

1. Petition For Local Improvement (100 percent of property owners)¹

_____ Minnesota (month) (date), (year)

To the City Council of Blue Earth, Minnesota:

We, all owners of real property abutting on _____ Street, between _____ line of _____ Street and the _____ line of _____ Street hereby petition that such street be improved by _____² pursuant to Minnesota Statutes, Chapter 429, and that the city assess the entire cost of the improvement against our property described below and hereby agreed to pay the entire cost as apportioned by the city. Signature of owner Description of Property

- 1.
- 2.
- 3.
- 4.

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

City Clerk

Footnotes

- 1. When the petition is by the "owners of all" real property, no hearing or notice as mentioned at Form 5 below is required by the statute. However, the council should pass a resolution similar to form 4 below, but in the first paragraph "all owners" should be substituted for the words "required percentage of owners." The validity of this resolution is made incontestable by any taxpayer, property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution. Minn. Stat. § 429.031, subd. 3. Unlike the situation where the petition is by less than all the property owners, no publication of this resolution seems to be required by the statute. However, to avoid misunderstanding by some property owners and possible objections to assessments at later stages of the proceedings, the city may prefer to mail a copy of this resolution to each owner. In fact, the city in such cases may want to secure waivers of objections and rights to appeal from each owner on condition that the actual assessment amounts to no more than the figure agreed to in the waiver. The council is then in a good position to make expenditures for plan and specification preparation and solicitation of bids, without risk to the general treasury. A model waiver form is set out at Form 2 below.
- 2. Fill in with appropriate phrase, such as "tarvia surfacing," "installation of curbs and gutters," "the construction of water mains therein," etc. See Part I for the list of projects under which special assessments may be levied pursuant to the improvement code.
- 3. Property owned in joint tenancy should be signed by each owner.