

To: HONORABLE MAYOR AND CITY COUNCIL.

FROM: Dave Maroney, Director of Economic Development and Planning.

SUBJECT: Winchell Lateral Connection Fee.

DATE: May 16, 2014.

BACKGROUND.

When Leon Hanson requested that municipal water and sanitary sewer services be extended underneath Highway 20 to serve his new home, the City Council adopted Ordinance Number 325 which established legislation to impose a connection charge if no assessment has been levied for utility service. At that time, the utility extension was designed and constructed to serve three (3) lots, including Mr. Hanson's. Mr. Hanson has paid the City for his share of water and sewer lateral connection charges.

Meghann and Jake Winchell have purchased one of the three parcels that were planned to be served by the extension of utilities to this area. As allowed by Ordinance Number 325, the property owner may request and the City Council may approve an assessment of the connection charge for a term of eight (8) years at an interest rate set by the City Council. The Winchell's have requested that \$5,883.50 (50% of the connection charge) be specially assessed. In the event that the City Council agrees to this request, an Assessment Agreement will be prepared for your subsequent approval.

REQUESTED COUNCIL ACTION.

The City Council is asked to approve the Resolution adopting the assessment for the lateral connection fee as recommended by the Public Works Commission.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2077

**A RESOLUTION APPROVING A SPECIAL ASSESSMENT AGREEMENT
AND ADOPTING ASSESSMENT FOR LATERAL CONNECTION FEE**

WHEREAS, pursuant to Ordinance Number 325 Jake and Meghann Winchell (Property Owners) have requested that the City Council specially assess the lateral connection charge that affects their property; and

WHEREAS, the City has received the following signed Special Assessment Agreement from the property owners waiving all applicable assessment procedural requirements and requesting to be assessed for the cost of connection to public sewer for the property described on the attached Exhibit "A."

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cannon Falls, Minnesota:

1. The assessment Agreement is hereby approved. The Mayor and City Administrator are authorized and directed to sign the Assessment Agreement
2. The lateral connection charge amounting to \$5,883.50 is hereby accepted and shall constitute the special assessment against the parcel described in Exhibit A which is attached and hereby made part of this Resolution by reference and that the tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
3. Such assessment shall be payable in equal annual installments extending over a period of eight (8) years, the first of the installments to be payable in 2015, and shall bear the interest rate of 5% per annum from the date of adoption of this assessment Resolution. To the first installment shall be added interest on the entire assessment from the date of this Resolution until December 31, 2014.
4. The Property Owner, at any time prior to certification of the assessment to the County Auditor, may pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this Resolution; and such owner may at any time thereafter, pay the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year. The owner may also at any time prior to November 15, of any year, pay the remaining unpaid principal balance with interest accrued to December 31 of the year in which such prepayment is made.

5. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County.

APPROVED AND ADOPTED this 20th day of May, 2014, by the City Council of the City of Cannon Falls, Minnesota.

