

**CITY OF ST. AUGUSTA
COUNTY OF STEARNS
STATE OF MINNESOTA**

ORDINANCE #2010-04

**AN ORDINANCE RELATING TO CITY SEWER AND WATER CONNECTION
CHARGES IN LIEU OF ASSESSMENT**

THE CITY COUNCIL OF THE CITY OF ST. AUGUSTA ORDAINS:

Section 1. “In-lieu-of charge” Established

The City of St. Augusta has initiated the 2003 Sanitary Sewer, and Water Main and County Highway 7 Improvement Project (“Project”) which benefits certain properties located within the City of St. Augusta. In order to arrive at a reasonable, fair and equitable distribution of the costs of the Project among the properties which the Project has improved, the City hereby establishes a system of connection charges known as “In-lieu-of charges” (also referred to as “Connection Charges”) to properties which have not been specially assessed for the cost of the Project in proportion to the front footage of the Project which abuts such property, as well as to properties which have been specially assessed on a unit basis but which use on said property may intensify in the future such that a charge equivalent to one or more unit charges is equitable.

Section 2. In-lieu-of-Charge For Underdeveloped and Undeveloped Properties.

The following properties identified below have not been specially assessed for the cost of the Project in proportion to the front footage of the Project which abuts such property. Upon development of said properties described below, each such property shall pay a Connection Charge in the amount specified below prior to connecting any portion of such property to the City’s sanitary sewer or municipal water system (collectively, “City Utilities”), or, if such property has been otherwise permitted to connect to City Utilities, said Connection Charge shall be paid prior to the time any additional connections shall be made to City Utilities.

The following Connection Charges shall apply to the following properties listed below and also shown on the map attached as Exhibit A:

<u>Owner of Record</u>	<u>PID No.</u>	<u>2010 “In Lieu of Amount”</u>
White Oak Farm Limited Ptshp	81.43151.0605	\$ 284,761.00
Leo & Jeanette Krippner	81.43151.0620	\$ 132,640.00
Moran Family Trust	81.43151.0630	\$ 57,427.00
Robert A. & S. Laudenbach	81.43152.0245	\$ 104,859.00
Ernest & Doreen Klaverkamp	81.43152.0320	\$ 269,235.00
Myron A. Schill Trust	81.43152.0515	\$ 55,563.00.

A. **Connection Charge for Subdivision of Land.** Connection charges shall only arise when a tract of land as described on attached Exhibit A is subsequently divided or subdivided by plat, or otherwise has a change in use from its current agricultural use to a nonagricultural use. Connection charges shall be due and payable at the time of Final Plat of any subdivision; or at application for, and prior to issuance of, a building permit in any instance where the use of the land changes and the parcel is not subdivided. Such Connection Charges when due and payable may, in the discretion of the City, be specially assessed against the property to which said Connection Charge applies.

i. Subdivisions with Outlots. In the event any portion of any parcel affected by this Section is subdivided into one or more outlots that are capable of further subdivision and are otherwise reasonably suitable for future residential, commercial or industrial development (wetlands and ponds shall be deemed not suitable for future development), Connection Charges shall not be due on such portions of property until such time as said portions are replatted as non-outlots. In such event, the Connection Charges detailed in Section 2 of this ordinance shall be applied to the portion of the property which is being platted into numbered lots and blocks and that portion of the property which is being platted into outlots which are not reasonably suitable for future development (collectively, "Chargeable Property") on a proportionate basis at the same ratio of the total square feet of Chargeable Property on any such plat to the total square feet of all property on any such plat or involved in such subdivision.

B. **Annual Adjustment of Connection Charges.** The Connection Charge shall be adjusted each year by City Council ordinance in an amount to be determined by the City Council, but said annual adjustment shall not exceed an increase of 3.5% simple interest per annum multiplied by the 2003 In Lieu of Amount as noted on the table below, nor shall the cumulative percentage increase in the Connection Charge for any one property under Section 2 of this ordinance, as measured from the 2003 In Lieu of Amount as noted on the table below, exceed the cumulative percentage increase in the Assessor's Estimated Market Value assigned to such property by the City's property tax assessor as measured from the Assessor's Estimated Market Value of such property as of January 2, 2003:

Owner of Record	PID No.	2003 "In Lieu of Amount"
White Oak Farm Limited Ptshp	81.43151.0605	\$ 235,340.00
Leo & Jeanette Krippner	81.43151.0620	\$ 109,620.00
Moran Family Trust	81.43151.0630	\$ 47,460.00
Robert A. & S. Laudенbach	81.43152.0245	\$ 86,660.00
Ernest & Doreen Klaverkamp	81.43152.0320	\$ 222,508.00
Myron A. Schill Trust	81.43152.0515	\$ 45,920.00.

C. **Construction of Single Structure.** One structure that is consistent with, and conforms to, use and development standards of the A-1 General Agricultural District

may be constructed on the properties shown on Exhibit A. Said structure may connect to City Utilities without causing the Connection Charges established in this ordinance to become due.

Section 3. Existing lots of record which are further subdivided in the future.

A Connection Charge in the initial amount of \$16,940.00 shall become due prior to the connection to City Utilities upon the further subdivision of any lot of record shown on the attached Exhibit B. Said \$16,940.00 Connection Charge shall apply to each new lot created upon which a principal use is established. The City Council may by resolution from time to time increase or decrease said \$16,940.00 Connection Charge as the City deems appropriate.

Section 4. Severability If the provisions of any section, paragraph, or sentence of this ordinance shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Section 5. Repealer. All ordinances, or portions of ordinances, in conflict herewith are hereby repealed to the extent of such conflict.

Section 6 Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Adopted by the St. Augusta City Council this 2nd day of March 2010.



B.J. Kroll, Mayor

ATTEST:



William R. McCabe, City Clerk