
LEVANDER, GILLEN & MILLER, P.A.

ATTORNEYS AT LAW

MEMO

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oALSO ADMITTED IN NORTH DAKOTA
oALSO ADMITTED IN MASSACHUSETTS
oALSO ADMITTED IN OKLAHOMA

TO: Sunfish Lake Mayor, Councilmembers and Consultants

FROM: Timothy J. Kuntz, City Attorney

DATE: July 30, 2014

RE: 2014-01 Street Improvement Project (Project) – Resolution Declaring Costs to be Assessed & Resolution Calling for Assessment Hearing;
August 5, 2014 Council Meeting; Agenda Item 8(a) & 8(b)

Section 1. Background. On Tuesday, September 2, 2014, the City will hold a public hearing to consider, pass upon, adopt and levy the proposed special assessments for the project improvements, as described in the attached Notice of Hearing on Proposed Special Assessments.

The project cost for Project 2014-01 is \$333,486. The total amount of the proposed assessments is about 56% thereof, namely, the sum of \$185,500. The Project is proposed to be specially assessed against buildable tax parcels either abutting, or served by said improvements. The areas and parcels, as specifically described herein, are subject to said special assessments. The buildable tax parcels abutting or served by the improvements are proposed to be assessed \$4,500 per buildable tax parcel for those tax parcels abutting or served by Angell Road and \$6,500 per buildable tax parcel for those tax parcels abutting or served by Windy Hill Road and Windy Hill Court.

Section 2. Council Action. At the August 5, 2014, Council meeting, the Council will be asked to consider the following attached Resolutions:

1. Resolution Declaring Costs To Be Assessed And Ordering Preparation Of Proposed Assessments For Sunfish Lake Street Improvement Project 2014-01; and
2. Resolution Calling For An Assessment Hearing With Respect To Sunfish Lake Street Improvement Project 2014-01.

Attachments

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 14-_____

**A RESOLUTION DECLARING COSTS TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENTS
FOR SUNFISH LAKE STREET IMPROVEMENT PROJECT 2014-01**

WHEREAS, pursuant to Minnesota Statute § 429.061 the costs and expense incurred and to be incurred in making Street Improvement Project 2014-01 have been calculated and so determined.

WHEREAS, the cost and expense incurred and to be incurred in making improvement Project 2014-01 is the amount of \$333,486.

WHEREAS, Minnesota Statute § 429.061 provides that the City Council shall determine by resolution the amount of the total expense a municipality will pay other than amount, if any, which it will pay as a property owner and the amount to be specially assessed.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
SUNFISH LAKE:**

- 1.) The amount to be specially assessed for Project 2014-01 shall be 56% of the total amount, namely the sum of \$185,500.
- 2.) The other 44% of the total amount of the Project costs, namely the sum of \$147,986 shall be financed by way of general tax levy and available City reserves as determined by the Council.
- 3.) The City Clerk, with the assistance of the City Engineer and City Attorney, shall forthwith calculate the proper amount to be specially assessed for such improvements against every assessable lot or parcel of land as provided by law. The Clerk shall thereupon file a copy of such proposed assessments with the City and the proposed assessments shall be available for public inspection.
- 4.) The City Clerk shall, upon completion of the proposed assessments, notify the City Council thereof.

Passed by the City Council of Sunfish Lake this 5th day of August, 2014.

Attest:

Molly Park, Mayor

Catherine Iago, City Clerk

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 14-_____

**RESOLUTION CALLING FOR AN ASSESSMENT
HEARING WITH RESPECT TO SUNFISH LAKE
STREET IMPROVEMENT PROJECT 2014-01**

WHEREAS, the City Council directed the City Clerk to prepare a proposed assessment roll for Street Improvement Project 2014-01.

WHEREAS, the Clerk has notified the Council that such proposed assessment roll has been completed and is on file for public inspection.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
SUNFISH LAKE:**

1. The attached Notice of Assessment Hearing is hereby approved and ratified.
2. A hearing shall be held on the 2nd day of September, 2014, at St. Anne's Episcopal Church at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
3. The action of the Clerk to cause the attached Notice of Assessment Hearing to be published at least once in the official newspaper at least two weeks prior to the hearing and to mail the Notice to the owners of each parcel described in the assessment roll is hereby approved and ratified. The mailing will be not less than two weeks prior to the hearing.

Passed by the City Council of Sunfish Lake this 5th day of August, 2014.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk