and July 16, 1979

[2]D.8. Restricted Access: Added by Council May 9, 1977

[3]A.		Uniform Manner	Added by Council July 20, 1992
	C.7.	MSA, County, or State Roadway	Added by Council July 20, 1992
	D.3.	Concrete Curb and Gutter	Added by Council July 20, 1992
	D.4.	Permanent Surfacing	Added by Council July 20, 1992
	D.5.	MSA, County, or State Roadway	Added by Council July 20, 1992
	D.8.	MSA	Added by Council July 20, 1992

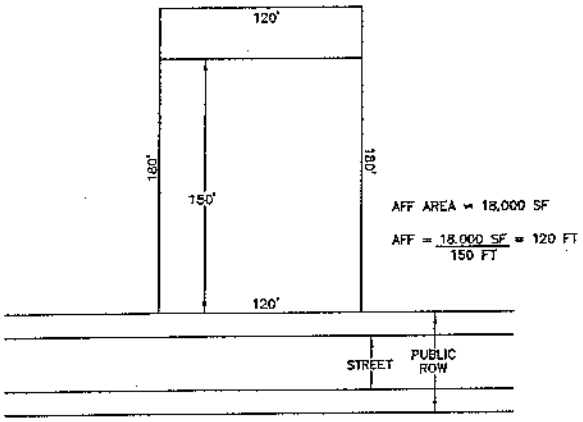
[4]D.3.b(4) Concrete Curb and Gutter on streets not meeting PMP minimum
Added by Council November 4, 1996

[4]D.4.b(3) Permanent Surfacing on streets not meeting PMP minimum
Added by Council November 4, 1996

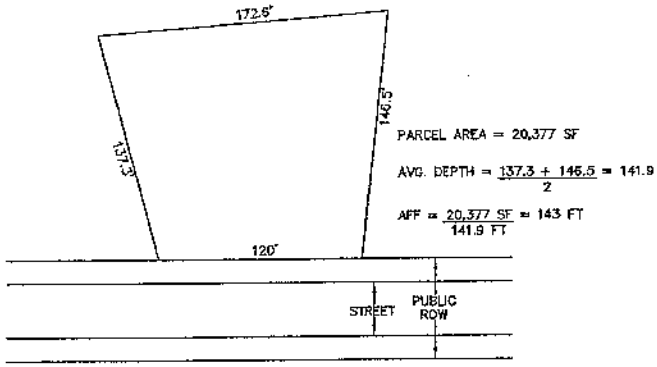
[5]D.9. Condominiums and Planned Communities
Added by Council September 8, 1998

[6]D.4.b(4) Gravel streets in PMP Added by Council May 5, 2008

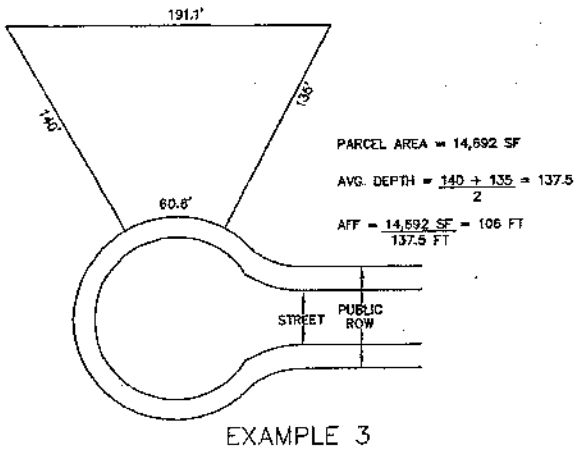
RECTANGULAR AND ODD-SHAPED LOTS
(EXAMPLES 1-6)



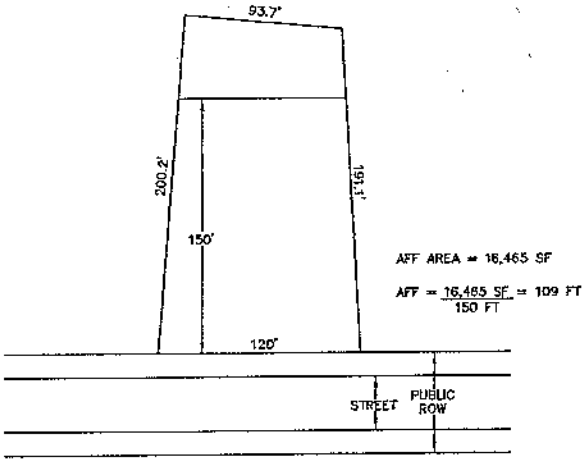
EXAMPLE 1
RECTANGULAR LOT – > 150' DEPTH



