



## Legislation Details (With Text)

**File #:** RES PH 16- 385 **Version:** 2

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 11/2/2016

**Title:** Ratifying the assessment costs for the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program for multiple properties appealed by Soo Line Railroad Company. (File No. 16ROW FINAL2, Assessment No. 16032B)

**Sponsors:** Dai Thao, Rebecca Noecker, Chris Tolbert, Russ Stark, Amy Brendmoen, Jane L. Prince

**Indexes:** Right of Way Maintenance Assessment, Ward - 1, Ward - 2, Ward - 3, Ward - 4, Ward - 5, Ward - 7

**Code sections:**

**Attachments:** 1. Soo Line Objection to assessment.10-4-16, 2. 16ROW FINAL2 Assmt 16032B, 3. Skally email.pdf

Date	Ver.	Action By	Action	Result
11/3/2016	2	Mayor's Office	Signed	
11/2/2016	2	City Council	Adopted	Pass
10/14/2016	1	Right of Way Hearing	Referred	

Ratifying the assessment costs for the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program for multiple properties appealed by Soo Line Railroad Company. (File No. 16ROW FINAL2, Assessment No. 16032B)

**Date of Hearing:** 10/14/16  
**Time of Hearing:** 11:00 AM  
**Date of Council Public Hearing PH:** 10/5/16 & 11/2/16

**Appellant/Owner:** Soo Line Railroad Company

**PIN/PINS:**

0 ALTON STREET	22-28-23-22-0034 (W3)
0 ARLINGTON AVENUE WEST	19-29-22-31-0007 (W5)
634 BAY STREET	11-28-23-44-0078 (W2)
0 BENHILL ROAD	11-28-23-21-0003 (W2)
0 BENHILL ROAD	11-28-23-21-0004 (W2)
0 BENHILL ROAD	11-28-23-21-0005 (W2)
0 CHILDS ROAD	04-28-22-14-0004 (W7)
0 CLEVELAND AVENUE SOUTH	16-28-23-33-0068 (W3)
0 CLEVELAND AVENUE SOUTH	17-28-23-41-0001 (W3)
1555 CUSHING CIRCLE	10-28-23-11-0324 (W2)
0 DAVERN STREET	21-28-23-12-0113 (W3)
0 DRAKE STREET	11-28-23-41-0188 (W2)

0 DUKE STREET	12-28-23-24-0072 (W2)
0 EAGLE PARKWAY	06-28-22-31-0002 (W2)
0 EAGLE PARKWAY	06-28-22-31-0010 (W2)
0 EAGLE STREET	06-28-22-24-0022 (W2)
0 EDGCUMBE ROAD	21-28-23-12-0114 (W3)
0 EDGCUMBE ROAD	21-28-23-21-0119 (W3)
0 GLEN TERRACE	15-28-23-44-0008 (W2)
0 GRACE STREET	12-28-23-21-0070 (W2)
0 GRACE STREET	12-28-23-22-0045 (W2)
0 GRACE STREET	12-28-23-22-0120 (W2)
0 GLEN TERRACE	15-28-23-41-0180 (W2)
400 GRACE STREET	12-28-23-21-0100 (W2)
1147 HOMER STREET	15-28-23-43-0026 (W3)
27 INNER DRIVE I9	17-28-23-41-0002 (W3)
0 IVAN WAY	15-28-23-41-0060 (W2)
225 JACKSON STREET	06-28-22-11-0036 (W2)
1241 JACKSON STREET	19-29-22-34-0006 (W5)
0 JAMES AVENUE	12-28-23-23-0094 (W2)
0 JAMES AVENUE	12-28-23-23-0099 (W2)
0 JUNO AVENUE	11-28-23-41-0004 (W2)
0 JUNO AVENUE	11-28-23-41-0193 (W2)
663 JUNO AVENUE	11-28-23-41-0181 (W2)
0 LEXINGTON PARKWAY SOUTH	11-28-23-22-0083 (W2)
0 MADISON STREET	22-28-23-21-0062 (W3)
0 MARSHALL AVENUE	34-29-23-33-0136 (W1)
0 MONTREAL AVENUE	14-28-23-21-0062 (W2)
702 ORRIN STREET	11-28-23-43-0210 (W2)
0 OSCEOLA AVENUE	11-28-23-41-0194 (W2)
0 OSCEOLA AVENUE SOUTH	11-28-23-41-0180 (W2)
0 OTTO AVENUE	14-28-23-12-0042 (W2)
0 PALACE AVENUE	12-28-23-24-0044 (W2)
0 PALACE AVENUE	12-28-23-24-0067 (W2)
0 PIGS EYE LAKE ROAD	04-28-22-13-0004 (W7)
0 PIGS EYE LAKE ROAD	04-28-22-41-0004 (W7)
0 PORTLAND AVENUE	03-28-23-44-0121 (W3)
0 PRIOR AVENUE NORTH	33-29-23-32-0001 (W4)
644 RANDOLPH AVENUE	11-28-23-41-0189 (W2)
1176 RANKIN STREET	22-28-23-21-0079 (W3)

