

**To: HONORABLE MAYOR AND CITY COUNCIL.**

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

**SUBJECT: Assessment Agreements for Union Court Lift Station.**

**DATE: October 16, 2015.**

**BACKGROUND.**

The Public Works Commission has worked with the twenty-one (21) West Wood II property owners to reach an agreement that would transfer ownership of the private lift station that serves their development to the City of Cannon Falls. Upon transfer of ownership, a number of improvements will be made to the lift station to comply with applicable code requirements. The cost incurred to complete the necessary improvements will be borne by the property owners pursuant to terms of a *Special Assessment Agreement* – see the accompanying document.

**REQUESTED COUNCIL ACTION.**

As recommended by the Public Works Commission, the City Council is asked to approve the *Public Improvement and Special Assessment Agreement* and authorize the Mayor and City Administrator to execute the document.

**PUBLIC IMPROVEMENT  
AND  
SPECIAL ASSESSMENT AGREEMENT**

**AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the **CITY OF CANNON FALLS**, a Minnesota municipal corporation ("City") and \_\_\_\_\_, ("Property Owner").

**RECITALS**

- A. Property Owner is the fee owner of real property legally described on the attached Exhibit A, PID \_\_\_\_\_, Cannon Falls, Minnesota (the "Subject Property").
- B. There is an existing lift station located at the north end of Union Street North, Cannon Falls, Minnesota that is currently owned by West Wood II Townhomes Association.
- C. Property Owner hereby petitions the City to improve the existing sanitary sewer lift station and assume ownership of said lift station that serves the Subject Property ("Public Improvement").
- D. Property Owner has requested that the City assess a portion of the cost of the Public Improvement against the Subject Property.

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

- 1. PUBLIC IMPROVEMENT.** The City will have constructed Public Improvement to serve the Subject Property and other property.
- 2. SPECIAL ASSESSMENT.** The City will specially assess not to exceed \$1,200 (one thousand two hundred dollars) against the Subject Property for the Public Improvement. The assessment shall be spread over five (5) years, together with five percent (5%) interest per year on the unpaid balance. Prepayment shall be accepted as provided by law. The first installment shall be payable in 2016. The Property Owner waives any and all procedural and substantive objections

to the Public Improvement and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the Subject Property. The Property Owner waives any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

**3. BINDING EFFECT; RECORDING.** This Agreement shall be binding upon the Property Owner and the Property Owner's successors and assigns. This Agreement may be recorded against the title to the Subject Proper

**CITY OF CANNON FALLS**

BY: \_\_\_\_\_  
Lyman Robinson, Mayor

AND \_\_\_\_\_  
Ron Johnson, City Administrator

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF GOODHUE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Lyman Robinson and Ron 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

**PROPERTY OWNER:**

\_\_\_\_\_  
\_\_\_\_\_

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF GOODHUE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

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

**DRAFTED BY:**

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RNK/cjh

**EXHIBIT A  
TO  
PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENT**