

Brandon Township

Douglas County, Minnesota

Road Paving Policy

A. Paving Township Roads – Procedures and Cost Share

Step 1: Property owners on any given township road may petition for its improvement with pavement. At least 50% of the parcels abutting the road need land owner signatures on a petition before the board will consider the petition. If the petition is accepted by the Brandon Township Board ("Board"), a feasibility report will be prepared on the necessity, cost effectiveness and the feasibility of the proposed improvement based on a cost share of 20% township payment and 80% land owners payment. (Note A)

Step 2: Next, an Improvement Public Hearing will be held at which a reasonable estimate of the total amount to be assessed and a description of the methodology used to calculate individual assessments for affected parcels will be available. (Note B) All interested persons will be allowed to comment and the Board will consider ordering the improvement and the preparation of plans and specifications for the improvement and bids for the project.

Step 3: If the improvement is approved, the town clerk and the engineer will calculate the proper amount to be assessed against each property that will benefit from the improvement and make the proposed assessment roll available for public inspection. (Note C). A notice of a public hearing will be sent to each property owner to include the amount of their assessment, prepayment information, interest rate if not prepaid and that the Board may adopt the assessment at the hearing. At the hearing the Board will take all the comments of interested persons and consider all relevant evidence presented. If the assessment is approved, the clerk will be directed to certify the final assessment roll to the county auditor. Assessments are encouraged to be prepaid, however, at the discretion of the Board, assessments may be financed with interest for a period of not more than 5 years if financed from existing Township funds. A longer period may be adopted if bonds are used to finance the improvements.

At the end of the useful life of the pavement of any road, it is anticipated that this same procedure will be used to replace the pavement. The cost of normal on-going repairs and maintenance will not be assessed. However, the costs to upgrade and improve a road for paving beyond that needed to maintain the road as a gravel road, will be included in the assessment.

B. Standards for proper assessment:

1. The property benefits from the improvement.
2. The assessment does not exceed the increase in value of the property due to the improvement.
3. The assessment is uniform. Benefits from an improvement are calculated based on the highest and best use of the land. Present use of the land is not the controlling factor in determining whether the land has received benefit from the improvement. Rather, the test is whether the land presently could be used for purposes which would benefit from the improvement.

C. Allocation of assessments between landowners:

1. One full assessment

- a. Each buildable lot or parcel serviced by one road being paved, which does not already have abutting pavement at a point of access.
- b. Preliminary plats and platted lots which are vacated prior to the assessment proceedings in anticipation of the improvement project are included.
- c. Each buildable non-abutting parcel receiving significant benefit from paving project accessing their property.
- d. Adjoining buildable lots or parcels with a significant building structure over the boundary line making the remaining property inseparable for marketability purposes.

2. One-half assessment

- a. Each buildable platted lot or parcel which already has paved access, but is receiving paving along some other side or sides of the property.
- b. Each buildable non-conforming lot adjacent to a lot or parcel already receiving a full assessment.

3. Special Considerations

Assessments will be determined on a case by case analysis for special buildable lots, resorts, business properties or agriculture land on large parcels receiving proportionately more or less benefit from the paving project than individual residential lots

A special buildable lot is one which has been or can be developed with variance(s) granted.

The Board may make exceptions to these assessment guidelines on a case-by-case basis upon making specific findings in the Board minutes that such exception is necessary, is equitable, and within the requirements for assessments outlined in Section B.

Note A -The cost share for other roads based on use, no outlet, or other road accesses may be different at the discretion of the Board.

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Note B- Assessments could be based on per parcel, market value of parcel, appraisal of increased market value due to paving, etc.

Note C –Information on parcel assessment basis and percentages, interest to be added, term of assessment, etc. will be provided.

Adopted on March 16, 2015
Revised May 15, 2017
Revised September 17, 2018
Revised November 18, 2019