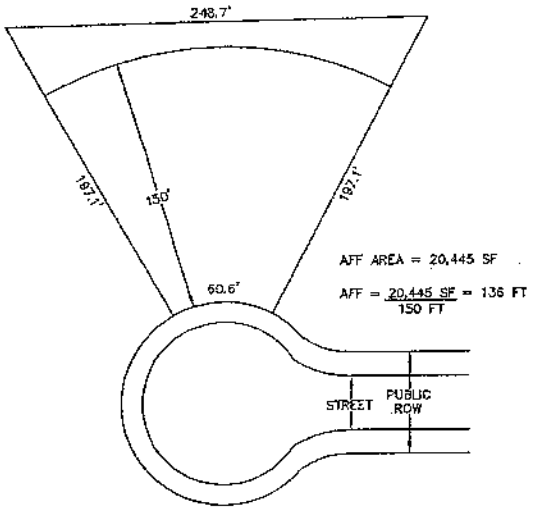
EXAMPLE 2
ODD-SHAPED LOT – BETWEEN 130'-150' AVERAGE DEPTH



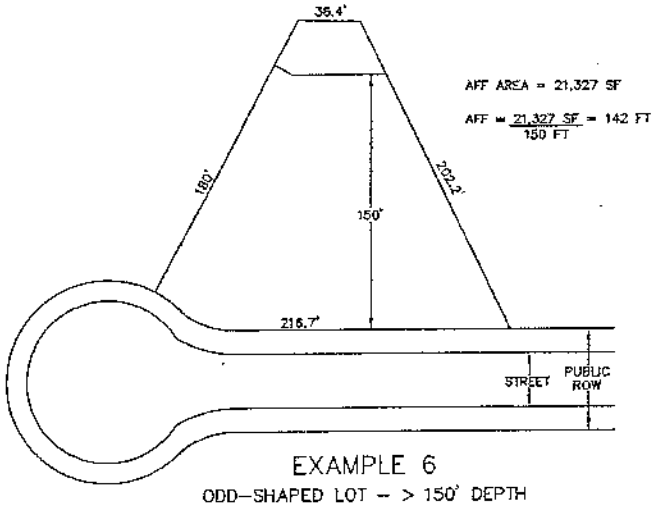
EXAMPLE 3
ODD-SHAPED LOT – BETWEEN 130'-150' AVERAGE DEPTH