0 RETURN COURT	21-28-23-22-0021 (W3)
0 RETURN COURT	21-28-23-22-0157 (W3)
0 SAINT ANTHONY AVENUE	33-29-23-43-0104 (W4)
0 SELBY AVENUE	03-28-23-22-0162 (W1)
0 SHEPARD ROAD WEST	06-28-22-31-0015 (W2)
0 SHEPARD ROAD WEST	06-28-22-24-0048 (W2)
0 SHEPARD ROAD WEST	06-28-22-32-0089 (W2)
0 SHEPARD ROAD WEST	12-28-23-24-0003 (W2)
0 SHEPARD ROAD WEST	12-28-23-24-0041 (W2)
0 7TH STREET WEST	21-28-23-11-0013 (W3)
0 7TH STREET WEST	21-28-23-11-0014 (W3)
750 7TH STREET WEST	12-28-23-21-0052 (W2)
2390 7TH STREET WEST	22-28-23-22-0038 (W3)
699 STEWART AVENUE	11-28-23-43-0186 (W2)
753 STEWART AVENUE	11-28-23-43-0195 (W2)
757 STEWART AVENUE	11-28-23-44-0086 (W2)
1158 STEWART AVENUE	15-28-23-43-0021 (W2)
1172 STEWART AVENUE	15-28-23-43-0040 (W2)
468 TORONTO STREET	12-28-23-23-0070 (W2)
0 TUSCARORA AVENUE	11-28-23-44-0084 (W2)
0 TUSCARORA AVENUE	11-28-23-41-0187 (W2)
0 VICTORIA STREET NORTH	11-28-23-11-0112 (W2)
0 WARNER ROAD	04-28-22-22-0066 (W7)
0 WARNER ROAD	05-28-22-11-0011 (W2)
0 WARNER ROAD	05-28-22-22-0049 (W2)
0 WARNER ROAD	32-29-22-43-0009 (W2)
485 WATER STREET WEST	12-28-23-34-0002 (W2)
0 WATSON AVENUE	11-28-23-41-0196 (W2)
0 WEBSTER STREET	12-28-23-23-0106 (W2)
0 WEBSTER STREET	12-28-23-23-0142 (W2)
470 WEBSTER STREET	12-28-23-23-0107 (W2)
0 WHEELOCK PARKWAY WEST	19-29-22-24-0036 (W5)
0 WESTERN AVENUE SOUTH	12-28-23-12-0042 (W2)

The PIN # for 0 Arlingtongtpn Avenue West is 19-29-22-31-0007. The correct PIN # ends in 1. 19-29-22-31-0001.

WHEREAS, on October 5, 2016, the City Council adopted Council File RES PH 16-287 which ratified the assessments roll for 2016 services in the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program; and

WHEREAS, the Council received all written objections from property owners, either before the hearing or at the hearing, and directed the city clerk to make a record thereof and remove those properties from the assessment roll (“remaining properties”) for separate consideration; and

WHEREAS, the Council directed that the remaining properties be laid over from the October 5, 2016 public hearing for separate hearings to consider individual objections, and to return to the Council on November 2, 2016; and

WHEREAS, the Council ratified the assessments roll for those parcels for which property owners did not object, and ratified the balance of the assessment roll; and

WHEREAS, Council File RES PH 16-287 also directed the Legislative Hearing Officer to receive written and oral submissions regarding the remaining properties from the affected property owners, city officials, and other witnesses regarding any non-constitutional objections to the proposed assessment; and

WHEREAS, the Legislative Hearing Officer has the authority to make factual determinations regarding the non-constitutional objections for each proposed assessment and consult with the City Attorney to determine whether an objection is a constitutional objection; and

