

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IV. I.

From: Wayne D. Houle, PE, Director of Engineering

Action

Discussion

Date: November 5, 2012

Information

Subject: Resolution No. 2012-151 Authorizing Public Improvement and Special Assessment Agreement for 5528 Oaklawn Avenue

Action Requested:

Approve Resolution No. 2012-151 authorizing Public Improvement and Special Assessment Agreement for 5528 Oaklawn Avenue.

Information / Background:

This agreement is one of the ten agreements that were not signed as part of the Minnehaha Woods Neighborhood Reconstruction Project that was approved for final assessment on October 16. This special assessment will be added to the assessments that are being certified to Hennepin County at the end of November.

Attachments:

Resolution No. 2012-151 Authorizing Public Improvement and Special Assessment Agreement for 5528 Oaklawn Avenue
Public Improvement and Special Assessment Agreement for 5528 Oaklawn Avenue



RESOLUTION NO. 2012-151

RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENT FOR 5528 OAKLAWN AVENUE

WHEREAS, the City of Edina offered the residents of the Minnehaha Woods Neighborhood Roadway Reconstruction project to place the cost of their water and sewer service onto special assessments; and

WHEREAS, Edina has received a public improvement and special assessment agreement from the property owner waiving their right to a special assessment hearing; and

WHEREAS, the amount of the improvement project to be assessed is \$3,250.00;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall transmit a certified duplicate copy of this resolution to the County Auditor to be extended on the proper tax list of the County, and such special assessments shall be collected and paid over the same manner as other municipal taxes with interest from the date of this resolution at the rate of 3.1 percent (3.1%) per annum. The description of the special assessment is:

Table with 3 columns: NAME OF CERTIFICATION, INSTALLMENTS, DESCRIPTION OF PROPERTY. Includes details for Sanitary Sewer Service Repair, SS-460, Levy No. 18357, 15 Year, 5528 Oaklawn Avenue, PID#19-028-24-12-0102, and Owner name: Shadow Properties, LLC.

Passed and adopted by the City Council on November 5, 2012.

ATTEST: City Clerk Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of November 5, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ___ day of ___, 20__.

City Clerk



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**PUBLIC IMPROVEMENT
AND
SPECIAL ASSESSMENT AGREEMENT**

AGREEMENT made this 25th day of October, 2012, by and between the **CITY OF EDINA**, a Minnesota municipal corporation ("City") and **Shadow Properties**, (the "Property Owner").

RECITALS

A. Property Owner is the owner of Lot 8, Block 12, South Harriet Park having a street address of 5528 Oaklawn, Edina, Minnesota (the "Subject Property").

B. The City has requested that Property Owner replace the existing sewer service line(s) from the trunk sanitary sewer pipe to the right-of-way line on the Subject Property ("Public Improvement") and also consider replacing water service line from the stop box in conjunction with City Project No. ENG 11-5.

C. Property Owner has replaced their sewer and has requested that the City assess the cost of the Public Improvement against the Subject Property.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS THE PARTIES AGREE AS FOLLOWS:

1. PUBLIC IMPROVEMENT. The Owner received a quote of \$3,250.00 (the "Project Cost") from Minneapolis & Suburban Sewer & Water, 3233 45th Ave. So., Mpls, MN 55406 (the "Contractor") to construct the Public Improvement. Property Owner entered into a contract with the Contractor to construct the Public Improvement and Purchase Order No. 1014 was issued to the Contractor. The work is completed and the Contractor has submitted an invoice to the City referring to Purchase Order No. 1014 for the amount of \$3,250.00. The City is in receipt of a lien waiver for the work performed and will pay the Contractor.

2. SPECIAL ASSESSMENT. The City will assess the Project Cost in the amount of \$3,250.00 against the Subject Property. The Project Cost will be assessed under the same terms as City Project No. ENG 11-5. The Property Owner waives any and all procedural and substantive objections to the special assessments and to the Public Improvement and to City Project No. ENG 11-5, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the Subject Property. The Property Owner waives any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

3. BINDING EFFECT; RECORDING. This Agreement shall be binding upon the Property Owner and the Property Owner's successors and assigns. This Agreement may be recorded against the title to the Subject Property.

ENGINEERING DEPARTMENT

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CITY OF EDINA

BY: _____
James B. Hovland, Mayor

(SEAL)

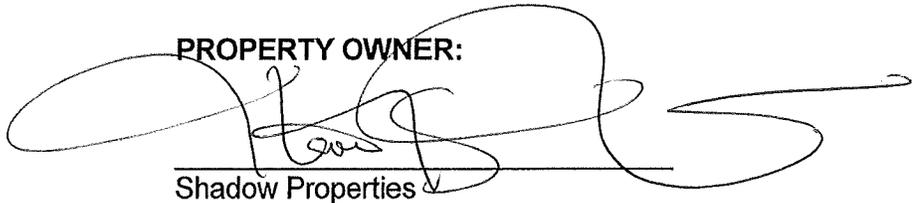
AND _____
Scott H. Neal, City Manager

STATE OF MINNESOTA)
(ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by James B. Hovland and by Scott H. Neal, respectively the Mayor and City Manager of the City of Edina, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

NOTARY PUBLIC

PROPERTY OWNER:



Shadow Properties

STATE OF MINNESOTA)
(ss.
COUNTY OF Hennepin)



The foregoing instrument was acknowledged before me this 25th day of October, 2012, by Steven K. Streater


NOTARY PUBLIC

DRAFTED BY:
CAMPBELL KNUTSON
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1380 Corporate Center Curve
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RNK:srn