EXAMPLE 4
ODD-SHAPED LOT – > 150' DEPTH

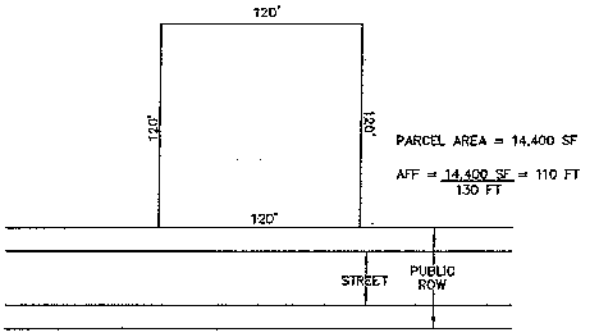


EXAMPLE 5
ODD-SHAPED LOT – > 150' DEPTH

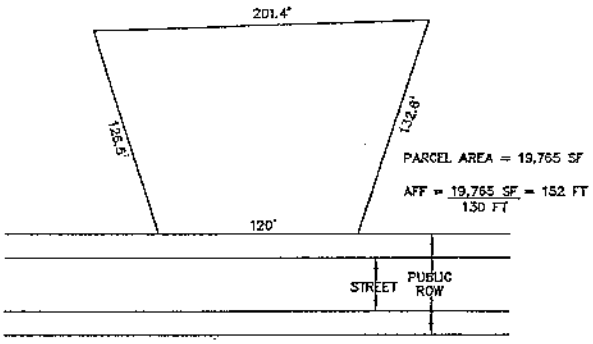


EXAMPLE 6
ODD-SHAPED LOT – > 150' DEPTH

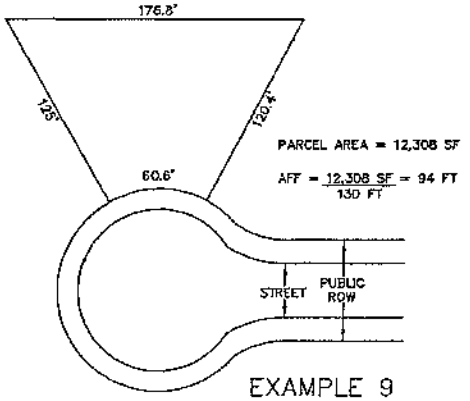
SHALLOW LOTS
(EXAMPLES 7–9)



EXAMPLE 7
SHALLOW LOT – < 130' DEPTH



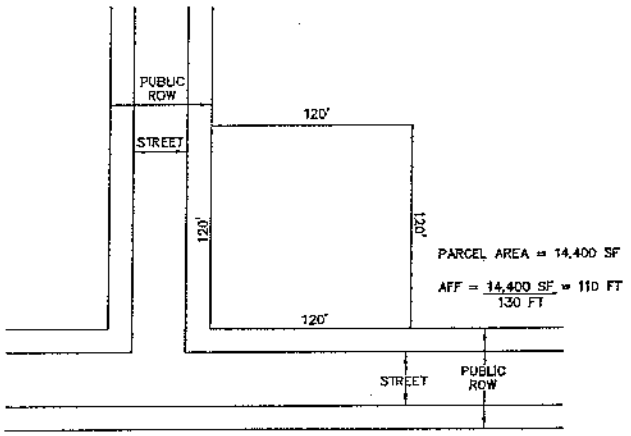
EXAMPLE 8
SHALLOW LOT – < 130' DEPTH



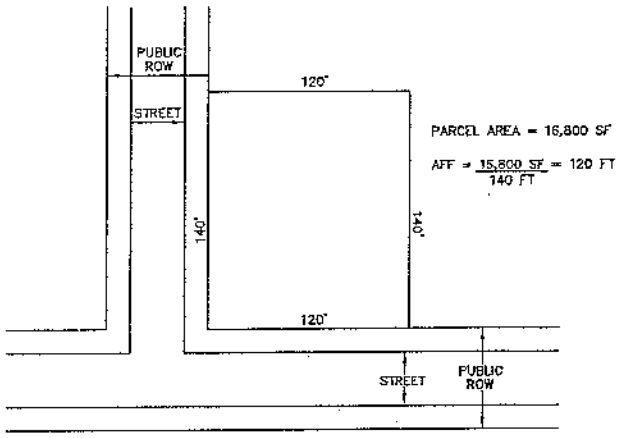
EXAMPLE 9
SHALLOW LOT – < 130' DEPTH

MULTIPLE FRONTAGE LOTS
(EXAMPLES 10–12)

