



City of Robbinsdale

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# **Special Assessment Policy**

Adopted by Resolution No. 6048, June 5, 2001  
Latest amendment – Resolution No. 6503, February 1, 2005

## **Section I**

### **General Policy Statement**

The purpose of this Assessment Policy is to establish a fair and equitable manner of recovering and distributing the cost of public improvements. The procedures used by the City of Robbinsdale for levying special assessments are those specified by Minnesota Statutes Chapter 429, which provide that all or a part of the cost of improvements may be assessed against benefiting properties.

Three basic criteria must be satisfied before a particular parcel can be assessed. They are:

1. The land must have received special benefit from the improvement.
2. The amount of the assessment must not exceed the special benefit.
3. The assessment must be uniform in relation to the same class of property within the assessment area.

It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the determining factor in determining the amount to be assessed. However, in most cases the method for determining the value of the benefit received by the improvement, and therefore the amount to be assessed, shall be the cost of providing the improvement. This holds true as long as the cost does not exceed the increase in market value due to the project, for the property being assessed. The entire project shall be considered as a whole for the purpose of calculating and computing an assessment rate. In the event City staff has doubt as to whether or not the costs of the project may exceed the special benefits of the property, the City Council may obtain such appraisals as may be necessary to support the proposed assessment.

The City must recover the expense of installing public improvements undertaken, while ensuring that each parcel pays its fair share of the project cost in accordance with this assessment policy. While there is no perfect assessment policy, it is important that assessments be implemented in a reasonable, consistent and fair manner. There may be exceptions to the policy or unique circumstances or situations, which may require special consideration and discretion by the City Council.

This assessment policy is intended to serve as a guide for the systematic assessment process in the City of Robbinsdale.

## **Section II**

### **Improvements Eligible for Special Assessment**

The following public improvements, as authorized by Minnesota Statute 429.021 are eligible for special assessments in the City of Robbinsdale:

1. Street, Alley and Curb & Gutter.
2. Sidewalks and trails.
3. Storm sewer systems.
4. Sanitary Sewer systems.
5. Watermain systems.
6. Street Lights.
7. Acquisition and construction of public parking lots.
8. Construction, reconstruction and maintenance of retaining walls.

The City of Robbinsdale also retains authority to recover, through special assessment, certain maintenance direct costs associated with ordinance violations. These include, but are not limited to, the following:

1. Snow and ice removal.
2. Abatement of nuisances including but not limited to removal of trash and rubbish, weed elimination, and correction of violations of the Housing maintenance code.
3. Tree trimming and removal of diseased or unsound trees.
4. Removal of obstructions from sight triangles at intersections.
5. Sump pump provision or rectification.
6. Delinquent utility billings.

## **Section III**

### **Initiation of Public Improvements**

Public improvements may be initiated in any of the three following ways:

1. Public improvements may be initiated by petition of at least 35% of the affected property owners. Alley improvements require at least 50% of the affected property owners signing the petition. Affected property owners are those who will be assessed for the improvement, not necessarily those adjacent to the improvement (as is the case with an area wide assessment). Petitions for improvements will be considered by the City Council, but simply petitioning for a project does not ensure it will proceed to construction. A simple majority of the City Council is required to order improvements that are petitioned for.
2. Public improvements may be initiated by the City Council. A resolution ordering the improvements requires a supermajority of the Council rather than a simple majority.
3. A developer, in conjunction with a development or redevelopment project may petition for improvements. No petition for improvements will be considered by the City Council without a waiver from the developers stating that they waive all right to appeal the assessments for improvements for which they have petitioned.
4. Improvement works may be initiated by City Council as part of an asset replacement strategy, to ensure that City infrastructure is maintained in a condition suitable to serve its purpose to the community.

