



## Legislation Details (With Text)

**File #:** RES PH 16-361 **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 John N. Allen. (File No. 16ROW FINAL2, Assessment No. 16032B)

**Sponsors:** Russ Stark

**Indexes:** Right of Way Maintenance Assessment, Ward - 4

**Code sections:**

**Attachments:** 1. John Allen obo Annex Properties, LLC, 2. John Allen obo Bradford Industrial Properties LLC, 3. John Allen obo Meridian Industrial Center, 4. John N. Allen (Hearing Date Rescheduled), 5. 16ROW FINAL2 Assmt 16032B, 6. John N Allen.Various Addresses.Response for Street Maintenance Grade Differential regarding the ROW assessments (LMoser).10-18-16, 7. RES 11-1098, 8. 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
10/17/2016	1	Right of Way Hearing	Referred	
10/10/2016	1	Right of Way Hearing	Laid Over	

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 John N. Allen. (File No. 16ROW FINAL2, Assessment No. 16032B)

**Date of Hearing:** 10/10/16 RESCHEDULED TO 10/17/16

**Time of Hearing:** 2:00 PM RESCHEDULED TO 11 AM

**Date of Council Public Hearing PH:** 10/5/16 & 11/2/16

**Appellant/Owner:** John N. Allen

**PIN/PINS:**

935 BRADFORD STREET 29-29-23-42-0011 (W4)  
620 PELHAM BOULEVARD 32-29-23-21-0042 (W4)  
1004 RAYMOND AVENUE 29-29-23-13-0030 (W4)  
1012 RAYMOND AVENUE 29-29-23-13-0028 (W4)  
2342 WYCLIFF STREET 29-29-23-42-0010 (W4)  
2346 WYCLIFF STREET 29-29-23-42-0009 (W4)  
2392 WYCLIFF STREET 29-29-23-13-0036 (W4)

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 17, 2016, the Legislative Hearing Officer conducted a hearing regarding the appeal for John N. Allen for 935 BRADFORD STREET, 620 PELHAM BOULEVARD, 1004 RAYMOND AVENUE, 1012 RAYMOND AVENUE, 2342 WYCLIFF STREET, 2346 WYCLIFF STREET and 2392 WYCLIFF STREET and appellant's representative, Mr. Jeff McNaught, 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 provided by City staff; and

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

- Appellant did provide oral testimony and written material evidence regarding non-constitutional objections to support a reduction of the assessments resulting in the Legislative Hearing Officer's recommendation: 1004 RAYMOND AVENUE (assessment of \$874.24 to be deleted) and 1012 RAYMOND AVENUE (assessment of \$1,725.54 to be deleted) should be deleted from the assessment roll per RES 11-1098 on the basis that properties that have no practical access to the right-of-way do not derive any benefit from maintenance services;
- Appellant withdrew objections for five of its seven properties at 935 BRADFORD STREET, 620 PELHAM BOULEVARD, 2342 WYCLIFF STREET, 2346 WYCLIFF STREET and 2392 WYCLIFF STREET; and,
- Factual basis was established for modifying the proposed assessments; and therefore the Legislative Hearing Officer is,
- Recommending ratification of the 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 are 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.