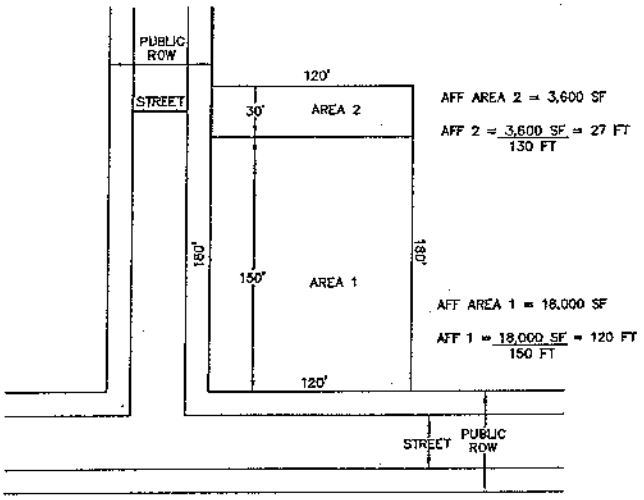
Always start on shorter side



EXAMPLE 10
MULTIPLE FRONTAGE (CORNER) LOT – < 130' DEPTH



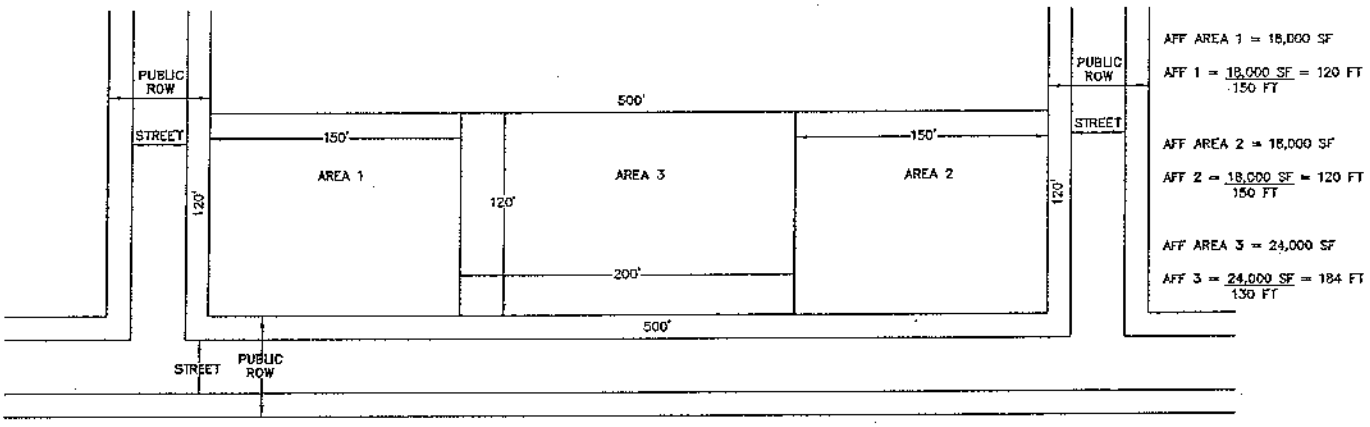
EXAMPLE 11
MULTIPLE FRONTAGE (CORNER) LOT – LOT DEPTH BETWEEN 130' & 150'



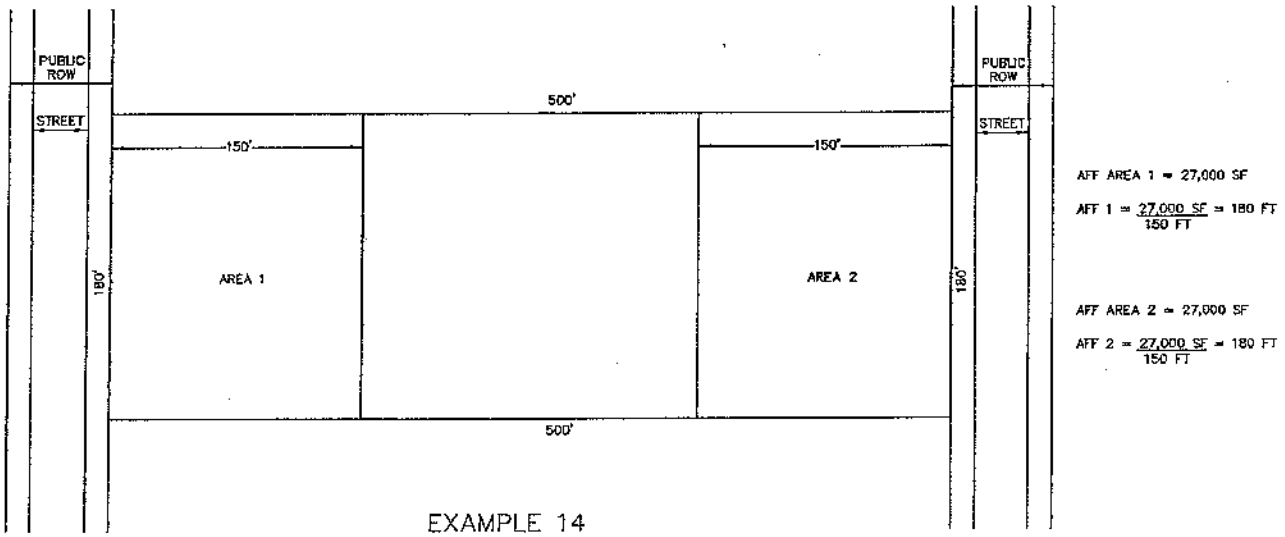
EXAMPLE 12
MULTIPLE FRONTAGE (CORNER) LOT – > 150' DEPTH