CITY OF CANNON FALLS

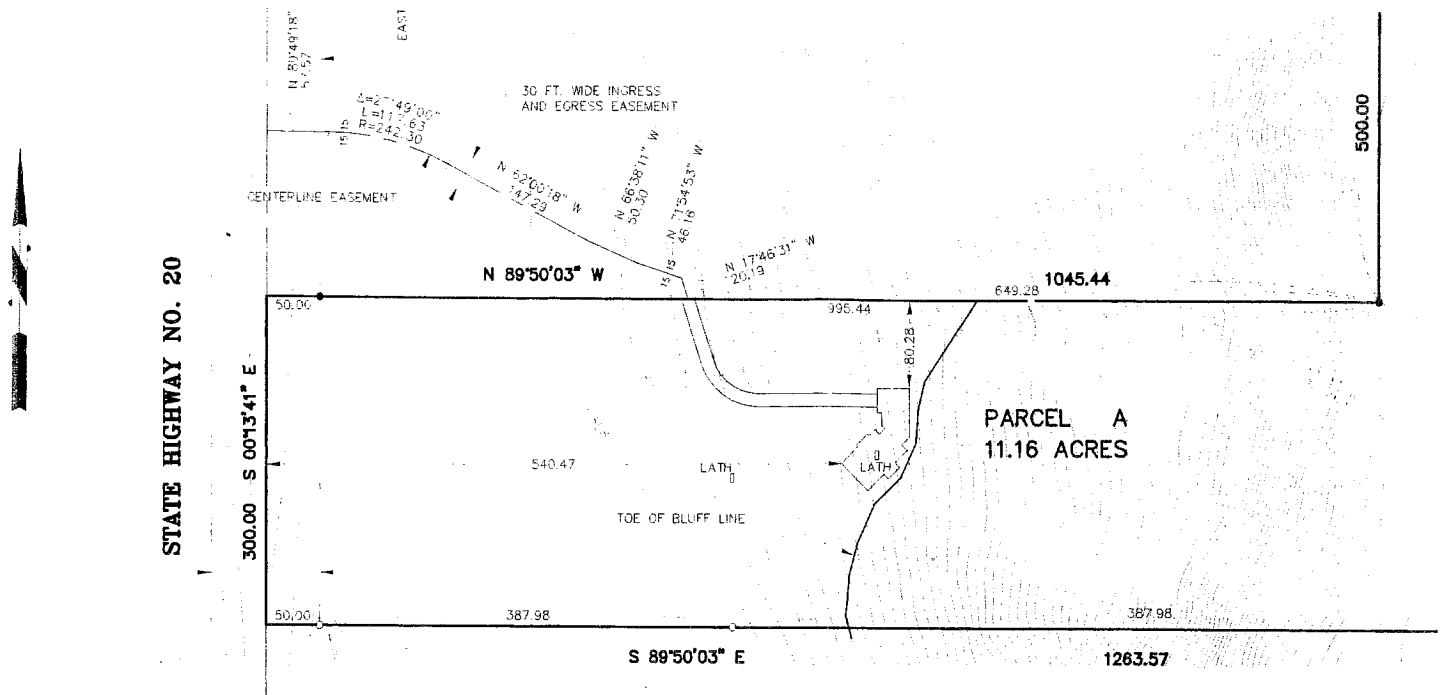
BY: _____
Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator

Exhibit A – Winchell Property Description

May 20, 2014



That part of Government Lot 2, Section 7, Township 112, Range 17, Goodhue County, Minnesota, described as follows:

Beginning at the northeast corner of said Government Lot 2, thence North 89 degrees 50 minutes 03 seconds West (HARN adjustment of the 1983 Goodhue County Coordinate System) along the north line of said Government Lot 2, a distance of 213.14 feet; thence South 0 degrees 13 minutes 41 seconds East along said centerline 500.00 feet; thence North 89 degrees 50 minutes 03 seconds West 1045.44 feet to the centerline of State Trunk Highway No. 20; thence South 0 degrees 13 minutes 41 seconds East along said centerline 300.00 feet; thence South 89 degrees 50 minutes 03 seconds East 1263.57 feet to the east line of said Government Lot 2; thence North 0 degrees 35 minutes 08 seconds West along said east line 800.05 feet to the point of beginning.

Together with a 30.00 foot wide ingress and egress easement across that part of Government Lot 2, Section 7, Township 112, Range 17, Goodhue County, Minnesota, the centerline of which is described as follows:

Commencing at the northeast corner of said Government Lot 2; thence North 89 degrees 50 minutes 03 seconds West (HARN adjustment of the 1983 Goodhue County Coordinate System) along the north line of said Government Lot 2, a distance of 213.14 feet; thence South 0 degrees 13 minutes 41 seconds East 500.00 feet; thence North 89 degrees 50 minutes 03 seconds West 649.28 feet to the point of beginning of the centerline to be described; thence North 17 degrees 46 minutes 31 seconds West along said centerline 20.19 feet; thence North 71 degrees 54 minutes 53 seconds West along said centerline 46.16 feet; thence North 66 degrees 38 minutes 11 seconds West along said centerline 50.30 feet; thence North 62 degrees 00 minutes 18 seconds West along said centerline 147.29 feet; thence westerly along said centerline 117.63 feet along a tangential curve concave to the south having a central angle of 27 degrees 49 minutes 00 seconds and a radius of 242.30 feet; thence North 89 degrees 49 minutes 18 seconds West along said centerline 57.57 feet to the centerline of State Trunk Highway No. 20 and said centerline there terminating.

