

4-11-16 Public Hearing - Sign In  
2016 ST & Util Project

<u>Name</u>	<u>Address</u>
Jeff Peck	27 4th St. SW
Roger Staloch	23 W 3rd ST SW
Cheri & Ted Perzynski	223 3rd ST SW
Breg Berkman	222 W 3 ST
Mark Woodward	Faith WMC

4-11-16

Faith United Methodist Church respectfully requests that the church parking lot not be assessed for water hook-up and sewer connection. There is no need for water and sewer relating to the church parking lot. We request that the assessment be adjusted accordingly.

Sincerely,

Mary Woodward - Pastor  
J. J. [Signature] - Board of Trustees  
Chairperson

"Exhibit B"

To whom it may concern:

My name is Steve Wilkinson and I am opposed to the new proposed special assessment for LaFayette Ave. road repair in the amount requested.

I own a very small property located at 219 LaFayette Ave. that is 50 feet wide and the proposed assessment is about 22% of my homes value.

I will Not see an increase in property value matching the assessment and the proposed assessment is adversely effecting the potential sale of my home should I choose to do so.

I Question whether the amount in question is even legal, here is my example for consideration.

How is the amount of a special assessment determined?

The special assessment cannot exceed the amount by which the property benefits from the improvement. The amount a property benefits from an improvement, called the "special benefit," is measured by the increase in the market value of the land due to the improvement. The assessment must be uniformly applied to the same class of property. A local improvement may benefit properties that are not abutting the improvement, and those properties may also be assessed.

Special assessments reflect the influence of a specific local improvement on the value of selected property. No matter what method the city uses to establish the amount of the assessment, the real measure of benefit is the increase in the market value of the land because of the improvement.

The land receives a special benefit from the improvement. • The assessment does not exceed the special benefit measured by the increase in market value due to the improvement. • The assessment is uniform as applied to the same class of property, in the assessed area.

Because special assessments are appealable to district court, it is important that the city considers the benefit to the property as a result of the specific improvement. Councils can and sometimes do this by retaining a qualified, licensed appraiser.

At the hearings on the assessments, the council may choose to have the appraiser present a written or oral report on the increase in market value as a result of the improvement.

Buzick v. City of Blaine, 505 N.W.2d 51 (Minn. 1993). Under the special benefit test, special assessments are presumptively valid if: EHW Properties v. City of Eagan, 503 N.W.2d 135 (Minn. Ct. App. 1993). Schumacher v. City of Excelsior, 427 N.W.2d 235 (Minn. 1988). Tri-State Land Co. v. City of Shoreview, 290 N.W.2d 775 (Minn. 1980). •

Thanks,  
Steve Wilkinson  
507 358 5917



Date 4-1-2016

"Exhibit C"

City Clerk  
Marlis Knowlton

Mayor  
Tyrel Clark

PO Box 328  
Eyota, MN 55934

This is for notice of appeal related to assessment adopted by City Council of Eyota, Mn, for the 2016 Street and Utility Improvement Project Assessment.

We are filing an appeal based on the following:

1.) While it is necessary work, it does not increase the market value of our lot/house/property by the 8,600 some dollars that was stated in the assessment letter we received. The assessment exceeds the increase in market value due to the improvements.

a.) Show us all the benefit to our property.

b.) Show us who appraised our property to show he increase in market value to our lot as a result of this improvement.

c.) Show us that the assessment does not exceed the fair market value increase of our lot. According to 429 MN statue this assessment must be roughly proportionate to the benefits accruing to each property as a result of the improvement.

2.) If you are going to assess something you should take a sample from a property within the current property area.

a.) Show us that the assessment is uniform as applied to the same class of property in the same assessment area.

b.) You chose parcels instead of lot sizes, why? Please explain how this is fair that we should pay the same as someone who has a double lot or larger lot than us versus our small lot size.

c.) How many on the council had curbs and gutters etc placed in 2015 and 2016 on their parcels?

d.) The special assessment does not appear uniform, we are not receiving a benefit to or greater than the assessment.

3.) Show us the appropriate market value analysis and how you came up with this for our lot.

4.) Show us an estimate of total amount to be assessed and a description of the methodology used to calculate individual assessments for affected parcel (these are required per special assessments).

5.) Who were the companies who bid on the projects and what were the bids. My mother lives in Stewartville and had exact same project done. Company out of fairbault did and she has larger lot and it was based out of lot size and she payed 3600 dollars. Seems like a large difference. Difference being we are paying for other peoples larger lots.

6.) We have spoken with neighbors who have larger lot sizes than us and they are paying less than we were assessed. We feel our lot was not measured correctly. We want our lot remeasured when we are home. Our neighbors have a double lot and are paying less than us. They are not over 65 years of age. This is inappropriate and will be taken to court if need be since this is incorrect to do.

Final we have a big concern with certain neighbors who have large RV's and smaller semi like vehicles parked in driveway when they back this in and out they drive over the curbs and ruin them. Who will pay to fix these. Will there be ordinances to size of vehicles that can be in driveways? We do not want our new curbs etc being ruined by neighbors who do not care.

We sincerely hope you will take our appeal seriously. We have spoken with a local lawyer about this appeal. We will be at the meeting on April 11th.

Sincerely,

Cherie and Ted Perzynski

*Cherie Perzynski* 4/10/16  
*Ted Perzynski* 4/10/16