



City of Fairmont Notice of Hearing of Proposed Assessment

Notice is hereby given that the City Council will meet at 5:30 p.m. on the 13th day of January, 2025, at City Hall, 100 Downtown Plaza, Fairmont, MN to pass upon the proposed assessment against benefiting property for the improvement of:

<u>Project No.</u>	<u>Description</u>
6725001	RESURFACE (assessed at \$43.13/front footage) Woodland Avenue: CSAH 39 to Fairlakes Avenue

Benefiting property includes property abutting or property near to said improvements which utilize the improvements for access or for utility service. The proposed assessment is on file for public inspection at the City Clerk's office. The total amount of the proposed improvements for all projects is \$658,131.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the Clerk prior to the hearing or presented to the presiding officer at the hearing. The Council may, upon such notice, consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its' evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning the City's witnesses will be followed with the objection's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the Council as to the weight of items, evidence or testimony presented to the Council.
5. The entire proceedings will be tape recorded.
6. At the close of the presentation of evidence, the objector may make a final presentation to the Council based on the evidence and the law. No new evidence may be presented at this point.

An owner may appeal an assessment to district court pursuant to Minnesota Statute Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or



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City Clerk; however, no appeal may be taken as to the amount of any individual assessment unless a written objection signed by the affected property owner is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing.

Under Minnesota Statutes, Sections 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment based on one of the following:

- 1) any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make payments.
- 2) a member of the Minnesota National Guard or other military reserves who is ordered into active service
- 3) persons retired as a result of a permanent and total disability.
- 4) undeveloped or unimproved property.

When deferment of the special assessment has been granted and is terminated for any reason provided in the law, all amounts accumulated plus applicable interest becomes due. Any assessed property owner meeting the requirements of this law and the resolution adopted under it may, within thirty days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for such deferral of payment of this special assessment on his/her property.

BY ORDER OF THE FAIRMONT CITY COUNCIL

Betsy Steuber

City Clerk

Published in the Fairmont Sentinel on December 18, 2024