

Ordinance # 2007-10.2
Rockford Township
Road and Sewer Assessment Policy

1. **In General:** Public improvements are divided into those classes specified in the following subdivisions according to their respective benefit to the Township as a whole and to property specially served by the improvement.

Class A: Class “A” improvements are those which are of general benefit to the Township at large, including (1) public buildings, except a building which is part of an improvement described in one of the following subdivisions (2) any public park, trail, playground, or recreational facility; (3) any improvement not described in Minn. Stat. 429.021, Subd. 1. All such improvements shall be financed from general Township funds and not from special assessments.

Class B: Class “B” improvements are those which are of both general benefit and special benefit to the abutting or nearby property. Class B improvements include (1) permanently surfacing collector streets; and (2) storm sewers.

Class C: Class “C” improvements are those, which are primarily if not exclusively of benefit to property abutting or in the area of the improvement, including (1) the construction of curbs and gutters; (2) permanently surfacing residential streets; and (3) the abatement of nuisances.

2. **Financing Class “B” and “C” Improvements**

It is the policy of the Township to finance Class B and C improvements by specially assessing the benefiting properties for all or a portion of the cost of the improvement. It is the policy of the Township to assess 100% of the cost of the improvement in those situations where the benefit to assessable properties supports such an assessment. The apportionment of the cost between benefited property and the Township at large shall be determined by the Town Board for each project prior to the preparation of an assessment roll. The method of levying assessments shall be performed using either an abutting front footage basis or a lot unit equivalent basis, or a combination of both, to be determined by the Town Board on a project-by-project basis, as the Town Board deems appropriate. Any local improvement described in Minnesota Statutes, Section 429.021 and not placed in Class A, B, or C by Section 1 shall be financed as the Board determines to be the most feasible and equitable in each case. In each case, the Board shall examine the assessment roll before approval and adjust any assessment which exceeds the benefit received by the property assessed.

3. **Collector Road Blacktopping**

When a collector road is blacktopped, the Town Board shall determine what portion of the cost of the road improvement shall be borne by the Town Road and Bridge fund.

The remaining portion of the may be assessed against the benefited property on the basis of frontage on the abutting street, or upon lot unit equivalents depending upon the area served by the collector road, or a combination of the two.

- A. When the standards for such paving are higher than those the Township would use for a residential street, the cost to be assessed to abutting properties shall be based on the cost of paving a residential street of the same width.
- B. Properties which do not directly abut the collector road but which have no other means of access except via the improved collector road may be assessed in an amount equal to 50% of the per unit cost for abutting properties.
- C. Properties which do not directly abut the collector road, and which may use the collector road and may use an alternate access route other than the collector road may be assessed for a portion of the cost of improvement of the collector road, as the Town Board deems appropriate.
- D. Any remaining costs not assessed may be paid from the Town Road and Bridge fund. If bonding is used to finance the improvement, at least twenty percent (20%) of the cost of the improvement must be assessed against benefiting properties.
- E. Within newly constructed residential, commercial or industrial developments, the Developer's shall pay 100% of the costs of constructing and paving all roads, including collector roads, to Township standards.

4. Assessment Procedures for Class C Improvements.

The cost of construction of curbs and gutters on any road, and the cost of reconstructing and paving any roads may be assessed on a basis of abutting front footage, or by lot units, or lot unit equivalents, or a combination of the above, as the Town Board deems most equitable in each situation.

5. Storm Sewers

The Cost for construction of storm sewers shall be assessed against the property in the area served by the sewer on the basis of the property. If the Town Board determines that the sole purpose of the storm sewer is to facilitate storm water drainage from the road surface or ditches, the costs of the storm sewer shall be included with the road assessment. If one or more of the purposes of the storm sewer is to facilitate storm water drainage from adjacent lands, then all or a portion of the cost of the storm sewer may be assessed to benefiting properties on a of the square footage basis. In such case, the area to be assessed shall be determined on the basis of topographic maps and other pertinent data. Within newly constructed residential, commercial or industrial developments, the Developer shall pay 100% of the costs of constructing all storm sewers to Township standards.

6. Special Circumstances

- A. **Corner Lots:** Where an improvement has the effect of paving both sides of a corner lot, such lot shall be assessed either one unit cost (if the unit measure is

its improvement; and the estimated percentage of cost which can be special assessed to benefiting landowners.