MULTIPLE FRONTAGE LOTS
(EXAMPLES 13–15)

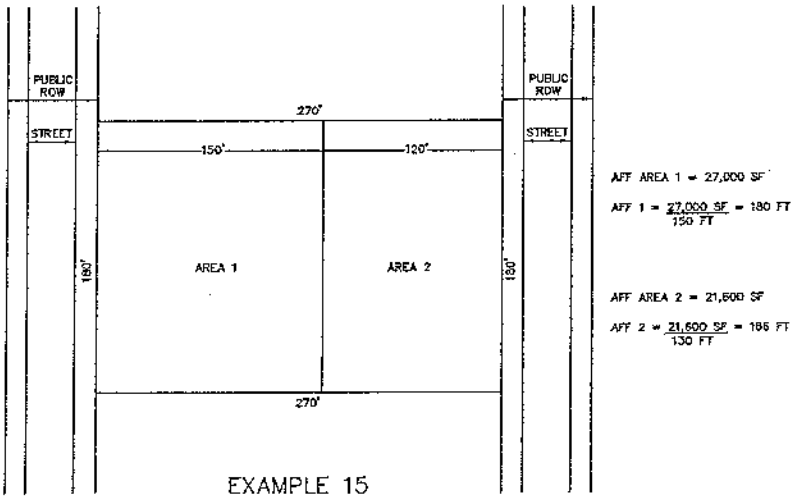
always start on shorter side



EXAMPLE 13
MULTIPLE FRONTAGE LOT

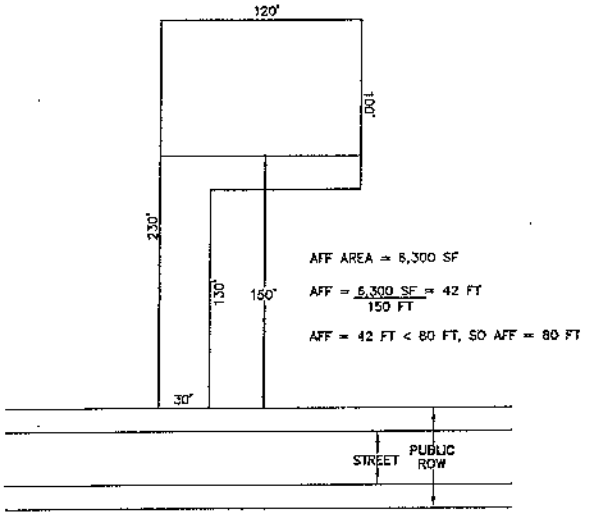


EXAMPLE 14
MULTIPLE FRONTAGE LOT

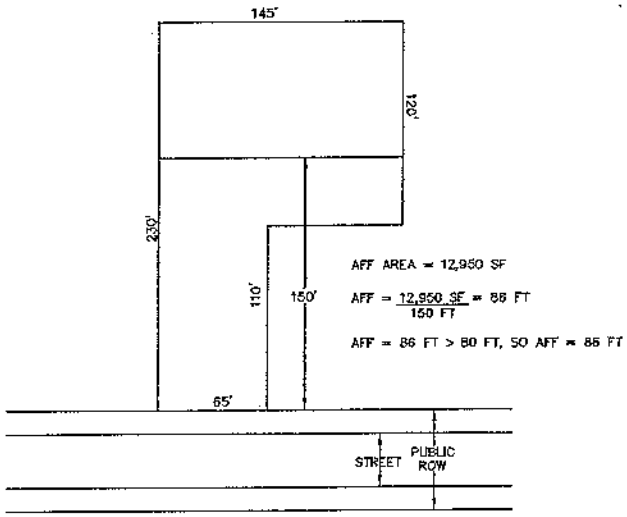


EXAMPLE 15
MULTIPLE FRONTAGE LOT

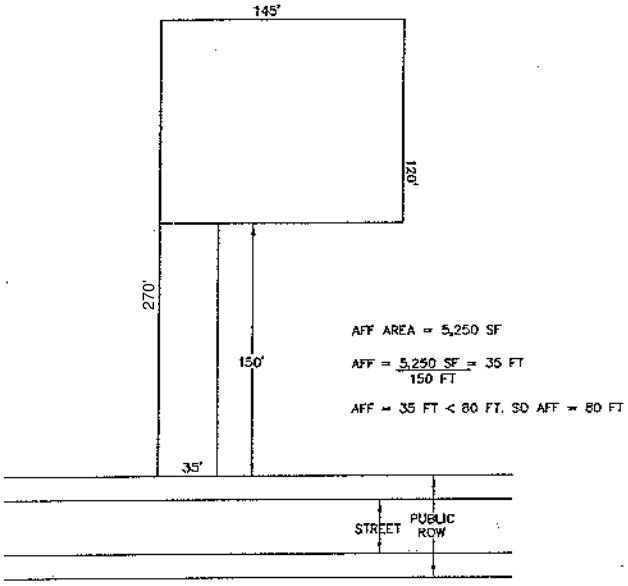
NECK LOTS
(EXAMPLES 16–19)



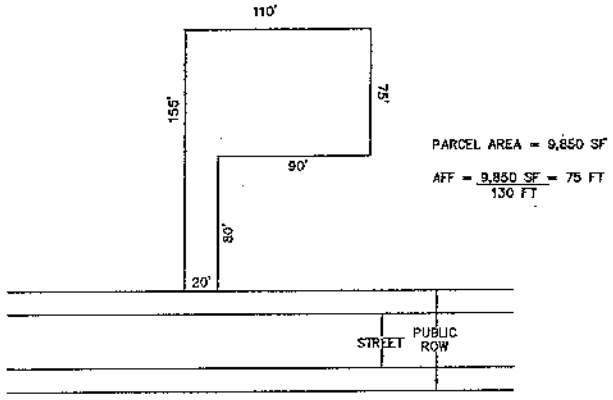
EXAMPLE 16
NECK LOT



EXAMPLE 17
NECK LOT



EXAMPLE 18
NECK LOT



EXAMPLE 19
NECK LOT

TOTAL PARCEL AREA < 10,900

SPECIAL ASSESSMENT AREAS

MARIABO CIRCLE
(STRICTLY APPLYING POLICY)

- Only 2 properties are assessed
- Single Family Rate (25%) = 37/ft
- All 6 access from Amsden Rd.
- Remaining 4 would never be assessed because access restrictions recorded along West Bush Lake Road
- Mariabo Circle has already been assessed for curb

MARIABO CIRCLE
(METHOD SENT FOR ESTIMATE)

- Assess whole group like a corner lot (now for Amsden)
- Single Family Rate (25%) = $37/ft

MARIABO CIRCLE
(TREAT LIKE A TOWNHOME)

- Add up Amsden frontage and distribute to all 6 properties
- 268 ft on Amsden = 44 ft each
- Multi-family Rate (50%) = $73/ft