## **Section IV**

### **Public Improvement Procedures**

The following is a general procedure that will be followed by the City Council for all public improvement projects from initiation to certification of the assessment roll to the County Auditor. Formats for the various reports and resolutions referenced in this section follow those recommended in the Local Improvement Guide published by the League of Minnesota Cities

#### Preliminary Design:

1. Submission of petition for improvements to the City Council, or initiation of a project by the City Council. Projects approved in the Capital Improvements Plan are considered to be City initiated unless accompanied by resident petition.
2. City Council accepts or rejects petition. If accepted, council adopts a resolution Declaring Adequacy of Petition and Ordering Preparation of Report. For projects

initiated by the City the City Council will adopt a Resolution Ordering Preparation of Report on Improvement. Improvements for which a petition is not accepted by the City Council will not be able to be petitioned again for a six month time period.

3. City staff or designated consultant prepares feasibility report for the improvements. The feasibility report must evaluate whether the improvement is necessary, feasible and cost effective. The feasibility report must also include a proposed assessment roll showing which parcels would be assessed for the project and the estimated assessment amount for each parcel.
4. City Council reviews feasibility report and either accepts or rejects the report. If accepted, the City Council adopts a resolution Receiving Report and Calling Public Hearing.
5. Staff publishes notice of the public hearing and mails notices to affected property owners. This notice must be published twice in the official City newspaper. The two publications must be a week apart and at least three days prior to the date of the public hearing. Notices must be mailed to the owner of record not less than 10 days prior to the date of the public hearing.
6. City Council conducts public hearing and accepts public testimony. At the conclusion of the public hearing the Council may approve the project by adopting a Resolution Ordering Preparation of Plans and Specifications. At this point the estimated assessment amounts become pending assessments, and are reported to the Finance Department for tracking.

Final Design:

7. Staff or the designated consultant prepares plans and specifications for the improvement. Plans are presented to the City council for approval. If approved, the City Council adopts a Resolution Approving Plans and Specifications and Ordering Advertisement for Bids.
8. Staff solicits bids for the project. Projects less than \$50,000 do not require formal bids and may be done by quote. At least two and preferably three quotes from qualified contractors are required. Bid solicitations for projects more than \$50,000 but less than \$100,000 must be published in the official newspaper and in Construction Bulletin for at least two weeks. Projects exceeding \$100,000 must be advertised for three weeks in the official paper and in Construction Bulletin. Bids will be opened, checked for mathematical accuracy and tabulated. Staff will consider the qualifications of the bidder to determine the lowest responsible bidder.
9. Bids are presented to the City Council for review and approval. City Council awards the contract to the lowest responsible bidder by adopting a Resolution Accepting Bid.

### Levying Assessments:

10. City staff calculates the total project costs, the City share of the costs and the proposed assessment amounts, and presents them to the City Council. The City Council sets a date for a public hearing on the assessments by adopting a Resolution Declaring Cost to be Assessed and Calling Hearing on Proposed Assessment.
11. City staff publishes notice of the assessment hearing in the official newspaper. This notice must be published one or more times at least two weeks prior to the hearing date.
12. City Council conducts the assessment hearing and accepts public testimony. At the conclusion of the hearing the City Council may adopt a Resolution Adopting Assessments. This resolution sets the assessment amount, the repayment term and interest rate to be applied to the assessment for each parcel to be assessed. At this point the pending assessments become levied assessments. The City may accept prepayment of levied assessments as specified in the Resolution Adopting Assessments.
13. City staff certifies to the County Auditor those assessments not paid in full for inclusion with the property tax statement for each parcel being assessed.

## **Section V Assessment Methods**

Assessments are calculated using different methods of measurement; per lot, adjusted front foot and area. For any particular project one of these methods will more adequately reflect the true benefits received than the others. The City Engineer will recommend in the feasibility report, which assessment methods are to be used for a particular project. In general, the assessment methods specified below will be used unless extenuating circumstances or justification exist to warrant changing to another method.

For purposes of calculating assessments, the following methods may be used:

### Per Lot (or unit)

A per lot assessment will apply equally to all parcels of land within the assessment area. This assessment is typically used in areas where the parcels are of a similar shape and size, or in cases where the benefit received by a parcel is the same for parcels of varying shapes and sizes.

Commercial, industrial or multifamily parcels may be converted into an equivalent number of residential parcels by dividing the area of the parcel by 6000 square feet (the average size of a single family lot 120'x50'). In this way land use types of differing

intensity can be assessed on a standard basis using the same assessment rate as single family properties.

