

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IV. L.

From: Chad A. Millner, PE, Director of Engineering

Action

Discussion

Date: February 17, 2015

Information

Subject: Release of Public Improvements and Special Assessment Agreements

Action Requested:

Authorize Mayor and City Clerk to approve attached Release of Public Improvement and Special Assessment Agreements for sanitary sewer and water services upgrades for the 2013 Neighborhood Roadway Reconstruction project areas.

Information / Background:

Some residents were required and some were encouraged to upgrade their sanitary sewer and water service lines during the 2013 Neighborhood Roadway Reconstruction.

The costs were added to their special assessment by signing a Public Improvement and Special Assessment Agreement. Each agreement was recorded with Hennepin County as a lien against each property. Since these special assessments were levied in 2014, there is no need to continue with the lien against each property. By removing all the liens now, we avoid delaying closings and refinances on these properties when the liens are discovered in a title search.

Attachments:

Release of Public Improvement and Special Assessment Agreements

(Reserved for Recording Data)

RELEASE OF PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENTS

RECITALS:

A. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Michael S. Dobies and Ellen S. Dobies**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 10, 2012**, and filed for record with the Hennepin County Recorder on **August 20, 2013**, as Document No. **A09996469** over property legally described as **West ½ of Lot, as measured along the North and South lines thereof, Block 18, Normandale, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

B. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Gail P. Huwe**, a single person, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **April 1, 2013**, and filed for record with the Hennepin County Recorder on **July 24, 2013**, as Document No. **A09984859** over property legally described as **Exhibit A, Minnesota** (hereinafter referred to as

the “Special Assessment Agreement”);

C. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Reid R. Thompson and Carli Augustine-Thompson**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 17, 2012**, and filed for record with the Hennepin County Recorder on **July 24, 2013**, as Document No. **A09984879** over property legally described as **Westerly 122.94 feet of Lot 3, Block 17 Normandale, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

D. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Mark C. Fretland and Cindy K. Fretland**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 14, 2013**, and filed for record with the Hennepin County Recorder on **July 14, 2013**, as Document No. **A09984877** over property legally described as **West ½ of Lot 3, Block 14, Normandale, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

E. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Robert J. Have**, a single person, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 7, 2013**, and filed for record with the Hennepin County Recorder on **July 24**, as Document No. **A09984876** over property legally described as **Lot 8, Block 1, Replat of Block 9, Normandale, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

F. The City has received payment of the special assessments in full for the Special Assessment Agreements identified in Recitals A through E.

(Reserved for Recording Data)

**RELEASE OF PUBLIC IMPROVEMENT AND
SPECIAL ASSESSMENT AGREEMENTS**

RECITALS:

A. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Allen C. Johnson**, a single person, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 13, 2013**, and filed for record with the Hennepin County Recorder on **July 24, 2013**, as Document No. **A09984878** over property legally described as **Lot 1, Block 1, Normandale Addition-Miller Replat, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

B. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Joseph S. Carpenter and Kara L. Carpenter**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 30, 2013**, and filed for record with the Hennepin County Recorder on **July 24, 2013**, as Document No. **A09984880** over property legally described as **Lot 1, lying**

West of the East 100 feet thereof, Block 17, Normandale, Hennepin County, Minnesota

(hereinafter referred to as the “Special Assessment Agreement”);

C. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Leonard J. Gaer and Audre L. Gaer**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **April 23, 2013**, and filed for record with the Hennepin County Recorder on **July 14, 2013**, as Document No. **A09984860** over property legally described as **Exhibit A** (hereinafter referred to as the “Special Assessment Agreement”);

D. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **William E. Togstad II and Ruth m. Togstad**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **April 1, 2013**, and filed for record with the Hennepin County Recorder on **July 24, 2013**, as Document No. **A09984856** over property legally described as **Lot 19, Block 2, Lake Edina Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

E. The City has received payment of the special assessments in full for the Special Assessment Agreements identified in Recitals A through D.

EXHIBIT A

The North 81 feet of the East ½ of Lot 2, Block 15, Normandale, according to the duly recorded plat thereof on file and of record in the office of the County Recorder, Hennepin County, Minnesota.

