



ASSESSMENT POLICY FOR PUBLIC STREETS

GENERAL STREET ASSESSMENT POLICY

The purpose of this Street Assessment Policy is to establish a fair and equitable manner of recovering and distributing the cost of public improvements. The procedures used by the City of Wyoming for levying special street assessments are those specified by Minnesota Statutes §Chapter 429, which provides that “all or a part of the cost of improvements may be assessed against benefiting properties.”

INITIATION OF PUBLIC STREET IMPROVEMENTS

A public street improvement can be initiated in the following manner:

1. **Initiation of Proceedings:** This may be done either by the Council on its own initiative or by the Council accepting a petition submitted by affected property owners. If the petition is used, it must be signed by the owners representing at least 51% in frontage of the property bordering on the proposed improvements. If the Council acts originally on its own initiative, a simple majority is needed to initiate the proceedings, the Council may simultaneously order a Feasibility Report on the proposed improvement.
2. **Preparation of a Report:** The law requires a report on the feasibility of the proposal be prepared by the City Engineer or by some other competent person selected by the Council. It must cover such factors as the need for the project, an estimate of cost, and any other information thought pertinent and necessary for complete Council consideration.
3. **Public Hearing:** A hearing is held after notice of the hearing is published in the official newspaper and mailed to each property owner proposed to be assessed. The notice states the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. All interested persons should have a chance to be heard at the hearing. This public hearing step may be waived when a petition requesting the improvements has been signed by 100% of the affected landowners and no public financing is involved.
4. **Ordering the Improvement and Preparation of Plans:** The resolution ordering the improvement may be passed by a simple majority of the Council if proceedings were originally initiated by petition. If not, the resolution must be adopted by an affirmative vote by at least four-fifths (4 of 5) of the Council.
5. **Preparation of Plans, Awarding Bids:** Upon completion, the plans and specifications must be approved by the Council prior to ordering advertisement for bids. Upon taking bids, the Council then may award a contract and construction proceeds.
6. **Preparation of Proposed Assessment Rolls:** Assessment rolls are lists of benefited properties prepared for each assessment project. They should contain an identification of each parcel of property, and the amount of the proposed assessment apportioned to each parcel.
7. **Public Hearing on the Proposed Assessment:** The purpose of this hearing, normally conducted after an improvement project is substantially completed, is to give affected property owners an opportunity to be heard on the matter of the actual assessments proposed to be levied. Notice must be published

in the official newspaper and mailed to each property owner prior to the hearing date. This assessment hearing may also be held prior to awarding the contract, with the understanding that the adopted assessment roll may not be varied to reflect higher than estimated actual project costs. Like the improvement hearing when the project is petitioned by 100% of the benefitting owners this hearing may be waived.

8. **Approval and Certification of Assessment Rolls:** After the assessment hearing, the roll must be officially adopted by a Council resolution and then certified to the County Auditor for levy and collection.

CITY ASSESSMENT METHODS

Unit Method - The Unit Method of assessment is defined as a quotient of the identified assessable costs divided by the number of lots, parcels, or properties benefiting from the improvement. When large parcels that can be further subdivided are found to benefit from the proposed improvement, the number of assessable lots attributed to that parcel will be determined from the number of potential lots that could be obtained from subdivision, using current subdivision regulations. When adjacent parcels are owned by a common owner they may be evaluated in the aggregate for the number of building sites that can be collectively supported in determining the assessment units to be assigned.

Corner lots subject to an assessable street improvement will be assessed as one unit only. That assessment is applied only if the roadway improvements abuts the driveway access of the lot or in the case of a driveway onto a private drive or easement when that private drive, street or easement accesses to a public street.

Residential = 1 unit	
Commercial =1.5	
Multifamily = Single Family & Detached Townhomes	<u>Factor</u>
Duplex	1.0/unit
Townhomes	.5/unit
Apartment's	.5/unit
	.25/unit
*Multi Family maximum 2.5 units	

Front Foot Method - The front foot method of assessment is defined as the quotient of the identified assessable costs divided by the total assessable frontage benefiting from the improvement. The actual physical dimension of a parcel abutting an improvement shall NOT be construed as the frontage utilized to calculate the assessment. An adjusted front footage will be determined. Adjustments shall be made for odd shaped lots to an average front footage that would be equivalent to the frontage of a rectangular shaped lot of the same area and depth. The purpose of this adjusted front footage is to equalize assessment calculations for lots of similar size.