7. Postponed Assessments

- a. If the Township advances its own funds to pay for improvement cost relating to property abutting on but not initially assessed for an improvement, the Township may reimburse itself for all or any portion of this cost by levying assessments against such property upon notice and hearings provided for the assessments as a later date.
- b. If the Township advances its own funds to pay for improvement costs that benefit non-abutting property not initially assessed for it, but able to use it when extensions or other improvements are made, the Township may include all or any portion of the costs originally advanced into assessments for later improvements if notice to that effect is included in the notice of hearing on the matter of undertaking the later extension of improvement.

8. Apportionment of Assessments Upon Subdivision of Land. If a special assessment is levied against a tract of land, which is later subdivided, the installments remaining unpaid can be apportioned among the various lots and parcels in the tract upon a finding that such apportionment will not materially impair collection of the balance due. This may be done upon application of the property owner or by the Township acting upon its own motion, but notice of such apportionment and of the right to appeal must be mailed to or personally served upon all owners of any part of the tract. If the assessment has been pledged towards payment of improvements bonds, the Town Board must require the owner or owners to provide adequate security. The Town Board may also, at its discretion, require security in other cases.

9. Federal, State and County Aid Use. If the Township receives financial assistance from the Federal Government, State, or County to defray a portion of the cost of a road improvement project, such aid shall be used first to reduce the share of the project cost, which would be met from the Road and Bridge fund according to the assessment formula, contained in this policy. If such aid is more than the amount of the improvement cost to be borne by the Township, such additional amount shall in no way affect a reduction in individual assessments calculated pursuant to this policy.

10. Partial Payment. After the adoption by the Town Board of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in that proceeding may, prior to the certification of the assessment to the County Auditor, pay to the Clerk/Treasurer any portion of the assessment. The remaining unpaid balance shall be spread over the period of time established by the Board for installment payment of the assessment.

11. Certificate of Assessment. After the adoption of any special assessment by the Town Board, the Clerk/Treasurer shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the County Auditor to be extended on the proper tax lists of the County.

used) or, if the front footage method is used, it shall be assessed for the front footage on the longest side of the lot abutting the street, with no assessment for the shorter side abutting the street. If the lot had one abutting side paved prior to the improvement and the existing paved street was not improved, the Township shall make a determination as to whether the improvement sufficiently benefited the property to justify an assessment on the abutting side approved by the project in question. In such case, the Town Board may levy a full or partial assessment against the property, as it deems necessary.

- B. Improvement Petition:** Unless the Town Board determines on its own motion that paving a particular road is in the public interest, the Township shall not take action on property owners' petition to improve a road unless it is signed by at least 51% of the benefiting property owners. Upon presentation of such a petition, the Town Board may, but shall not be required to, take action on the petition.
- C. Road Reconstruction:** When the Town Board deems it necessary to reconstruct a road, the Town Board shall pay from Town Road and Bridge funds or other Township funds 50% of the cost of the following items:
1. Rehabilitation of the subbase (but not including the addition of material to build up the subbase);
 2. Widening of subbase;
 3. Ditch work;
 4. Culvert replacement.
- D. Future Maintenance Costs:** Once a road is paved, the Town Board shall maintain such pavement as it deems necessary. Costs related to crack sealing, seal coating; patching, striping and shouldering shall be borne by the Township Road and Bridge fund. Costs related to bituminous overlay, major reconstruction and other maintenance costs not generally applicable to a gravel road shall be assessed to the benefiting landowners.
- E. Assessment Period Interest Rate:** When a road improvement is financed by the issuance of a bond, the special assessment shall be spread such that payments received from the special assessment correspond to the payments due on the bond. Interest on the special assessments shall be set at the weighted average bond interest rate plus 1.5%. If the road improvement is financed with internal Township funds, then the length of the assessment and the assessment interest rate shall be set at a level deemed appropriate by the Town Board.
- F. Deferred Assessments:** The Town Board shall consider deferring assessments for any property owner meeting the criteria set out in Minn. Stat. 435.193 to 435.195. Any such deferments granted under this authority shall continue to accrue interest during the deferment period and all such interest shall become due and payable upon termination of deferment status.
- G. Road Paving Priority:** The Town Board shall from time to time determine by resolution a priority order for the paving of roads. The priority may be based upon a road's existing condition, its volume of traffic, the size of the geographic area served by the road, its status as a collector street, the amount spent on maintenance of the road in recent years; the percentage of residents petitioning for

All Voting in Favor:

All Opposed: none

Dennis Beise
Greg Eckblad
Karen McDougall
John Deitering

Adopted October 2, 2007 by the Rockford Town Board

Dennis Beise

Chairperson

Attest: Rachelle L. McDougall

Clerk/Treasurer