### Adjusted Front Footage

The actual physical dimensions of a lot shall be carefully considered, especially the frontage length to streets. The number of frontages and the length of these frontages shall form the basis of calculating assessments. The following procedures will be used to calculate the adjusted front footage for a lot. Adjusted front footages will be calculated to the nearest foot. The assessment process needs to consider certain roads such as County Roads, which the City does not construct or maintain, but does have cost participation and therefore assesses at a lower rate. A flow chart of the process is attached in Appendix 1 of this document to clarify the steps involved.

1. Lots with one frontage

Generally, for lots with one frontage, the adjusted front footage is the actual frontage of the lot.

2. Lots with more than one frontage

For corner lots with two or more street frontages, the adjusted front footage is defined as 50% of each frontage being improved.

### Area

When it has been determined to assess by the “area” method the actual area of a parcel, either in square feet or acres lying within the project area shall be used. The following features will be deducted from the area of a parcel for purposes of assessments: public right of ways, natural waterways and lakes and wetlands designated by the Department of Natural Resources.

## **Section VI**

### **Assessment Computations**

#### **Street, Alley and Curb and Gutter Improvements**

##### New Construction:

All new streets will be assessed 100% to the abutting benefited properties. Street and curb and gutter assessments are typically calculated on an adjusted front foot basis, however a per lot basis may be used if all parcels are of a similar size.

Cost of construction of streets shall be based on the proposed width of the street to be constructed.

##### Reconstruction:

Reconstruction assessments will apply for those parcels with an existing constructed street and/or alley adjacent to the lot. This policy assumes that 100% of the original street construction cost was assessed to the adjacent benefiting properties. Street reconstruction shall include replacement of the roadway surface, existing curb and gutter, storm sewer and sidewalks as necessary. Addition of new curb and gutter and/or sidewalks in areas that did not previously have those improvements shall be assessed in addition to the reconstruction assessment.

Reconstruction assessments for single family parcels shall be made using one of the methods outlined in Section V of this document. The unit assessment rate per front foot is based on the proposed width of the street. Current rates are attached in Appendix 2. The rates shall be adjusted based on the most recent "Construction Cost Index" relative to the date of the assessment hearing. This Index is published in the American City and County magazine, with the 2001 base index being 162.7. Assessment rates used for a project shall be the rate in effect at the time of the public hearing to consider the improvements (Section IV step 6), regardless of the rate in effect at the time of assessment.

The proposed street widths shown in Appendix 2 are typical widths constructed within the City. Any proposed street widths that are not specifically noted in Appendix 2 shall have assessment rates calculated individually using the same approach as those listed. Street widths used to compute assessments shall be inclusive of any center medians.

In order to maintain relativity between assessment amount and property valuation, the maximum amount assessable shall be 6% of the property valuation.

### Overlay and Sealcoating:

Overlays and sealcoating will be assessed in accordance with rates attached in Appendix 2.

### Alleys:

Upgrading existing gravel alleys will be assessed 100% to the adjacent properties on a per lot basis. Replacement of existing bituminous or concrete alleys will be assessed 100% on a per lot basis.

### Curb and Gutter Only

New concrete curb and gutter in areas that did not previously have concrete curb and gutter will be assessed 100% on an adjusted front foot basis. Replacement of existing concrete curb and gutter only will not be assessed.

### **Sidewalks and Trails**

#### New construction:

Construction of new sidewalks in areas that did not previously have sidewalk will be assessed 100% to the adjacent properties, on an adjusted front foot basis. Construction of new bituminous trails shall not be assessed.

#### Reconstruction/Replacement:

Replacement of existing concrete sidewalks shall be included in the street reconstruction assessment in those areas where street reconstruction is taking place. In other areas, sidewalk replacement costs will not be directly assessed, but will be covered by a future street reconstruction assessment.

### **Storm Sewer Improvements**

Construction of new storm sewers and replacement of existing storm sewer facilities shall be funded from the Storm Sewer Utility fund and not assessed. This shall include, but are not limited to property acquisition, construction and maintenance of storm water ponding areas and stormwater conveyance systems.

