



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution-Public Hearing: RES PH 18-32

File Number: RES PH 18-32

Authorizing the vacation and disposal of city land within the Saint Anthony Park Library property to the adjacent residential property owners.

WHEREAS, the City of Saint Paul ("City") owns the property located at 2245 Como Avenue, which is the site of the Saint Anthony Park Library, as described and depicted in **Exhibit A** attached hereto (the "Library Property"); and

WHEREAS, Richard and Nancy Foss ("Homeowners") own the residential property at 2239 Como Avenue, which lies adjacent to and south of the Library Property, also as described and depicted in **Exhibit A**; and

WHEREAS, in 2015 the Homeowners approached the City to request permission to construct a permanent fence between the Library Property and their residential property, and the City contracted with a private land survey company to clarify the location of the line between the two properties; and

WHEREAS, based on the survey, which included a review of historic survey records, the City determined that the property line was further to the south, and the Homeowners were occupying approximately 3,000 square feet of city property (Lot 21) that included both sloping and flat land, landscaped areas, a yard area, and part of a concrete retaining wall (the "Border Land Area"); and

WHEREAS, the Homeowners have been using, maintaining and improving the Border Land Area since 2011 when they purchased the property, as they believe they own said area; and

WHEREAS, city library staff evaluated the City's need for the Border Land Area for library use, and following neighborhood meetings and communications with members of the Saint Anthony Park community, and with the support of the Ward 4 City Councilmember, concluded that the Border Land Area would not be needed for library expansion; and

WHEREAS, the City and the Homeowners entered into discussions about a potential sale by the City of the Border Land Area and establishment of a mutually-acceptable property line bordering the two properties; and

WHEREAS, while the Homeowners did not consider the Border Land Area to belong to the City, they were agreeable to establishing the property line and obtaining a valuation of the Border Land Area in order to determine a fee to be paid by the Homeowners to resolve the matter; and

WHEREAS, the City and Homeowners reached agreement on a line between the two properties, as depicted in **Exhibit B** attached hereto; and

WHEREAS, the City and Homeowners obtained separate real estate appraisals of the Border Land Area, and the parties negotiated a mutually-acceptable sale/purchase price of \$28,900; and

WHEREAS, as stated in the Library Director's Report to the City Council, attached hereto as Exhibit C, Saint Paul Public Libraries recommends the sale and disposal to the Homeowners of the agreed-upon Border Land Area, with the sale proceeds to be used for improvements to the Library Property; and

WHEREAS, the disposal of the Border Land Area would occur through a conveyance to the Housing and Redevelopment Authority of the City of Saint Paul ("HRA"), in accordance with Sec. 51.01(11) of the Administrative Code, with subsequent conveyance to the Homeowners, as documented in the Real Property Sale and Purchase Agreement (the "Agreement"), attached hereto as Exhibit D; now, therefore, be it

RESOLVED, that upon the petition of the City, as documented in Office of Financial Services File Number 04-2016, the Border Land Area, as depicted in Exhibit B is hereby vacated and discontinued as public property, subject to the terms and conditions of Chapter 130, codified March 1, 1981, of the Saint Paul Legislative Code, as amended; and be it

FURTHER RESOLVED, that the City Council does hereby authorize and direct the proper city officials to:


1. Dispose of the Border Land Area in accordance with Chapter 51 of the Administrative Code
2. Execute said Agreement in a form and content substantially as set forth in Exhibit D;
3. Convey the Border Land Area by quitclaim deed to the HRA for subsequent sale by the HRA to the Homeowners;
4. Deposit the sale proceeds into the proper city account as determined by the Office of Financial Services;
5. Reimburse the City's administrative costs to dispose of the Border Land area from the sale proceeds; and
6. Pursue any additional administrative or City Council approvals as may be required in connection with or to complete the real estate transaction.

At a meeting of the City Council on 3/7/2018, this Resolution-Public Hearing was Passed.

Yea: 5 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, and Councilmember Henningson