The side lines of said easement are to be lengthened or shortened to terminate at the easterly right-of-way line of State Trunk Highway No. 20 and a line bearing South 89 degrees 50 minutes 03 seconds East from the point of beginning.

Subject to easements of record.

SAMUELSON SURVEYING INC.

Cannon Falls Office
1103 West Main Street
Cannon Falls, MN 55009
PHONE: (507) 263-3274

Farmington Office
401 Oak Street Suite A
Farmington, MN 55024
PHONE: (651) 460-6660

V. Richard Samuelson
Registered Land Surveyor

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE 10/17/2013

V. Richard Samuelson Minnesota Reg. No. 16998

JAKE AND MEGHANN WINCHELL

REVISIONS DATE
10/30/2013

BK: 54 PG: 12

SCALE: AS SHOWN

ISSUED DATE

CHECKED BY: VRS

SHEET NO. 1 OF 1

10/17/2013

DRAWN BY: TDH

DWG NO.

SEC 7-112-17 CANNON FALLS TWP

BOUNDARY SURVEY

GOODHUE COUNTY, MN

SPECIAL ASSESSMENT AGREEMENT

AGREEMENT dated _____, 2014, by, between, and among the **CITY OF CANNON FALLS**, a Minnesota municipal corporation ("City") and Jacob Winchell and Meghann Winchell, husband and wife ("Fee Owner").

RECITALS

A. Fee Owner owns the property legally described on the attached Exhibit "A", PID 52.510.0292, Cannon Falls, Minnesota ("Subject Property").

B. Fee Owner has requested that City sanitary sewer and water lateral connection charges of \$5,883.50 be specially assessed against the Subject Property.

C. Fee Owner has agreed that the Subject Property may be assessed \$5,883.50 for the City sanitary sewer and water lateral connection charge subject to the terms of this Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS, THE PARTIES AGREE AS FOLLOWS:

1. **SPECIAL ASSESSMENT.** City sanitary sewer and water lateral connection charge of \$5,883.50 is hereby levied against the Subject Property as a special assessment. The special assessment shall be deemed adopted on the date this Agreement has been signed by all parties. The assessment shall be spread without deferment over an eight (8) year period in equal annual installments, together with interest of five percent (5%) per year on the unpaid balance. The first installment shall be payable with taxes in 2015.

2. **WAIVER.** The Fee Owner, its successors and assigns, waive any and all procedural and substantive objections to the special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the Subject Property. The Fee Owner waives any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

CITY OF CANNON FALLS

By: _____
Lyman M. Robinson, Mayor

(SEAL)

By: _____
Ron S. Johnson, City Administrator

FEE OWNER:

STATE OF MINNESOTA)
 (ss.
COUNTY OF GOODHUE)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Lyman M. Robinson and by Ron S. Johnson, respectively the Mayor and City Administrator of the **CITY OF CANNON FALLS**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

Notary Public

STATE OF _____)
 (ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, the Fee Owner.

