

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

ORDINANCE #2010-03

**AN ORDINANCE RELATING TO CITY SEWER AND WATER CONNECTION
CHARGES IN LIEU OF ASSESSMENT FOR PROPERTIES ABUTTING CSAH 7**

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

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

The City of St. Augusta has installed sanitary sewer and municipal water trunk lines in Stearns County State Aid Highway No. 7 to the Annis Acres subdivision in the City of St. Augusta (“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.

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 subdivision of said properties described below or upon their connection to said sanitary sewer or municipal water lines, 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”).

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>“In Lieu of Amount”</u>
Water - Myron Schill Trust	81.43152.0525	\$29,394
Water - Kiffmeyer Family Rev Trust	81.43152.0535	\$50,389
Water – Rene M Albers Rev Trust	81.43152.0715	\$58,787
Water - Clara Benoit	81.43152.0543	\$32,301
Sanitary Sewer - Clara Benoit	81.43152.0543	\$32,301

Sanitary Sewer – Kiffmeyer Family Rev Trust	81.43152.0535	\$6,056
Roger A Jr & Mary Jo Annis	81.43162.0400	\$19,554
Fred Deffinbaugh	81.43162.0404	\$58,661

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 connects to either municipal sanitary sewer service or municipal water service. Connection charges shall be due and payable at the earlier of the time of Final Plat of any subdivision or at the time the property connects to the municipal water system or the municipal sanitary sewer system. 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.

B. **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.

C. **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 3.84% simple interest per annum multiplied by the 2006 In Lieu of Amount as noted on the table below.

Owner of Record	PID No.	2006 “In Lieu of Amount”
Water - Myron Schill Trust	81.43152.0525	\$25,480
Water – Kiffmeyer Fmy Rev. Tst.	81.43152.0535	\$43,680
Sewer – Kiffmeyer Fmy Rev. Tst.	81.43152.0535	\$5,250
Water – Rene M. Albers Rev. Tst.	81.43152.0715	\$50,960
Water - Clara Benoit	81.43152.0543	\$28,000
Sanitary Sewer - Clara Benoit	81.43152.0543	\$28,000
Mary Jo Annis	81.43152.0400	\$16,950

Fred Deffinbaugh

81.43152.0404

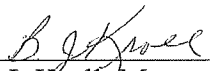
\$50,850

Section 3. 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 4. Repealer. All ordinances, or portions of ordinances, in conflict herewith are hereby repealed to the extent of such conflict.

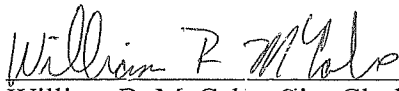
Section 5 Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Adopted by the St. Augusta City Council this ____ day of March, 2010.



B.J. Kroll, Mayor

ATTEST:



William R. McCabe, City Clerk