Nay: 1 Councilmember Prince

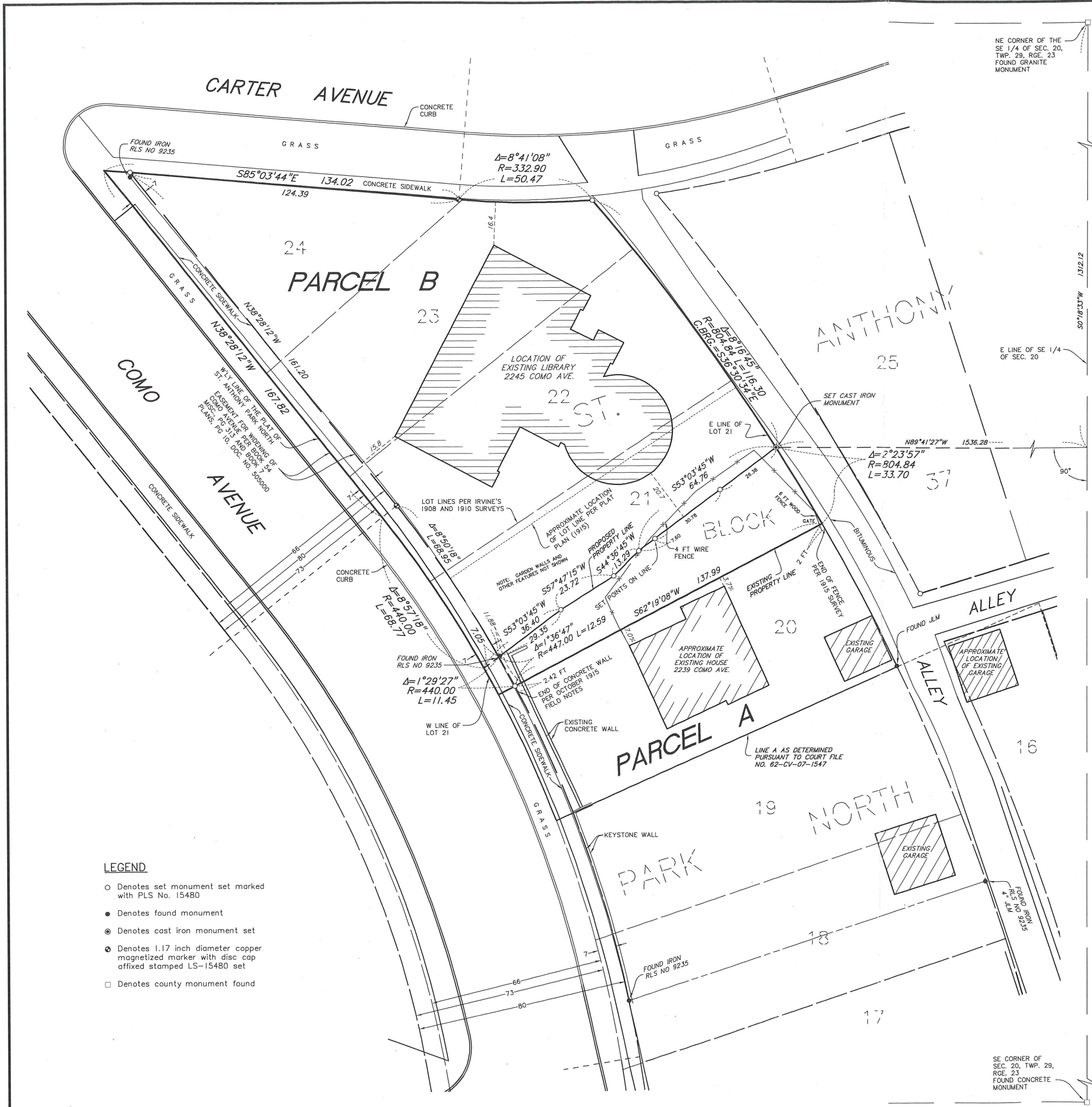
Absent: 1 Councilmember Bostrom

Vote Attested by 
Council Secretary Trudy Moloney

Date 3/7/2018

Approved by the Mayor 
Melvin Carter III

Date 3/13/2018



- LEGEND**
- Denotes set monument set marked with PLS No. 15480
 - Denotes found monument
 - ⊙ Denotes cast iron monument set
 - ⊙ Denotes 1.17 inch diameter copper magnetized marker with disc cap affixed stamped LS-15480 set
 - Denotes county monument found

EXISTING PROPERTY DESCRIPTIONS

PARCEL A:
PID: 202923430127

Lot 20, Block 37, St. Anthony Park North.
(Certificate of Title No. 585809)

PARCEL B:
PID: 202923420088

Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota.
(Abstract)

AND

Lot 22, Block 37, St. Anthony Park North
(Certificate of Title No. 26126)

AND

Lots 23 and 24, Block 37, St. Anthony Park North
(Certificate of Title No. 19869)

PROPOSED DESCRIPTION OF LOT SPLIT

That part of Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line described as commencing at the northeast corner of the Southeast Quarter of Section 20, Township 29, Range 23; thence on an assumed bearing of South 0 degrees 18 minutes 33 seconds West, along the east line of said Southeast Quarter of Section 20, a distance of 1312.12 feet; thence North 89 degrees 41 minutes 27 seconds West 1536.28 feet to a cast iron monument on the east line of said Lot 21 and the point of beginning of the line to be described; thence South 53 degrees 03 minutes 45 seconds West 64.76 feet; thence South 44 degrees 36 minutes 45 seconds West 13.29 feet; thence South 57 degrees 47 minutes 15 seconds West 23.72 feet; thence South 53 degrees 03 minutes 45 seconds West 36.40 feet to the west line of said Lot 21 and said line there terminating.

