



RESOLUTION NO. 2005-78

**AUTHORIZING SPECIAL ASSESSMENT
SENIOR DEFERRAL PROGRAM**

City of Edina

WHEREAS, by Minnesota Statutes, Sections 435.193 through 435.195, the City is authorized and empowered to defer the payment of special assessments against homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom payment of such special assessment would be a hardship; and

WHEREAS, the City Council of the City of Edina deems it desirable and in the best interests of the City of Edina and its citizens to implement such authority and power by establishing standards, guidelines and procedures for the granting and processing of such deferments;

NOW, THEREFORE BE IT RESOLVED, that the following standards, guidelines and procedures are hereby established and adopted:

ELIGIBILITY STANDARDS

- The applicant must be 65 years of age or older or retired by virtue of a permanent and total disability, and
- The applicant must be the fee simple owner of the property or must be a contract vendee for fee simple ownership, and
- The property for which deferment is requested must be classified and taxed as homestead property by the City Assessor as of the date the application for deferment is made, and
- The first year's installment of the proposed special assessment must, either alone or in the aggregate with installments of other special assessments due against the property and payable in the first year of the proposed assessment, total more than two percent of the applicant's total household income as defined by Minnesota Statutes, Chapter 290A.

INTEREST RATE

- Any special assessment deferred pursuant to this policy shall bear interest at the prevailing interest rate applicable at the time the assessment was originally levied.

TERMINATION

- Special Assessment payments deferred pursuant to the eligibility requirements set forth by this policy shall become payable effective upon the occurrence of one of the following events:

- The subject property is sold, transferred, subdivided, or in any way conveyed to another by the fee owner qualified for deferral status.
- The death of the fee owner qualified for deferral status unless a surviving joint tenant, tenant in common, or contract vendee is eligible for the deferral benefit provided hereunder.
- The property loses its homestead status for any reason.
- The City council determines that there would be no hardship to require an immediate or partial payment of the deferred special assessment.

PROCEDURES

- The applicant for deferment must file a completed application and affidavit with the City Assessor on or before November 15th of the year preceding the year for which deferral status is requested in order to implement the deferral program for said year.
- All applications for deferment shall be made on forms prepared and supplied by Hennepin County and the City of Edina.
- The City Assessor shall include in any and all mailed notices of public hearings with respect to special assessments, a statement explaining the deferment policy hereby adopted.
- The City Assessor shall transmit all deferments granted pursuant to this policy to the Hennepin County Auditor for recording with the Office of the County Recorder, Hennepin County, Minnesota, so as to give notice of such deferment to all future owners and encumbrancers of the property for which a deferment has been granted.

BE IT FURTHER RESOLVED, that the City Council shall not be prohibited from determining that a hardship exists, and that a deferment should be granted on the above terms and conditions, even if the eligibility requirements are not met by an applicant, provided that the Council finds that:

- There are exceptional and unusual circumstances not covered by the foregoing standards and guidelines, and
- If granted, the deferment will have been made in a non-discriminatory manner, and
- The granting of the deferment will not give the applicant an unreasonable preference over other applicants.

BE IT FURTHER RESOLVED, that failure of the City to give notice pursuant to this policy or the granting or denial of any deferment shall not invalidate any special assessment otherwise made and levied by the City of Edina pursuant to applicable statutory requirements.

ATTEST: *Debra A. Manges*
City Clerk

[Signature]
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 September 6, 2005, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 7th day of Sept., 2005.

Debra A. Mergen
City Clerk