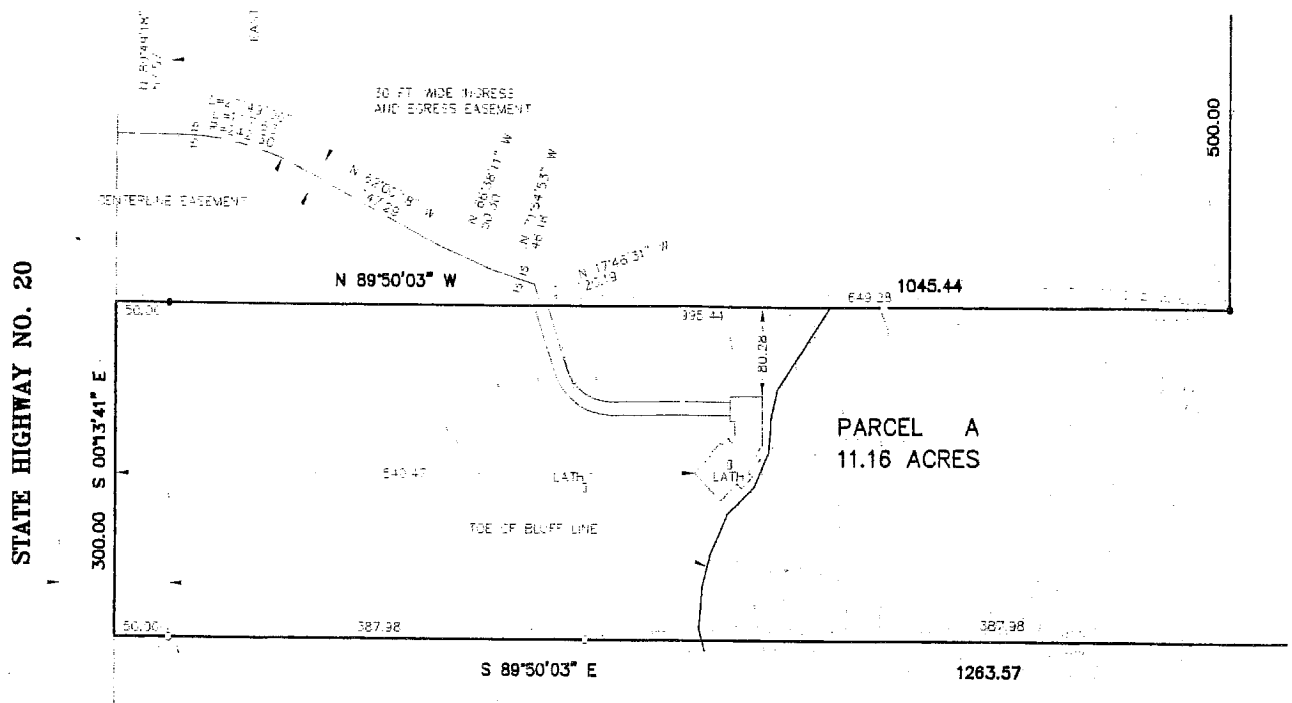
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

CAMPBELL KNUTSON
Professional Association
317 Eagandale Office Center
1380 Corporate Center Curve
Eagan, MN 55121
Telephone: (651) 452-5000
RNK

Exhibit A – Winchell Property Description

May 20, 2014



That part of Government Lot 2, Section 7, Township 112, Range 17, Goodhue County, Minnesota, described as follows:

Beginning at the northeast corner of said Government Lot 2, thence North 89 degrees 50 minutes 03 seconds West (HARN adjustment of the 1983 Goodhue County Coordinate System) along the north line of said Government Lot 2, a distance of 213.14 feet; thence South 0 degrees 13 minutes 41 seconds East 500.00 feet; thence North 89 degrees 50 minutes 03 seconds West 1045.44 feet to the centerline of State Trunk Highway No. 20; thence South 0 degrees 13 minutes 41 seconds East along said centerline 300.00 feet; thence South 89 degrees 50 minutes 03 seconds East 1263.57 feet to the east line of said Government Lot 2; thence North 0 degrees 13 minutes 08 seconds West along said east line 300.05 feet to the point of beginning.

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The side lines of said easement are to be lengthened or shortened to terminate at the easterly right-of-way line of State Trunk Highway No. 20 and a line bearing South 89 degrees 50 minutes 03 seconds East from the point of beginning.

For each of easements of record.

SAMUELSON SURVEYING INC. Cannon Falls Office: 1123 West Main Street, Cannon Falls, MN 55003, PHONE: 507-267-1074 Farmington Office: 401 Oak Street Suite A, Farmington, MN 55024, PHONE: 507-460-5880 / Richard Samuelson, Registered Land Surveyor		JAKE AND MEGHANN WINCHELL PROFESSIONAL SURVEYORS DATE: 12/17/2013 10/30/2013 SCALE: AS SHOWN SHEET NO. OF DRAWN BY: TDH/DWG/NC		SEC 7-112-17 CANNON FALLS TWP BOUNDARY SURVEY GOODHUE COUNTY, MN	
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