Subject to the widening of Como Avenue.

AND

That part of Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota, lying northwesterly of a line described as commencing at the northeast corner of the Southeast Quarter of Section 20, Township 29, Range 23; thence on an assumed bearing of South 0 degrees 18 minutes 33 seconds West, along the east line of said Southeast Quarter of Section 20, a distance of 1312.12 feet; thence North 89 degrees 41 minutes 27 seconds West 1536.28 feet to a cast iron monument on the east line of said Lot 21 and the point of beginning of the line to be described; thence South 53 degrees 03 minutes 45 seconds West 64.76 feet; thence South 44 degrees 36 minutes 45 seconds West 13.29 feet; thence South 57 degrees 47 minutes 15 seconds West 23.72 feet; thence South 53 degrees 03 minutes 45 seconds West 36.40 feet to the west line of said Lot 21 and said line there terminating.

Subject to the widening of Como Avenue.

GENERAL NOTE

- 1.) Survey coordinate and bearing basis: Ramsey County System (North American Datum of 1983 Coordinates, final adjustment December 17, 1991)

ZONING NOTES

- 1.) Zoning information obtained from the City of St. Paul web site on December 8, 2017.

Parcel A:
PID: 202923430127 (2239 Como Avenue) is zoned RT2 (Townhouse)

Parcel B:
PID: 202923420088 (2245 Como Avenue) is zoned T2 (Traditional Neighborhood)

AREAS

Areas being added to Parcel A:
Gross = 3,070 square feet or 0.070 acres
Net (excludes easement for widening Como Avenue) = 2,986 square feet or 0.069 acres

Parcel B:
Gross = 23,875 square feet or 0.548 acres
Net (excludes easement for widening Como Avenue) = 22,242 square feet or 0.511 acres

PROPOSED DESCRIPTION OF AREA BEING ADDED TO PARCEL A

That part of Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line described as commencing at the northeast corner of the Southeast Quarter of Section 20, Township 29, Range 23; thence on an assumed bearing of South 0 degrees 18 minutes 33 seconds West, along the east line of said Southeast Quarter of Section 20, a distance of 1312.12 feet; thence North 89 degrees 41 minutes 27 seconds West 1536.28 feet to a cast iron monument on the east line of said Lot 21 and the point of beginning of the line to be described; thence South 53 degrees 03 minutes 45 seconds West 64.76 feet; thence South 44 degrees 36 minutes 45 seconds West 13.29 feet; thence South 57 degrees 47 minutes 15 seconds West 23.72 feet; thence South 53 degrees 03 minutes 45 seconds West 36.40 feet to the west line of said Lot 21 and said line there terminating.

Subject to the widening of Como Avenue.

(Abstract)

ADJUSTMENT OF COMMON BOUNDARY DESCRIPTION

PARCEL B:

Lot 22, Block 37, St. Anthony Park North
(Certificate of Title No. 26126)

AND

Lots 23 and 24, Block 37, St. Anthony Park North
(Certificate of Title No. 19869)

AND

That part of Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota, lying northwesterly of a line described as commencing at the northeast corner of the Southeast Quarter of Section 20, Township 29, Range 23; thence on an assumed bearing of South 0 degrees 18 minutes 33 seconds West, along the east line of said Southeast Quarter of Section 20, a distance of 1312.12 feet; thence North 89 degrees 41 minutes 27 seconds West 1536.28 feet to a cast iron monument on the east line of said Lot 21 and the point of beginning of the line to be described; thence South 53 degrees 03 minutes 45 seconds West 64.76 feet; thence South 44 degrees 36 minutes 45 seconds West 13.29 feet; thence South 57 degrees 47 minutes 15 seconds West 23.72 feet; thence South 53 degrees 03 minutes 45 seconds West 36.40 feet to the west line of said Lot 21 and said line there terminating.

(Abstract)

PLAT RECORDING INFORMATION

The plat of St. Anthony Park North was filed of record on December 11, 1885, in Book Z of Plats, page 27.

TITLE COMMITMENT

This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

THE PURPOSE OF THIS SURVEY IS AN ADJUSTMENT OF COMMON BOUNDARY

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 11th day of December, 2017

SUNDE LAND SURVEYING, LLC.

By: *Mark S. Hanson*
Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

Revision	By	Date
	SMJ	

Drawing Title:
**CERTIFICATE OF SURVEY FOR:
SAINT PAUL PUBLIC LIBRARIES
Saint Anthony Park Library
2245 Como Avenue**

SUNDE LAND SURVEYING 9001 East Bloomington Freeway (35W) • Suite 118
Bloomington, Minnesota 55420-3435
952-881-2455 (Fax: 952-888-9526)
www.sunde.com

Project: 2015-153-A	Blk/Pg: 84/21	Date: 12/11/2017
Township: 29 Range: 23 Section: 20		Sheet: 1 of 1
File: 2015153A001.dwg		

