

## ASSESSMENT AGREEMENT AND WAIVER

THIS AGREEMENT AND WAIVER is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between Douglas P. Lawrence and JoAnn A. Lawrence, husband and wife, and Bradley J. Lawrence, hereinafter referred to as "Owner" and the City of Coon Rapids, a Municipal Corporation, hereinafter referred to as "City."

### WITNESSETH:

The City is proposing to reconstruct 128<sup>th</sup> Avenue NW from Crooked Lake Boulevard to Coon Creek Boulevard. This portion of 128<sup>th</sup> Avenue NW bisects each of Owner's properties which are located to the east and west of 128<sup>th</sup> Avenue NW in City of Coon Rapids, Minnesota (collectively the "Property"). The Property is legally described as:

#### Parcel 1:

That part of Lot 13 Auditors Subdivision No. 97, Anoka County, Minnesota, lying northerly of the centerline of 128<sup>th</sup> Avenue Northwest.

Subject to easement of record.

PIN: 04-31-24-43-0003

#### Parcel 2:

That part of Lot 13 Auditors Subdivision No. 97, Anoka County, Minnesota, described as follows; all that part said Lot 13 lying southwesterly of the centerline of 128<sup>th</sup> Avenue Northwest, except that part of the southwest quarter of the southeast quarter of Section 4 Township 31 Range 24 West described as follows: Beginning at a point on the south line of said Southwest quarter distant 1380.19 feet west of the southeast corner of said southwest quarter (said south line assumed bearing of South 89 degrees 19 minutes 04 seconds West,) thence North 0 degrees 57 minutes 25 seconds East 911.99 feet, thence North 89 degrees 02 minutes 45 seconds West 114.01 feet, thence northwesterly along a tangential curve concave to the northeast having a radius of 340 feet and a central angle of 27 degrees 07 minutes 53 seconds, thence South 28 degrees 05 minutes 08 seconds West 190 feet, thence North 61 degrees 54 seconds 53 minutes West 280 feet, thence South 89 degrees 11 minutes 51 seconds West 218.33 feet, thence South 0 degrees 57 minutes 22 seconds West 397.72 feet, thence South 57 degrees 35 minutes 12 seconds East 964.93 feet to the point of beginning.

Subject to drainage easement over the southwesterly 50 feet of said Lot 13.

PIN: 04-31-24-43-0004

Currently the Property is being used for agricultural purposes and based on City policy will be assessed at a commercial rate. Owner has an approved plat-Lawrence Estates that proposes to sub-divide these two properties into 10 single family lots and two outlots. This plat has been approved by the City but not recorded with Anoka County.

It is the desire of the Owner to file the final plat and have each lot assessed the single family assessment rate. Currently the property is being assessed at the commercial rate given its current use.

In the spirit of cooperation between the parties with the intent of providing a more appropriate assessment based on the new plat, City and Owner have agreed that when the Owner records the plat with Anoka County, the City will reassess the Property and have each lot assessed the single family assessment rate. In exchange, Owner waives the right to an assessment hearing and has agreed that the Owner's share of the costs of the project can be assessed against the Property.

NOW, THEREFORE, the undersigned as Owner of the above described Property, in consideration of reconstruction of 128<sup>th</sup> Avenue NW which abuts the Property:

1. Owner understands the Property is being assessed at commercial rate based on in its current agricultural use

2. If Owner records the Lawrence Estate plat on or before October 1, 2016, the City will agree to reassess the Property at the single family assessment rate. A portion of the property (Outlot A) will remain as agricultural property as part of the Lawrence Estate plat. The Owner anticipates the land adjacent to 128th Avenue NW could be developed into 1 or 2 additional single family lots in the future. Following City policy, the front footage of Outlot A along 128th Avenue NW shall be assessed at the commercial rate based on its current use. The City however agrees to postpone this assessment through separate Council resolution, where payment shall only be due if this area develops in the future. The City further agrees to adjust the assessment rate on Outlot A as appropriate based on the type of development that takes place at this location.

3. In consideration of the action of the City Council to cause the reconstruction of 128<sup>th</sup> Avenue NW from Crooked Lake Boulevard to Coon Creek Boulevard, Owner agrees after recording the Lawrence Estate plat, its share of the cost is \$18,354.50 or \$1,835.45 for each single family lot described on the plat, which amount to be assessed against the Property. Such assessment will be spread in a manner according to policies on file with the City Assessor for special assessments, not to exceed 10 years. Owner further agrees that the estimated assessment may be exceeded if the increases are a result of requests made by the Owner or otherwise approved by the Owner in a subsequent separate written document. In addition, the front footage of Outlot A adjacent to 128th Avenue NW (249.3-feet) shall be assessed at the current commercial rate of \$45.88 per foot or \$11,437.88 total. The City shall postpone this assessment via a separate Council resolution, where payment shall only be due upon future development of Outlot A. Based on City policy, the postponed assessment amount shall be adjusted based on the Construction Cost Index for the Minneapolis area.

4. Owner expressly waives objection to any irregularity with regard to the said improvement assessment and any claim that the amount thereof levied against Owner's property is excessive, together with all rights to appeal said assessment as provided by Minnesota Statutes Section 429.081.

5. Owner agrees this agreement shall have the same force and effect as a petition presented pursuant to Minnesota Statutes Section 429.031 and specifically waive any public hearings with respect to the proposed assessment.

6. Owner agrees that if they fail to record the Lawrence Estate plat on or before October 1, 2016, this agreement becomes null and void and the property will be assessed at its current use for agricultural purposes.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first above written.

**CITY OF COON RAPIDS**

By: \_\_\_\_\_  
Jerry Koch, Mayor

By: \_\_\_\_\_  
Matthew Stemwedel, City Manager

*[Signatures continue on following page]*



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