

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION NO. 20-**

**RESOLUTION ADOPTING REASSESSMENT  
OF 110 WENTWORTH AVENUE WEST FOR  
WENTWORTH AVENUE RECONSTRUCTION PROJECT 17-7**

**WHEREAS**, the City of West St. Paul (the “City”) performed street reconstruction and utility improvements as part of the City’s Wentworth Avenue Reconstruction Project 17-7 (the “Project”); and

**WHEREAS**, Daniel Witucki (the “Owner”) owns real property in the City of West St. Paul identified as Dakota County PID Number 42-01900-80-010, with a street address of 110 Wentworth Avenue West, West St. Paul, Minnesota 55118 (the “Property”); and

**WHEREAS**, on October 28, 2019, by Resolution No. 19-112, the City levied a special assessment against the Property in the amount of \$8,500.00, for Project improvements; and

**WHEREAS**, the Owner paid \$1,178.96 toward the special assessment on or about April 20, 2020 (“Installment Payment”); and

**WHEREAS**, the Owner objected to the special assessment and commenced an assessment appeal in Dakota County District Court, Court File No. 19HA-CV-19-5724 (“Appeal”); and

**WHEREAS**, the City denies the claims made in the Appeal; and

**WHEREAS**, the City and the Owner have entered into an agreement to compromise and settle the Appeal (“Settlement Agreement”);

**WHEREAS**, under Minn. Stat. § 429.071, Subd. 2, the City Council may reassess the Property upon the advice of the City Attorney in settlement of a special assessment appeal; and,

**WHEREAS**, in the Settlement Agreement the City and the Owner agree that the Property shall be reassessed in the amount of \$4,750.00 (“Reassessment”); and

**WHEREAS**, the Owner has waived all rights to notices, hearings, and appeals with respect to the Reassessment.

**NOW, THEREFORE, BE IT RESOLVED** by the West St. Paul City Council that:

1. Pursuant to Minn. Stat. § 429.071, Subd. 2, and the Settlement Agreement, the City Council hereby reassesses the Property in the amount of \$4,750.00.

2. The Installment Payment of \$1,178.96 shall be credited against the reassessment amount.
3. The Owner may pay the balance of the reassessment, \$3,571.04, in full before August 1, 2020.
4. The balance of the reassessment that is not paid by August 1, 2020, shall be payable in equal annual installments extending over a period of 10 years with the first installment to be payable on or before the first Monday in January, 2021, and will bear interest at the rate of 3.87 percent per annum from August 1, 2020. To each installment when due shall be added interest for one year on all unpaid installments.
5. The Owner may, at any time after August 1, 2020, pay to the City Treasurer the entire amount of the reassessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made.
6. The City Clerk shall forthwith transmit a certified duplicate of this reassessment to the County Auditor to be extended on the property tax lists of the County. Such reassessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 13<sup>th</sup> day of July 2020.

Attest:

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David J. Napier, Mayor

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Shirley R Buecksler, City Clerk