### **Sanitary Sewer Improvements:**

#### New Construction:

Construction of new sanitary sewer mains, lift stations and other facilities needed to serve properties not currently served by City sewer will be assessed to the benefiting properties

100% on an area basis. Assessable items shall include but are not limited to conveyance systems, manholes and lift stations. Assessments shall be based on a standard 8 inch sewer main, constructed at a depth of no more than 14 feet. Costs for oversizing or excessive depth will not be assessed, but rather funded by the Sanitary Sewer Utility fund.

Reconstruction:

Reconstruction of sanitary sewer facilities shall be funded from the Sanitary Sewer Utility fund, and not assessed.

Sanitary Sewer Services:

In the City of Robbinsdale sanitary sewer service lines are defined as being owned by the property owner from the main to the home, including the wye at the main. Repairs made to service lines will be assessed 100% to the benefiting property owner. Property owners may petition the City to assess the costs of sanitary sewer service repairs.

**Watermain Improvements**

New Construction:

Construction of new watermains to serve properties not currently served by City water will be assessed to the benefiting properties 100% on an area basis. Assessments shall be based on the installation of an appropriately sized ductile iron watermain. Costs for oversizing will not be assessed but rather funded by the Water Utility Fund.

Reconstruction:

Reconstruction of watermains shall be funded from the Water Utility fund, and not assessed.

Water Services:

In the City of Robbinsdale water service lines are defined as being owned by the property owner from the main to the home, including the corporation stop and curb box shut off. Repairs made to service lines will be assessed 100% to the benefiting property owner. Property owners may petition the City to assess the costs of water service repairs.

Treatment Plants, Wells and Booster Stations:

Construction and reconstruction of treatment plants, wells, pumps and booster stations will be funded from the Water Utility Fund, and not assessed.

## **Street Lights**

Street lights may be petitioned for in accordance with the City of Robbinsdale Mid-Block Lighting Policy. The costs of installing these lights will be assessed to the block on a per lot basis. Monthly costs for operation of the additional lights will be charged to the property owners as specified in the Mid-Block Lighting Policy.

## **Retaining Walls**

The City may reconstruct retaining walls on private property if petitioned for by the property owner. The costs to replace private retaining walls will be assessed 100% to the property owner. Replacement of retaining walls on public property will not be assessed.

## **Other Assessable Items**

The City of Robbinsdale incurs costs in the abatement of public nuisances such as weeds, trash pickup, snow/ice removal, removal of obstacles in sight triangles at intersections and removal of diseased trees. Works necessary to provide a new sump pump system, or to bring an existing system into Code compliance may be eligible for special assessment. Delinquent utility bills are also assessable under State Statute. Assessments for these items will include the actual cost of abatement, plus reasonable administrative costs.

# **Section VII Policy on Reassessment**

The City of Robbinsdale in constructing or reconstructing any public improvement shall design such improvements to last for a definite period. The life expectancy, or service life shall be as stated below. When such project needs renewing or replacement, the amount to be assessed shall be limited to the to an amount determined by dividing the actual life of the improvement by the service life of the original improvement, multiplied by the assessment amount as prescribed in Section V.

The following are hereby established as “life expectancies” or “service lives” of public improvements unless otherwise stated in the resolution ordering the improvement and preparation of plans and specifications, in which case the life set forth in resolution shall govern.

1. Sidewalks – 20 years
2. Streets (surfacing, curb & gutter) – 20 years
3. Watermains – 30 years
4. Sanitary sewers – 30 years
5. Storm sewers – 30 years

## **Section VIII**

### **Policy Relating to State Aid Routes**

The State of Minnesota provides funding for the construction, reconstruction and maintenance of streets established and designated as State Aid routes. Approximately 20% of the streets in Robbinsdale are State Aid routes. State Aid funds are available for most improvements, but not all costs associated with street construction qualify for funding.

