



## Request for City Council Committee Action From the Department of Public Works

**Date:** May 20, 2008

**To:** Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

**Referral to:** Honorable Paul Ostrow, Chair Ways & Means/Budget Committee

**Subject:** **Assessment Public Hearing for Areaway Abandonment and Removal for properties in the East Lake Street (Hiawatha Ave S to W River Pkwy) Reconstruction Project No 6709.**

### Recommendation:

- a. Passage of a Resolution adopting special assessments for the areaway abandonment and removal in the East Lake Street (Hiawatha Ave S to W River Pkwy) Reconstruction Project No 6709 for the benefited properties at:
  - 2709 Lake St E, PID 01-028-24-12-0096, in the amount of \$22,653.69;
  - 2629 Lake St E, PID 01-028-24-12-0098, in the amount of \$9,593.68;
  - 4301 Lake St E, PID 06-028-23-11-0017, in the amount of \$1,100.00.
- b. Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$33,345.00 for the areaway abandonment and removal in the East Lake Street (Hiawatha Ave S to W River Pkwy) Reconstruction Project No 6709 with the bonds to be paid for from special assessments.

### Previous Directives:

Resolution 2006R-089 ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the paving and streetscape project in the East Lake Street (Hiawatha Ave S to W River Pkwy) area.

**Prepared by:** Suzette R. Hjermsstad, Public Works Special Assessment Office, 673-2401  
Don Elwood, P.E., Director Transportation Planning & Engineering

**Approved by:** \_\_\_\_\_  
Steven A. Kotke, P.E., City Engineer, Director of Public Works

**Presenters:** Jenifer Loritz, P.E., Life Cycle Project Manager

### Reviews

Permanent Review Committee (PRC):	Approval	NA	Date
Civil Rights Affirmative Action Plan	Approval	NA	Date
Policy Review Group (PRG):	Approval	NA	Date

**Financial Impact** (Check those that apply)

- No financial impact - or - Action is within current department budget (If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Business Plan:  Action is within the plan.  Action requires a change to plan.
- Other financial impact: Special Assessments against benefited property
- Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

**Community Impact**

- Neighborhood Notification: Not Applicable
- Neighborhood Meetings: Not Applicable
- City Goals: Maintain the physical infrastructure to ensure a healthy, vital and safe city
- Comprehensive Plan: Not Applicable
- Zoning Code: Not Applicable

**Background/Supporting Information:**

On January 13, 2006, the City Council designated the location, streets and improvements proposed to be made in the East Lake Street area. A public hearing was held on February 16, 2006 that included the areaway abandonment and removal of any conflicting areaways within the East Lake Street area street reconstruction and streetscape project in accordance with Section 95.90 of the Minneapolis Code of Ordinances.

As the street reconstruction and streetscape project work proceeded during 2006 and 2007, the City contacted the property owners of 2709, 2629 and 4301 E Lake Street regarding their areaways that were in conflict with the project. On June 7, 2007 the project engineer received a voicemail from the representative of 4301 E Lake St asking that the City proceed with abandoning their areaway and assessing all costs based on an estimate in the amount of \$1000.00 provided by the contractor. The project engineer made numerous attempts between November 3, 2005 and July 9, 2007 to work with the property owner of 2709 and 2629 E Lake St. The property owner did make an attempt to abandon the areaways on his own however he did not pull proper permits, obtain required inspections or complete the work in a manner that complies with City Ordinance. The project engineer made a final attempt to work with the property owner to properly complete the abandonment work but was unsuccessful at which point the abandonment was performed by the roadway contractor with all costs to be assessed to the property owner.

The assessment public hearing procedure is in accordance with Section 95.90 of the Minneapolis Code of Ordinances which provides the authority for the City Engineer to abandon and remove an areaway in conflict with capital improvement project in the City's right-of-way and a public hearing for the assessment of the cost of removal to be held at a later date.

CC: Council Member Gary Schiff, Ward 9  
Council Member Sandy Colvin Roy, Ward 12

**T&PW** – Your committee recommends adoption and summary publication of the accompanying Resolution:

1. Adopting and levying the assessments for the areaway abandonment and removal in conjunction with the East Lake Street (Hiawatha Ave S to W River Pkwy) Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No. 6709 for the benefited properties at:  
2709 Lake St E, PID 01-028-24-12-0096, in the amount of \$22,653.69;  
2629 Lake St E, PID 01-028-24-12-0098, in the amount of \$9,593.68;  
4301 Lake St E, PID 06-028-23-11-0017, in the amount of \$1,100.00.
2. Requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$33,345.00 for certain purposes other than the purchase of public utilities.

**Colvin Roy**

**Adopting and levying the assessments for the unpaid charges for the areaway abandonment and removal for the benefited properties as set forth in Petition No. \_\_\_\_\_.**

Whereas, a Public Hearing was held on May 20, 2008, in accordance with Chapter 8, Sections 12 and 13, of the Minneapolis City Charter to consider the proposed assessment as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by the City Council of The City of Minneapolis:

That the proposed assessment against the affected properties at:

2709 Lake St E, PID 01-028-24-12-0096, in the amount of \$22,653.69, legally described as: Lot 14 except that part taken for street, all of Lot 13 and the East 83 feet of the North 1 foot of Lot 12, Block 3, V. G. Hush's Addition to Minneapolis;

2629 Lake St E, PID 01-028-24-12-0098, in the amount of \$9,593.68, legally described as: the Easterly 40 feet of Lots 1 and 2 except that part taken for street, Block 4, V. G. Hush's Addition to Minneapolis;

4301 Lake St E, PID 06-028-23-11-0017, in the amount of \$1,100.00, legally described as: Lots 1, 2, 3 and the North 3 2/10 feet of Lot 4, Block 1 Riverview Addition to Minneapolis and Lot 1, C T and R R Earenights Addition.

As set forth in Petition No. \_\_\_\_\_ in accordance with the East Lake Street (Hiawatha Ave S to W River Pkwy) Street Reconstruction and Streetscape Project, Improvement of Existing Street No 6709, as ordered by Resolution 2006R-089, in the total amount of \$33,347.37 and as shown on the proposed assessment roll on file in the office of the City Clerk be and hereby are adopted and levied.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin the 2009 real estate tax statement.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

**Colvin Roy and Ostrow**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$33,345 for certain purposes other than the purchase of public utilities.**

Resolved by the City Council of the City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of areaway abandonment and removal at 2709 Lake St E, PID 01-028-24-12-0096, 2629 Lake St E, PID 01-028-24-12-0098, and 4301 Lake St E, PID 06-028-23-11-0017 in accordance with the East Lake Street (Hiawatha Ave S to W River Pkwy) Street Reconstruction and Streetscape Project, Improvement of Existing Street No 6709, to be assessed against said benefited properties as estimated by the City Council which assessment shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.