Corner lots assessed under the adjusted “front foot” method shall be responsible for the costs identified for the improvement for the full frontage of the property that fronts the improvement. A 150 foot corner lot credit will apply along the adjacent side street. In no event will a corner lot be assessed less than a total of 80 feet when the improvements are on both sides of the lot.

Area Method – The area to be assessed is the total land area, including easements, in acres of the property. Land deemed unbuildable by virtue of laws, lawful regulations, or lying within the flood plain of major drainage channels, wetland areas and stormwater ponding will be subtracted from the total land area. The assessment cost of the improvement shall be divided by the total assessable acreage for the improvement. The quotient of this shall be the Calculated Assessment Rate. The Calculated Assessment Rate shall then be multiplied by each parcel’s total assessable acreage and the product will be each parcel’s assessment for the improvement.

DEFINITION OF ASSESSABLE STREET IMPROVEMENT COSTS

The assessable costs of a street improvement project includes the cost of all necessary construction work required to accomplish the improvement acquisition of right-of-way and easements, engineering, legal, administrative, financing, appraisals, permits, and other identifiable costs. The street improvement project includes bituminous surfacing, aggregate base, modified granular, sub-grade correction, sidewalks/pathways, utility relocations & adjustments, drainage improvements such as curb and gutter, ditches, swales, storm sewer, storm water management ponding as required for the improvement, project restoration, and signage and striping if applicable.

STREET REASSESSMENT POLICY

The City of Wyoming, constructing or re-constructing any public street, shall design such improvement for a defined life cycle. The life expectancy, or service life, for street improvements, including concrete curb and gutter, sidewalk, trails, and storm sewer, is 20 years, unless otherwise stated in the Resolution ordering the public improvement. When public improvement project needs premature replacement or reconstruction, the amount to be assessed to the benefiting properties will be limited to an amount determined by the dividing the actual life period of the original improvement by the expected service life of the original improvement.

ASSESSABLE PUBLIC STREET IMPROVEMENTS

Initial Bituminous Pavement Improvements for Rural Residential Gravel Streets

Initial bituminous construction for existing gravel streets in rural zoning districts consist of the shaping of the existing aggregate surface, supplementing the existing aggregate base to specified thickness, constructing the bituminous base course to the specified thickness and width, construction of the bituminous wear course to the specified thickness and width, and placement of aggregate shoulders to the specified thickness and width, storm sewer, and storm water management as required by Ordinance and/or local Watershed District Rules. Sub-grade improvements will be constructed as determined necessary by the City Engineer. The constructed width and material thickness is to be in accordance with the Typical Rural Street Section detailed in the Engineering Standards adopted by the City Council, unless otherwise determined by the City Council.

Initial bituminous pavement improvements for gravel streets shall be assessed at a rate of 100% of the cost of the improvements to the benefiting properties with frontage on the street proposed for the improvement. The assessment rate shall be by the “unit” method or as may be determined by the City Council.

Initial Bituminous Pavement Improvements for Urban Residential Gravel Streets

Initial bituminous construction for existing gravel streets in urban zoning districts consist of constructing the street to the standard urban street standard. The urban street section consists of modified granular sub-grade, aggregate base, bituminous base, bituminous wear, concrete curb and gutter, storm sewer, and storm water management as required by Ordinance and/or local Watershed District Rules. Sub-grade improvements will be constructed as determined necessary by the City Engineer. The constructed width and material thickness is to be in accordance with the Typical Urban Street Section detailed in the Engineering Standards adopted by the City Council.

Initial bituminous pavement improvements for gravel streets shall be assessed at a rate of 100% of the cost of the improvements to the benefiting properties with frontage on the street proposed for the improvement. The assessment rate shall be by the “unit” method or as may be determined by the City Council.