(Reserved for Recording Data)

**RELEASE OF PUBLIC IMPROVEMENT AND
SPECIAL ASSESSMENT AGREEMENTS**

RECITALS:

A. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Kathleen A. Amlaw**, a single person, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **June 5, 2013**, and filed for record with the Hennepin County Recorder on **July 24, 2013**, as Document No. **A09984858** over property legally described as **Lot 1, Block 1, Lake Edina Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

B. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Allan W. Giese and Lori Giese**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 9, 2013**, and filed for record with the Hennepin County Recorder on **July 24, 2013**, as Document No. **A09984857** over property legally described as **Lot 4, Block 2, Lake Edina Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment

EXHIBIT A

The North 81 feet of the East ½ of Lot 2, Block 15, Normandale, according to the duly recorded plat thereof on file and of record in the office of the County Recorder, Hennepin County, Minnesota.

(Reserved for Recording Data)

**RELEASE OF PUBLIC IMPROVEMENT AND
SPECIAL ASSESSMENT AGREEMENTS**

RECITALS:

A. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **J. J. Maley and Luella E. Maley, Trustees Under The Maley Living Trust, Dated September 2, 2003**, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 6, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101356** over property legally described as **West ½ of Lot 2, Block 14, Normandale, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

B. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Lillian C. Carteng**, a single person, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 10, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101359** over property legally described as **East ½ of Lot 1, Block 15, Normandale,**

Hennepin County, Minnesota (hereinafter referred to as the “Special Assessment Agreement”);

C. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Marc F. Donnelly and Jennie E. Donnelly**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **April 26, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101248** over property legally described as **Lot 7, Block 1, Elm View 1st Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

D. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Jason Peterson and Elisabeth Peterson**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **April 30, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101251** over property legally described as **Lot 20, Block 4, Lake Edina 2nd Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

E. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Steven Curry and Leslie Curry**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **April 1, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101249** over property legally described as **Lot 4, Block 4, Lake Edina 4th Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

F. The City has received payment of the special assessments in full for the Special Assessment Agreements identified in Recitals A and E.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Special Assessment Agreements filed for record with the Hennepin County Registrar of Titles as listed in Recitals A and E are hereby released.

Dated: _____

CITY OF EDINA

BY: _____
James Hovland, Mayor

AND _____
Debra Mangan, City Clerk

STATE OF MINNESOTA)

)ss.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 17th day of February, 2015, by James Hovland and Debra Mangan, respectively the Mayor and City Clerk 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

THIS INSTRUMENT WAS DRAFTED BY:

Campbell Knutson
Professional Association
1380 Corporate Center Curve, Suite #317
Eagan, Minnesota 55121
(651) 452-5000
AMP/cjh

(Reserved for Recording Data)

RELEASE OF PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENTS

RECITALS:

A. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Timothy P. Gibbs and Kristin M. Gibbs**, husband and wife, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **April 29, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101360** over property legally described as **Lot 11, Block 1, Lake Edina 3rd Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

B. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Richard J. Raming Jr. and Ginna L. Raming**, a single person, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **May 29, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101361** over property legally described as **Lot 11,**

Block 3, Lake Edina 2nd Addition, Hennepin County, Minnesota (hereinafter referred to as the “Special Assessment Agreement”);

C. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and **Judith K. Rieckhoff, as Trustee of the Judith K. Rieckhoff Revocable Trust Under Agreement Dated June 13, 2007, as Amended**, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated **June 25, 2013**, and filed for record with the Hennepin County Registrar of Titles on **July 29, 2013**, as Document No. **T05101250** over property legally described as **Lot 4, Block 3, Lake Edina 2nd Addition, Hennepin County, Minnesota** (hereinafter referred to as the “Special Assessment Agreement”);

D. The City has received payment of the special assessments in full for the Special Assessment Agreements identified in Recitals A and C.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Special Assessment Agreements filed for record with the Hennepin County Registrar of Titles as listed in Recitals A and C are hereby released.

Dated: _____

CITY OF EDINA

BY: _____
James Hovland, Mayor

AND _____
Debra Mangen, City Clerk

STATE OF MINNESOTA)

COUNTY OF HENNEPIN)

)ss.
)

The foregoing instrument was acknowledged before me this 17th day of February, 2015, by James Hovland and Debra Mangen, respectively the Mayor and City Clerk 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

THIS INSTRUMENT WAS DRAFTED BY:

Campbell Knutson
Professional Association
1380 Corporate Center Curve, Suite #317
Eagan, Minnesota 55121
(651) 452-5000
AMP/cjh