Assessments for State Aid streets within the City of Robbinsdale will be the same as those for regular local streets. State Aid funding provided for reconstruction of a particular segment of street will be used by the City to fund non-assessed costs, and will not be used to reduce assessments to the properties adjacent to these facilities. In this way assessments for reconstruction are consistent throughout the City, and the taxpayers in general benefit from the State Aid funding because it helps to defray costs that would otherwise be City costs.

## **Section IX**

### **Policy Relating to County Roads**

Assessments for County Roads within the City of Robbinsdale will be at a rate slightly reduced from that for normal residential streets and State Aid Roads. The County has a cost participation policy that shares the overall cost of reconstruction. Because the cost to the City is reduced, the associated assessment rate to adjoining residents is reduced.

This approach provides a degree of equity because cost to residents to restore / replace utilities under County Roads is often higher than normal residential streets.

Frontage roads parallel to County Roads will be treated like normal residential streets for the purpose of this assessment policy.

## **Section X**

### **Deferral of Assessments**

The City of Robbinsdale has established a policy on deferring special assessments for senior citizens and persons for whom it would be a hardship to make payments. Deferral of special assessments is available for project related assessments, but may not be applied to assessments for abatement of nuisances or for delinquent utility bills. Special assessments may be deferred, for those that qualify, until such time as:

1. The property or any part thereof is sold, transferred, or subdivided.
2. Death of the owner and the spouse not otherwise eligible for deferment.
3. The property loses its homestead status.
4. The owner is no longer determined to be in a hardship category.

Eligibility requirements are that the owner must be 65 years of age or older on January 1<sup>st</sup> of the payment year, that the property to be assessed is homesteaded and that the annual principle and interest on the assessment is in excess of 1 ½ percent of the owner's annual income. For example if the principle and interest is \$100 annually, then an owner whose income is less than \$6,667 would qualify to have the assessments deferred (i.e.  $\$6,667 \times 0.015 = \$100$ ). Interest would be added annually to the deferred amount based on the interest rate specified in the resolution approving the assessments.

Applicants who wish to apply for deferment of assessments for next year must submit the following information no later than October 15<sup>th</sup> to the City Clerks office, 4100 Lakeview Avenue North.

1. Financial disclosure Statement, including a copy of your proof of income.
2. A copy of your birth certificate.
3. Four notarized copies of form HC 227 – Application for deferral of Special Assessments.

After an application had been received and reviewed, the request will be forwarded to the City Council for approval. After council approval the City Clerk will authorize the deferral and forward the request to the Hennepin County Auditor and recorded in the Registrar of Deeds Office.