Reconstruction of Existing Residential Bituminous Surfaced Streets

Reconstruction of existing bituminous streets in urban zoning districts will normally be constructed to the Typical Urban Street Section, including sidewalks, storm sewer, and storm water management as required by Ordinance and/or local Watershed District Rules, or as detailed in the City Engineering Standards adopted by the City Council. Reconstruction of existing bituminous streets that can be determined by soil exploration, to have sufficient underlying sub-grade soils to meet 20-year service design criteria, the City may initiate curb, sidewalk, and storm sewer replacement, as necessary, and reclamation of the existing bituminous surface.

Reconstruction of existing bituminous streets in rural zoning districts will normally be constructed to the Typical Rural Street Section as detailed in the City Engineering Standards, as adopted by the City Council. Reconstruction of existing bituminous streets can be determined by soil exploration, to have sufficient underlying sub-grade soils to meet 20-year service design criteria, the City may initiate drainage improvements, as necessary, and reclamation of the existing bituminous surface.

The assessment rate shall be by the “unit” method or as determined by the City Council.

Reconstruction of existing residential bituminous surfaced streets shall be assessed at a rate of 20% of the costs of the improvements to the benefiting properties, with frontage on the street proposed for the improvement. The City of Wyoming will participate in the remaining 80% of the improvement costs.

Construction of New Residential Bituminous Surfaced Streets

Construction of all new streets will be assessed at a rate of 100% of the cost of the improvements, to the benefiting properties. The new streets constructed in rural Zoning Districts will be designed in accordance with the Typical Rural Street Section detailed in the Engineering Standards, as adopted by the City Council. The new streets constructed in urban Zoning Districts will be designed in accordance with the Typical Urban Street Section detailed in the Engineering Standards, as adopted by the City Council. The street improvements will include storm sewer and storm water management as required by Ordinance and/or local Watershed District Rules, and sidewalk construction as determined by the Council.

Reconstruction of Commercial/Industrial Bituminous Surfaced Streets

The reconstruction of Commercial/Industrial streets shall be in accordance with the Typical Street Section in Engineering Standards adopted by the City Council, including necessary sidewalks, trails, storm sewer, and storm water management required by Ordinance and/or local Watershed District

Rules. Reconstruction of existing bituminous streets can be determined by soil exploration, to have sufficient underlying sub-grade soils to meet 20-year service design criteria, the City may initiate drainage improvements, as necessary, and reclamation of the existing bituminous surface. Street section requirements will be determined by calculation utilizing the MN/DOT criteria for flexible pavement design.

The reconstruction of streets in Commercial and Industrial Zoning Districts, as identified in the City Comprehensive Plan, shall be assessed at a rate of 20% of the cost of the proposed improvements to the benefiting properties with frontage on the street proposed for the improvements. Upon determination that more than one property with access to the proposed street improvement will equally benefit from the improvements, the “unit” method of assessment may be used. At the discretion of the City Council, the “unit”, “front footage”, “area method”, or an alternate method of assessment as approved by the City Council. The City of Wyoming will participate in the remaining 80% of the improvement costs.

Construction of New Commercial/Industrial Bituminous Surfaced Streets

Construction of all new streets in Commercial and Industrial Zoning Districts will be assessed at a rate of 100% of the cost of the improvements, to the benefiting properties. The new streets constructed will be designed in accordance with the Typical Commercial/Industrial Street Section detailed in the Engineering Standards, as adopted by the City Council. The street improvements will include storm sewer and storm water management as required by Ordinance and/or local Watershed District Rules, and sidewalk construction as determined by the Council.

NON-ASSESSABLE PUBLIC STREET IMPROVEMENT

Maintenance of existing bituminous surfaced public streets is performed by the City Public Works Department and Contractors retained by the City Maintenance of bituminous surfaced streets including bituminous patching, crack filling, sealcoating, bituminous overlays, and snow plowing. Maintenance frequency is determined by the City Council and Staff.

Maintenance of existing public gravel streets is performed by the City Public Works Department. Maintenance of gravel streets includes periodic grading, periodic gravel placement, and snow plowing. Maintenance frequency is determined by the City Council and Staff.