

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2024-16

**A RESOLUTION OF THE CITY OF GRANT, WASHINGTON COUNTY,
MINNESOTA, ABATING 9250 DELLWOOD RD N IN THE AMOUNT OF
\$22,447.44 REFUNDING PAST PAYMENTS IN THE AMOUNT OF \$9,622.44 OR
THE ACTUAL AMOUNT PAID TOWARD THE ASSESSMENT**

WHEREAS, between July 7, 2018 and April 23, 2019 the City of Grant received a Minn. Stat. 429.031 petition from 71% of affected property owners including Dellwood Farms, LLC, the property owners of 9250 Dellwood Rd N, seeking initiation of the public improvement of Justen Trail and cost sharing via special assessment to affected property owners; and

WHEREAS, on November 4, 2019 following a public hearing, the City Council ordered the petitioned-for public improvements; and

WHEREAS, on April 7, 2020, following a public hearing, the City Council adopted Resolution No. 2020-16 as presented certifying special assessment for the 2020 Street Improvement project, including 9250 Dellwood Rd N; and

WHEREAS, on April 20, 2020, the property owners of 9250 Dellwood Rd N appealed the special assessment pursuant to Minn. Stat. 429.081.

WHEREAS, on August 31, 2024, after appellate proceedings remanding the case, a District Court judge granted the Dellwood Farms, LLC appeal vacating the City's assessment and ordering the City to refund to Dellwood Farms, LLC all payments that have actually been made on to the appealed assessment; and

WHEREAS, to remove the special assessment from the 9250 Dellwood Rd N real property tax roll, the City must follow the abatement process pursuant to Minn. Stat. 469.1813; and

WHEREAS, notice for a public hearing was published in accordance with Minnesota law; and

WHEREAS, a public hearing was held on September 3, 2024.

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Grant hereby:

1. Finds the one-time abatement of 9250 Dellwood Road N Grant, MN 55110 in the amount of \$22,447.44 is required in order to comply with Court File

No. 82-CV-20-1775 and the District Court's Order Granting Plaintiff's Motion for Summary Judgment dated August 31, 2024.

2. Directs the one-time abatement of \$22,447.44 for 9250 Dellwood Road N Grant, MN 55110 for compliance with the Court's Order.
3. Directs the City Clerk to provide a certified copy of this Resolution to Washington County.
4. Directs the City to issue a check to Dellwood Farms, LLC, the property owners of 9250 Dellwood Road N Grant, MN 55110, in the amount of \$9,622.44 or the actual amount paid toward the assessment representing the payments made by Dellwood Farms, LLC pursuant to the disputed assessment.

Dated this 3rd day of September, 2024.

Jeff Huber, Mayor

ATTEST:

Kim Points, City Clerk