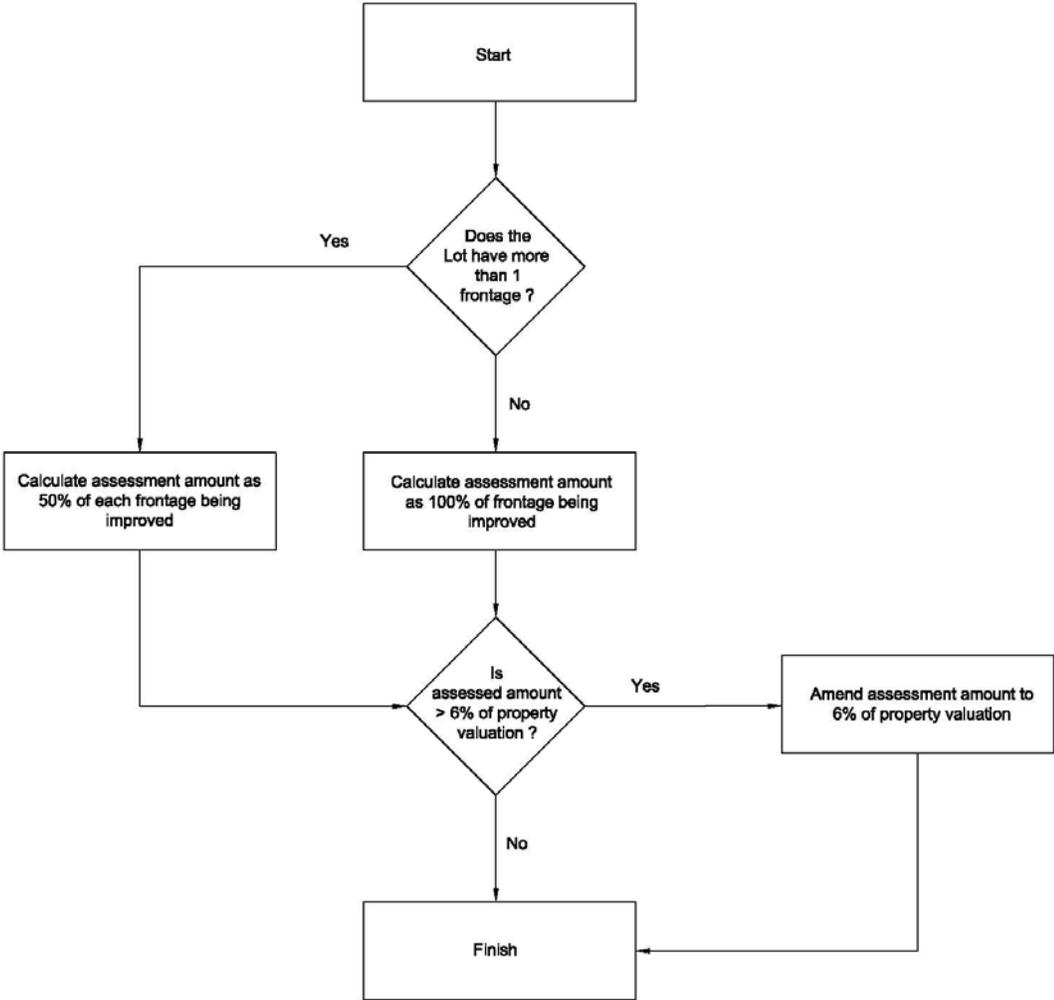
## **Appendices**

Appendix 1 Special Assessment Front Footage Flow Chart

Appendix 2 Reconstruction Rates  
Pavement Overlay and Resurfacing Rates

Appendix 3 Special Assessment Term and Rate Flowchart

**Appendix 1 - Special Assessment Front Footage Flow Chart**



**Appendix 2 - Reconstruction Assessment Rates as at January 2008**

Construction Cost Index - 209.5

	Proposed Street Width (ft)	30	32	36	40	44	48
<b>Local Roads and State Aid Streets</b>	Construction Rate per lineal ft	\$249.79	\$252.51	\$266.92	\$277.17	\$287.42	\$297.67
	Adjusted rate allowing for unassessable portion	\$386.16	\$390.48	\$412.98	\$429.02	\$445.04	\$461.04
	<b>Assessment Rate (per adjusted foot)</b>	<b>\$77.23</b>	<b>\$78.10</b>	<b>\$82.60</b>	<b>\$85.80</b>	<b>\$89.01</b>	<b>\$92.21</b>

