

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** IV. G.

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

**Action**

**Discussion**

**Date:** May 6, 2014

**Information**

**Subject:** Resolution No. 2014-48 Supplemental Assessment Agreement, 4316 Eton Avenue.

**Action Requested:**

Approve Resolution No. 2014-48 Supplemental Assessment Agreement for 4316 Eton Place.

**Information / Background:**

Please recall at the March 18, 2014 City Council Meeting, the Mayor and City Manager executed a Supplemental Assessment Agreement and Waiving of Public Hearing for 4316 Eton Place. A copy of the executed documents is attached.

The City assessing department later learned that Hennepin County requires a resolution with a payout schedule to make a correction to an assessment. By approving the attached resolution, staff can continue to work with Hennepin County to correct the levied assessment. Any fees required by Hennepin County to make the correction will be covered by the City of Edina.

The following table shows the correction to Levy #18286 to PID 07-028-24-44-0101 after 2 years of payments.

Installment #	Payable Year	Principal	Interest	Total	Total Principal Balance
Beginning Balance					670.54
1	2013	109.29	36.48	172.77	561.25
2	2014	112.68	60.09	172.77	448.57
3	2015	28.54	13.91	42.45	420.03
4	2016	29.43	13.02	42.45	390.60
5	2017	30.34	12.00	42.45	360.26

6	2018	31.28	11.17	42.45	328.98
7	2019	32.25	10.20	42.45	296.73
8	2020	33.25	9.20	42.45	263.48
9	2021	34.28	8.17	42.45	229.20
10	2022	35.34	7.11	42.45	193.86
11	2023	36.44	6.01	42.45	157.42
12	2024	37.57	4.88	42.45	119.85
13	2025	38.73	3.72	42.45	81.12
14	2026	39.94	2.51	42.45	41.18
15	2027	41.17	1.28	42.45	0.01
Totals		670.53	199.75	897.39	

**Attachment:**

1. Resolution No. 2014-48
2. Copy of the executed Supplemental Assessment Agreement and Waiving of Public Hearing



**RESOLUTION NO. 2014-48  
APPROVING SUPPLEMENTAL ASSESSMENT AGREEMENT**

**WHEREAS**, the City of Edina levied a special assessment on 4316 Eton Place on October 2, 2012 for roadway reconstruction in the amount of \$2,031.94;

**WHEREAS**, the City of Edina, during the Public Improvement Hearing for the Morningside B Roadway Improvement Project on December 10, 2013, found an error in the assessment levied against 4316 Eton Place;

**WHEREAS**, Hennepin County requires a resolution from the City of Edina to complete the correction to the assessment and list the correction to Levy #18286 to PID 07-028-24-44-010 after 2 years of payments as shown;

**WHEREAS**, The City and the Property Owner have entered into a supplemental Assessment Agreement agreeing to a corrected special assessment and waiving the public hearing for a supplemental assessment;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council:

The following Supplemental Assessment for the Subject Property for Levy #18286 to PID 07-028-24-44-010 is adopted:

Installment #	Payable Year	Principal	Interest	Total	Total Principal Balance
Beginning Balance					670.54
1	2013	109.29	36.48	172.77	561.25
2	2014	112.68	60.09	172.77	448.57
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15	2027	41.17	1.28	42.45	0.01
Totals		670.53	199.75	897.39	

**ENGINEERING DEPARTMENT**

Dated: May 6, 2014

Attest: \_\_\_\_\_  
Debra A. Mangen, City Clerk

\_\_\_\_\_  
James B. Hovland, 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 May 6, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** IV. E.

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

**Action**

**Discussion**

**Date:** March 18, 2014

**Information**

**Subject:** Approve Supplemental Assessment Agreement and Waiving of Public Hearing,  
4316 Eton Place

**Action Requested:**

Authorize Mayor and City Manager to approve attached Supplemental Assessment Agreement and Waiving of Public Hearing for 4316 Eton Place.

**Information / Background:**

During the Public Improvement Hearing for the 2014 Morningside B Neighborhood Street Reconstruction project it was discovered that we incorrectly assessed 4316 Eton Place with the W. 44<sup>th</sup> Street project completed in 2011.

