

SARPA

SUMMIT AVENUE RESIDENTIAL PRESERVATION ASSOCIATION

The Summit Avenue Residential Preservation Association (“SARPA”) board of directors approved the following statement at its March 2, 2020 meeting:

The Summit Avenue Residential Preservation Association (SARPA) is dedicated to the preservation of the historic, residential, and urban park character of Saint Paul’s historic Summit Avenue. Nathan Hale Park has been a public park facing Summit Avenue for over one hundred years. It is a vital part of the fabric of Summit Avenue. Thus, actions which affect it are of particular concern to SARPA. Recently SARPA has become aware that the City of Saint Paul intends to transfer part of Nathan Hale Park to a private citizen. SARPA opposes this transfer.

The landowner to whom the park land is to be transferred owns property on the northerly portion of the West side of the park. His attempt to acquire the park land began after he built a fence not on his own property but rather on park property.

Based on information contained in City files and upon an article in MinnPost SARPA understands the following:

- The landowner did not get a land survey before he purchased his house. A land survey would have eliminated any confusion the landowner had regarding the actual size and the proper boundary of his lot.
- The landowner did not get a land survey before he erected the fence. A land survey would have shown the landowner that the fence he wished to erect was on park land not on his land.
- The landowner did not follow the requirements of the zoning code before he erected the fence. No building permit was issued, which is required in order to build a fence, nor was approval granted by the Historic Preservation Commission (HPC). If the landowner had followed the zoning code process it

would have shown the landowner that the fence he wished to erect was on park land not on his land.

- However, the landowner did not obey the zoning code and eventually was cited for not doing so.
- The landowner could move his fence off of park land and onto his own property.

As the facts demonstrate the landowner here had multiple opportunities to avoid encroaching on Nathan Hale park. If he had availed himself of any one of these opportunities the people of St Paul would not be facing the loss of irreplaceable park land. Also, although it would undoubtedly entail expense, he could move the fence now and eliminate the encroachment on park land.

SARPA's opposition to this sale of park land to a private person is based on a number of factors. Among them is its longstanding concern that the City of Saint Paul does not sufficiently honor the language and the spirit of its zoning code and far too often grants variances and conditional use permits and other exceptions to it that are unwarranted. Strictly speaking this sale may not involve an exception to the zoning code. However, the reality is that the landowner here is in effect being rewarded for ignoring the zoning code when he erected the fence. If he had followed the code procedures, he would have learned that he could not build the fence where he wanted to and, one must presume, he would not have built the fence and there would be no basis for selling park land to him. If this sale is allowed to go through in these circumstances the obvious lesson to others who do not want to obey the law will be that when it comes to the zoning code it is better to ask for forgiveness rather than for permission. That is a very dangerous precedent to set.

Another reason why SARPA opposes this sale is that the process has largely been without notice to, and an opportunity to comment by, the public. The landowner states that, after he was told that his fence was on park land, he notified neighbors and the Summit-University Planning Council (SUPC) about his wish to buy park land. SARPA could not find a record of any review SUPC may have done before it refrained from objecting so we do not know why it did so and we do not know which neighbors may have been contacted. We do know that if SARPA had been notified it would have objected. And, we believe that if others concerned with Summit Avenue such as members of the Ramsey Hill Association had been contacted they also would have objected. Indeed, the city staff assigned to review

the requested sale recommended against approving the sale. There may not be any specific requirement that notice to the public must be given before a sale of public park land is considered but the very form that the Parks and Recreation Commission uses in evaluating requests such as this contains a section asking about public input. This is as it should be. The public deserves meaningful notice and an opportunity to be heard before part of a public park is offered up for sale to a private citizen.

In summary, SARPA objects to the consummation of this sale of a portion of Nathan Hale Park, a public park on Summit Avenue, and requests that the request be returned to the Parks and Recreation Commission for further evaluation following notice and an opportunity for the public input.