



11/5/09 - Postponed consideration
of 2957 Lyndale Ave S

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

Date: November 5, 2009

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

Subject: **Assessment Public Hearing for Areaway Abandonment and Removal for properties in the West Lake Street (Dupont Ave S to Blaisdell Ave S) and Lyndale Ave S (W 29th St to W 31st St) Reconstruction Project No 6708.**

Recommendation:

1. Passage of a Resolution adopting special assessments for the areaway abandonment and removal in the West Lake Street (Dupont Ave S to Blaisdell Ave S) and Lyndale Ave S (W 29th St to W 31st St) Reconstruction Project No 6708 for the benefited properties at:
 - ~~821 Lake St W, PID 04-028-24-11-0045, in the amount of \$452.23;~~
 - 2957 Lyndale Ave S, PID 34-029-24-33-0105, in the amount of \$6,954.72

Previous Directives:

- March 30, 2007 Council Resolution 2007R-151 Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the paving and streetscape project in the W Lake Street (Dupont Ave S to Blaisdell Ave S and Lyndale Ave S from W 29th St to W 31st St) area.
- September 18, 2009 Council Action receiving the final costs for areaway abandonment and removal and setting the public hearing.

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Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Jenifer Loritz, P.E., Project Manager, Transp. Planning & Engineering
Suzette Hjermstad, Special Assessments Office

Reviews:

Permanent Review Committee (PRC):	Not Applicable
Civil Rights Affirmative Action Plan:	Not Applicable
Policy Review Group (PRG):	Not Applicable

Financial Impact

Special Assessments against benefited property

Background/Supporting Information:

On January 26, 2007, the City Council designated the location, streets and improvements proposed to be made in the W Lake Street area. A public hearing was held on March 20, 2007 that included the areaway abandonment and removal of any conflicting areaways within the W 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 in 2007 and 2008, the City contacted the property owners of 821 W Lake Street and 2957 Lyndale Ave S regarding their areaways that were in conflict with the project. In June of 2008 the project manager met onsite with the property owner of 821 W Lake Street to discuss the areaway conflict; during that meeting the property owner requested that the City proceed with abandoning the areaway and assessing all costs. During the summer of 2008 the project manager began working with the property owner of 2957 Lyndale Ave S regarding the abandonment of areaways associated with that property. The property owner did take the initiative to hire a contractor and abandon the areaways that were initially identified. However, in August of 2008 another areaway was uncovered. The property owner requested, via email, that the City proceed with abandoning the final areaway and assessing all costs. Both assessment amounts comprise the labor, material and equipment rental fees in addition to a 5% administrative fee for Hennepin County and a 5% administrative fee for the City of Minneapolis.

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 a capital improvement project in the City's right-of-way and a public hearing for the assessment of the cost of removal.

CC: Council Member Robert Lilligren, Ward 6
Council Member Ralph Remington, Ward 10

T&PW – Your committee recommends passage and summary publication of the accompanying Resolutions:

1. Adopting and levying the assessment for the areaway abandonment and removal for property at 2957 Lyndale Av S, in conjunction with the W Lake St (Dupont Av S to Blaisdell Av S) and Lyndale Av S (W 29th St to W 31st St) Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No. 6708.

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Adopting and levying the assessment for the unpaid charge for the areaway abandonment and removal from the property known as 2957 Lyndale Av S, PID 34-029-24-33-0105, as set forth in Petn No. _____.

Whereas, a public hearing was held on November 5, 2009, in accordance with Chapter 8, Sections 12 and 13, Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances, 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 property at 2957 Lyndale Av S, PID No. 34-029-24-33-0105 and legally described as:

Lot 8, Block 9, "Excelsior Addition to Minneapolis",

Set forth in Petn No _____ in accordance with the W Lake St (Dupont Av S to Blaisdell Av S) and Lyndale Av S (W 29th St to W 31st St) Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No. 6708 as ordered by Resolution 2007R-151, in the total amount of \$6,954.72 and as shown on the proposed assessment roll on file in the Office of the City Clerk be and hereby is 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 ten (10) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessment to begin on the 2010 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.