4316 Eton Place was assessed one (1) Residential Equivalent Unit (REU) or \$2,031.94. As a corner property, the assessment should have been one-third (1/3) REU or \$670.54. We met with the property owners to discuss the situation. They are in agreement that with the solution to correct the assessment and have signed the attached agreement

Eton Place is scheduled for reconstruction with the 2014 Morningside B Neighborhood Street Reconstruction project. As part of that project, 4316 Eton Place will be assessed a two-thirds (2/3) REU or an estimated assessment of \$5,025.00.

The supplement assessment agreement allows us to make the necessary correction.

**Attachment:**

- I. Supplemental Assessment Agreement and Waiving of Public Hearing



**SUPPLEMENTAL ASSESSMENT AGREEMENT  
AND WAIVING OF PUBLIC HEARING  
4316 ETON PLACE, EDINA, MINNESOTA  
ROADWAY IMPROVEMENT NO. BA-383  
WEST 44<sup>TH</sup> STREET RECONSTRUCTION**

AGREEMENT made this 21<sup>st</sup> day of February, 2014 by and between the **City of Edina**, a Minnesota municipal corporation ("City") and **Jeffrey R. LeMunyon and Ingrid M. J. LeMunyon**, husband and wife ("Property Owners").

**Recitals**

- A. Property Owners are the owners of the following described property, having a street address of 4316 Eton Place, Edina, Minnesota 55424:

That part of Lot 87 lying South of the North 148 feet thereof and East of the West 20 feet thereof, "Morningside".

That part of the adjoining Northerly 8 feet of County Road as designated on the plat of "Morningside", vacated, now West 44<sup>th</sup> Street, lying between the extensions across it of the above premises.

PIN: 07-028-24-44-0101

("Subject Property")

- B. Property Owners were incorrectly assessed 1 Residential Equivalent Unit or \$2,031.94 on October 2, 2012 for City Project No. ENG 11-7, Improvement No. BA-383.

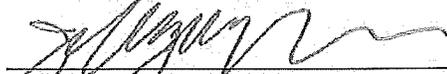
**NOW THEREFORE**, in consideration of their mutual covenants, the parties agree as follows:

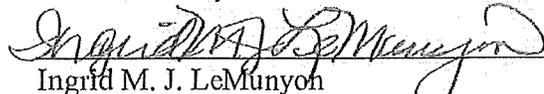
**1. PUBLIC IMPROVEMENT.** The correct assessed Residential Equivalent Unit is one-third (1/3) or Six Hundred Seventy and 54/100 Dollars (\$670.54) ("Project Cost").

2. **SPECIAL ASSESSMENT.** The City will assess the Project Cost in the amount of Six Hundred Seventy and 54/100 Dollars (\$670.54) against the Subject Property. The Project Cost will be assessed under the same terms as City Project No. ENG 11-7. The Property Owners waive any and all procedural and substantive objections to the special assessment and to the Public Improvement and to City Project No. ENG 11-7, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the Subject Property. The Property Owners waive any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

3. **BINDING EFFECT; RECORDING.** This Agreement shall be binding upon the Property Owners and their heirs, successors and assigns. This Agreement may be recorded against the title to the Subject Property.

**PROPERTY OWNERS:**

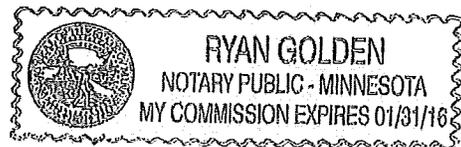
  
\_\_\_\_\_  
Jeffrey R. LeMunyon

  
\_\_\_\_\_  
Ingrid M. J. LeMunyon

STATE OF MINNESOTA )  
(ss.  
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of February 2014 by Jeffrey R. LeMunyon and Ingrid M. J. LeMunyon, husband and wife:

  
\_\_\_\_\_  
Notary Public



CITY OF EDINA

BY:

James B. Hovland, Mayor

AND

Scott H. Neal, City Manager

STATE OF MINNESOTA )  
(ss.  
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, 2014 by James B. Hovland and 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.

*Sharon M. Allison*

Notary Public



**THIS INSTRUMENT WAS DRAFTED BY:**

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*Professional Association*  
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RNK