



**Request for City Council Committee Action
from the City Attorney's Office**

Date: February 18, 2014

To: Honorable John Quincy, Chair Ways and Means Committee

Subject: **Resolution of Pending Special Assessment Appeals, Wagner Partners Limited Partnership – District Court File No. 27-CV-13-3073**

Recommendation:

- A. Approval of the proposed settlement of the special assessment appeal asserted by Wagner Partners Limited Partnership by authorizing the Director of Public Works to reduce previously levied assessments at 6024 Penn Ave S, Minneapolis.
- B. Authorizing the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

- November 12, 2013 – Council Resolution 2013R-510 Levying various 2013 Public Works Assessments and adopting the assessment rolls
- February 8, 2013 – Project approval and assessment public hearing for Penn Ave Reconstruction Project No 6748; areaway abandonment public hearing
- November 16, 2012 – Council Action designating the location and streets improved in the Penn Ave S Reconstruction Project No 6748

Department Information:

Prepared by: Sara Lathrop, Assistant City Attorney 612-673-2072
Suzette Hjermstad, R.E. Investigator II, 612-673-2401
Don Elwood, P.E., Director of Transportation Planning and Engineering

Approved by: 
Susan Segal, City Attorney

Presenters in Committee: Susan Segal

Financial Impact

- Other financial impact:

Reduction of assessments by \$79,024.11 to effectuate settlement of an assessment appeal for the Penn Ave S Street Reconstruction Project No 6748C.

Supporting Information

On February 8, 2013, by Resolution No 2013R- 053, the City Council levied assessments for the Penn Ave Reconstruction Project No 6748C and by Resolution 2013R-510 passed November 12, 2013, City Council ordered the transmittal of the assessment rolls to the Hennepin County Auditor. The property located at 6024 Penn Ave S, Minneapolis with Property ID No. 20-028-24-44-0156, is included in the Penn Ave Reconstruction Project No. 2226C. The property is owned by Wagner Partners Limited Partnership.

Appellant, Wagner Partners Limited Partnership has agreed to pay the assessment amount of \$107,000 reduced from \$186,024.11. The reduction in assessments is \$79,024.11.

The City's Public Works Department supports the resolution. Therefore, staff recommends approval of the settlement of this matter as described above.