SUMMARY – MARIABO CIRCLE

	Applying Policy	Recommended	Townhome
8950 Mariabo Cir	$4625	$4625	$3212
8951 Mariabo Cir	$5291	$5291	$3212
8959 Mariabo Cir	$0	$3404	$3212
8967 Mariabo Cir	$0	$3811	$3212
8975 Mariabo Cir	$0	$3589	$3212
8983 Mariabo Cir	$0	$3552	$3212

8519, 8521, & 8523 AMSDEN ROAD (STRICTLY APPLYING POLICY)

- Only 1 property is assessed
- Single Family Rate (25%)
  - $37/ft surfacing
  - $22/ft curb
- Other 2 properties have no frontage and would not be assessed per policy

8519, 8521, & 8523 AMSDEN ROAD (METHOD SENT FOR ESTIMATE)

- Assume a frontage based on lot width
- If these properties all abutted the street, their adjusted front footage would be their width
- Single Family Rate (25%)
  - $37/ft surfacing
  - $22/ft curb

8519, 8521, & 8523 AMSDEN ROAD (TREAT LIKE A TOWNHOME)

- Combine all 3 properties and calculate the adjusted front footage
- 202 ft = 67 ft each
- Multi-family Rate (50%)
  - $73/ft surfacing
  - $43/ft curb

SUMMARY – 8519, 8521, & 8523 AMSDEN RD

	Applying Policy	Recommended	Townhome
8519 Amsden Rd	$0	$6844	$7772
8521 Amsden Rd	$0	$7434	$7772
8521 Amsden Rd	$9440	$7670	$7772