WHEREAS, on October 14, 2016, the Legislative Hearing Officer conducted a hearing regarding the appeal for Soo Line Railroad Company at 0 Alton Street, 0 Arlington Avenue West, 634 Bay Street, 0 Benhill Road, 0 Benhill Road, 0 Benhill Road, 0 Childs Road, 0 CLEVELAND Avenue South, 0 CLEVELAND Avenue South, 1555 Cushing Circle, 0 Davern Street, 0 Drake Street, 0 Duke Street, 0 Eagle Parkway, 0 Eagle Parkway, 0 Eagle Street, 0 Edgcumbe Road, 0 Edgcumbe Road, 0 Glen Terrace, 0 Grace Street, 0 Grace Street, 0 Grace Street, 0 Glen Terrace, 400 Grace Street, 1147 Homer Street, 27 Inner Drive I9, 0 Ivan Way, 225 Jackson Street, 1241 Jackson Street, 0 James Avenue, 0 James Avenue, 0 Juno Avenue, 0 Juno Avenue, 663 Juno Avenue, 0 Lexington Parkway South, 0 Madison Street, 0 Marshall Avenue, 0 Montreal Avenue, 702 Orrin Street, 0 Osceola Avenue, 0 Osceola Avenue South, 0 Otto Avenue, 0 Palace Avenue, 0 Palace Avenue, 0 Pigs Eye Lake Road, 0 Pigs Eye Lake Road, 0 Portland Avenue, 0 Prior Avenue North, 644 Randolph Avenue, 1176 Rankin Street, 0 Return Court, 0 Return Court, 0 Saint Anthony Avenue, 0 Selby Avenue, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 7th Street West, 0 7th Street West, 750 7th Street West, 2390 7th Street West, 699 Stewart Avenue, 753 Stewart Avenue, 757 Stewart Avenue, 1158 Stewart Avenue, 1172 Stewart Avenue, 468 Toronto Street, 0 Tuscarora Avenue, 0 Tuscarora Avenue, 0 Victoria Street NORTH, 0 Warner Road, 0 Warner Road, 0 Warner Road, 0 Warner Road, 0 Warner Road, 485 Water Street WEST, 0 Watson Avenue, 0 Webster Street, 0 Webster Street, 0 Webster Street, 0 Wheelock Parkway West, 0 Alton Street, 0 Arlington Avenue West, 634 Bay Street, 0 Benhill Road, 0 Benhill Road, 0 Benhill Road, 0 Childs Road, 0 Cleveland Avenue South, 0 Cleveland Avenue South, 1555 Cushing Circle, 0 Davern Street, 0 Drake Street, 0 Duke Street, 0 Eagle Parkway, 0 Eagle Parkway, 0 Eagle Street, 0 Edgcumbe Road, 0 Edgcumbe Road, 0 Glen Terrace, 0 Grace Street, 0 Grace Street, 0 Grace Street, 0 Glen Terrace, 400 Grace Street, 1147 Homer Street, 27 Inner Drive I9, 0 Ivan Way, 225 Jackson Street, 1241 Jackson Street, 0 James Avenue, 0 James Avenue, 0 Juno Avenue, 0 Juno Avenue, 663 Juno Avenue, 0 Lexington Parkway South, 0 Madison Street, 0 Marshall Avenue, 0 Montreal Avenue, 702 Orrin Street, 0 Osceola Avenue, 0 Osceola Avenue South, 0 Otto Avenue, 0 Palace Avenue, 0 Palace Avenue, 0 Pigs Eye Lake Road, 0 Portland Avenue, 0 Prior Avenue North, 644 Randolph Avenue, 1176 Rankin Street, 0 Return Court, 0 Return Court, 0 Saint Anthony Avenue, 0 Selby Avenue, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 Shepard Road WEST, 0 7th Street West, 0 7th Street West, 750 7th Street West, 2390 7th Street West, 699 Stewart Avenue, 753 Stewart Avenue, 757 Stewart Avenue, 1158 Stewart Avenue, 1172 Stewart Avenue, 468 Toronto Street, 0 Tuscarora Avenue, 0 Tuscarora Avenue, 0 Victoria Street North, 0 Warner Road, 0 Warner Road, 0 Warner Road, 0 Warner Road, 485 Water Street WEST, 0 Watson Avenue, 0 Webster Street, 0 Webster Street, 470 Webster Street, 0 Wheelock Parkway West, and 0 Western Avenue South and appellant and/or its representative was granted the opportunity to present oral or written testimony and evidence to support their

objections to the proposed assessments; and

WHEREAS, oral testimony and documentation regarding the assessments were withheld by City staff because appellant and/or its representative was not in attendance; and

WHEREAS, the Legislative Hearing Officer made the following determination(s) and recommendation:

- Appellant did not provide any written, oral testimony or material evidence regarding non-constitutional objections to support a reduction or deletion of the assessments;
- No factual basis was established for modifying the proposed assessment; and therefore the Legislative Hearing Officer is,
- Recommending ratification of assessments; Now, Therefore, Be It

RESOLVED, that pursuant to Minnesota Statute 429, the determination(s) and recommendation enumerated above are adopted by the Council and said assessments is hereby ratified as proposed and made a part of the assessment roll as ratified by Council File RES PH 16-287; and be it finally

RESOLVED, that the service charges shall be collected using the procedures set forth in Minn. Stat. Sections 429.061 and 429.071, and any appeals shall be made to the district court pursuant to Minn. Stat. Section 429.081.