<b>County Roads</b>	<b>Assessment Rate (per adjusted foot)</b>	<b>\$31.81</b> *
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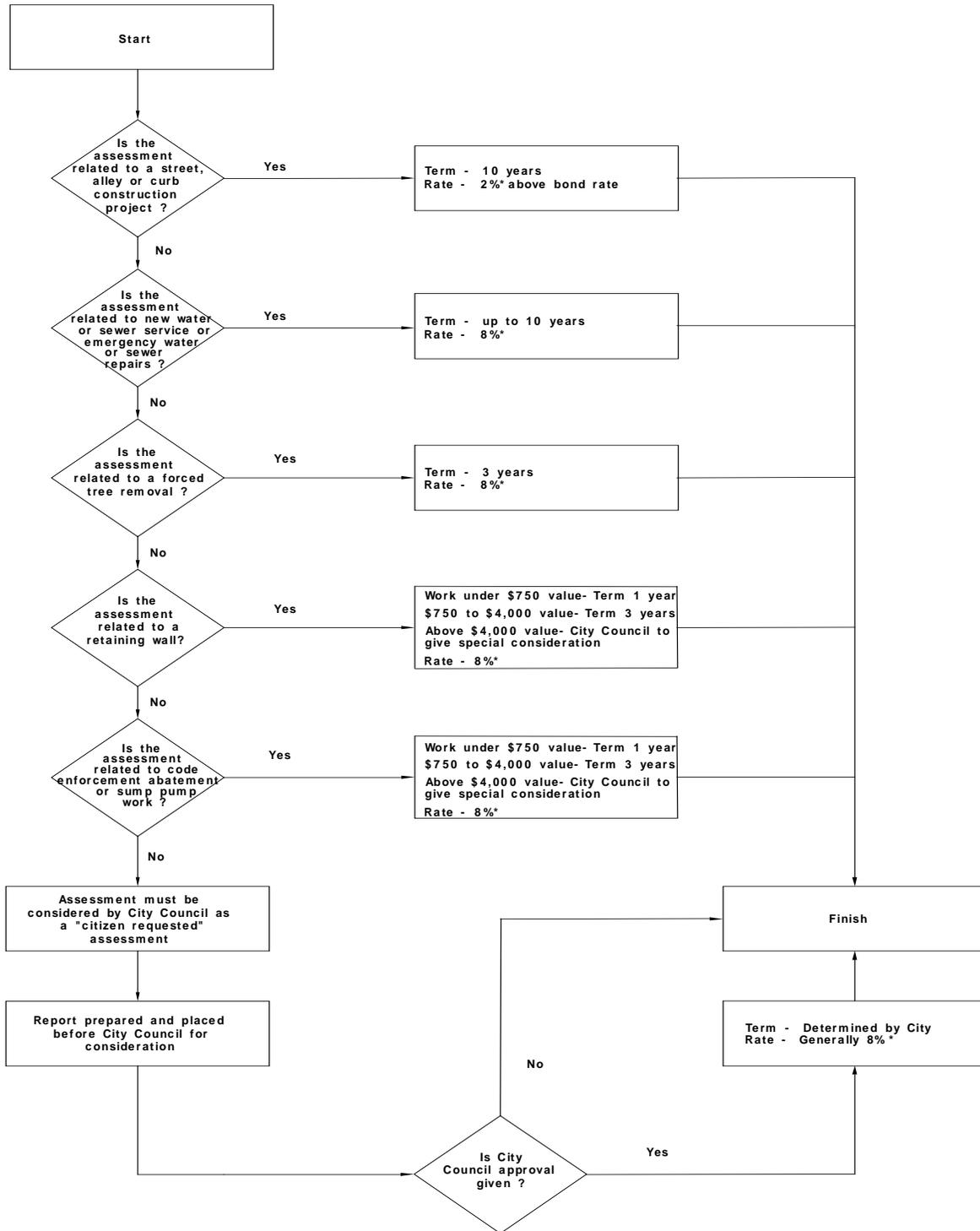
\* This rate is independent of street width

**Appendix 2 - Pavement Overlay and Resurfacing Rates as at January 2008**

Construction Cost Index - 209.5

Street Width (ft)	30	32	36	40	44	48
<b>Overlays</b>						
Overlay Rate per lineal ft	\$15.45	\$16.48	\$18.54	\$20.60	\$22.66	\$24.72
Adjusted rate allowing for unassessable portion	\$30.21	\$32.29	\$36.32	\$40.40	\$44.48	\$48.56
<b>Assessment Rate (per adjusted foot)</b>	<b>\$15.10</b>	<b>\$16.14</b>	<b>\$18.16</b>	<b>\$20.20</b>	<b>\$22.24</b>	<b>\$24.28</b>
<b>Resurfacing</b>						
Resurfacing Rate per lineal ft	\$40.56	\$43.26	\$48.67	\$54.08	\$59.49	\$64.90
Adjusted rate allowing for unassessable portion	\$79.29	\$84.76	\$95.35	\$106.06	\$116.76	\$127.47
<b>Assessment Rate (per adjusted foot)</b>	<b>\$39.65</b>	<b>\$42.38</b>	<b>\$47.68</b>	<b>\$53.03</b>	<b>\$58.38</b>	<b>\$63.74</b>

### Appendix 3 - Special Assessment Term and Rate Flow Chart



\* Rate is reviewed annually