

February 1, 2018

Dear Friends and Neighbors of Saint Anthony Park Library:

With the change in mayoral administration, the Saint Paul Public Library and Mayor's Office were asked by some interested parties in the Saint Anthony Park neighborhood to revisit Jane Eastwood's recommendation to sell a parcel of land to Richard and Nancy Foss, who live at 2239 Como Ave.

Based on our meeting with neighbors and review of past documentation, **we are not proposing any changes to the previous administration's recommendation.** We support the proposal to sell most of the land in question to Richard and Nancy Foss, pending approval by the City Council. The Mayor's Office has reviewed and supports this recommendation as well.

#### **Next Steps and Time Line**

- A public hearing notice will be mailed to interested parties no later than February 9, 2018.
- City Council will hold a public hearing on the proposed sale on March 7, 2018.
- Interested parties who wish to register their opinion on the issue will have the opportunity to testify at that public hearing or submit written testimony in advance of the hearing to [ward4@ci.stpaul.mn.us](mailto:ward4@ci.stpaul.mn.us).
- The City Council will vote on the matter on March 7, after hearing the public comments.
- If the City Council votes to approve the sale, the rezoning of the parcel will be taken up at the Zoning Committee of the Planning Commission.

We have attached a letter that was sent by Jane Eastwood to key stakeholders on October 18, 2017. This letter details the recommendation and community engagement process that led to the parcel proposed for sale, which is smaller than what the Foss's initially wanted in order for the City to retain some of the landscaping and existing pathway used by the gardeners.

Sincerely,

Catherine Penkert  
Library Director

Russ Stark  
Councilmember, Ward 4

Dear Friends and Neighbors of St. Anthony Park:

For more than a year, residents of this neighborhood have been engaged in a discussion about a possible sale of a portion of unused public property, belonging to the St. Anthony Park Library, to the adjacent neighbors, Nancy and Richard Foss.

The sale of any public property requires a thorough and open analysis and conversation by the community, the City and other stakeholders. That process has happened, and the Library is proposing that most of the land in question be sold to Richard and Nancy Foss, pending approval by the City Council. I'd like to outline the process, rationale and timeline for this proposed sale, including the opportunity that will be provided for members of the public to give testimony to the City Council at a public hearing.

### Background

In September, 2015, Richard and Nancy Foss submitted a letter to the Saint Paul Public Library (SPPL) administration asking for a letter to verify the boundary between the St. Anthony Park Library and the Foss's property at 2239 Como Ave.

In October, the Library contracted with Sunde Land Surveying to conduct a survey to determine the boundary between St. Anthony Park Library and 2239 Como Avenue. The results of Sunde's thorough research into historical documents provided evidence that the boundary between the two properties was different from what the Fosses believed.

The sliver of land in question has generally been overgrown with brush for as long as anyone can remember, and the Saint Paul Public Library does not foresee any future need for this land. The Administration began to take steps to explore a possible sale of the sliver parcel to the Foss's. Subsequently, the City Attorney began conversations with the Foss's attorney about disposition of the property.

In spring 2016, St. Anthony Park residents who are members of the Weekly Weeders garden club began to make inquiries about the possible sale of the Library property, requesting information about the Sunde survey. This group of interested residents expressed their opposition to conveying the property to the Foss's and their belief that it should be preserved as public Library property.

We are also aware that the St. Anthony Park Library is listed both locally and nationally as a historic structure, and that status also has some application to the surrounding site. As such, the Foss's have been informed that they would need to work with the City's Heritage Preservation Commission on the design of any fencing along the new proposed property line.

On May 19, 2016, my office held a meeting with members of the St. Anthony Park Community Council land use committee and staff of the Library administration, City Attorney's Office and City real estate office. The purpose of this meeting was to discuss the proceedings thus far around the disputed property line and to hear the participants' concerns.

A community meeting was then held on June 6th, hosted by the Friends of the St. Anthony Park Library, to provide further opportunity for the Library administration, Council President Russ Stark, and other city staff to discuss the possible disposition of the property, answer questions and hear the views of interested neighborhood residents. Mr. Foss and his attorney were also present at the meeting and Mr. Foss provided his perspective on the events. The Foss's have argued that the actual property line is closer to the Library than the City believes and presented some evidence in support of the assertion.

While some community members feel strongly that no public land should ever be sold, one of the things that we heard at that meeting was that some had a desire to create a walking path on the top of the slope as part of the gardens on the library property.

Following further conversations by legal representatives of the City and the Foss's, the Library administration has decided to move forward with a process to sell a portion of Lot 21 (one of four lots on which St. Anthony Park Library is located) to the Foss's, if approval is given by the City Council. The portion that we propose selling is a little smaller than what the Foss's initially wanted, allowing enough space on the top of the slope for a possible walking path on the Library property.

The Library administration offers these reasons for pursuing a possible sale of the property in question:

- This portion of Lot 21 is not considered to be necessary for Library expansion. Further, there is a significant gradient change between the library structure and the Foss's yard. The property would be very difficult to use for further expansion.
- The Library is unaware of any active use of the property by the City historically or in the current era. A garden is now located on the slope leading up to the property that is proposed to be sold to the Foss's.

Based on where the County has drawn the property line between Lot 20 and Lot 21, the County taxation office considers a portion of the property in dispute to belong to the owners of 2239 Como; therefore, the owners have been paying taxes on the land under consideration for sale.

To conduct a sale of public library land, the City undertakes the following process outlined below. The City staff:

- Prepare a legal description of the land to be sold.
- Prepare a City Council resolution that:
  - Identify the land to be sold and reasons why the sale is recommended.
  - Direct disposal of the property to the 2239 Como owners via the City's Housing and Redevelopment Authority (HRA).
- Set a date for the City Council public hearing to consider the resolution.
- Mail required notices to all interested parties in advance of the City Council public hearing (20 days in advance).

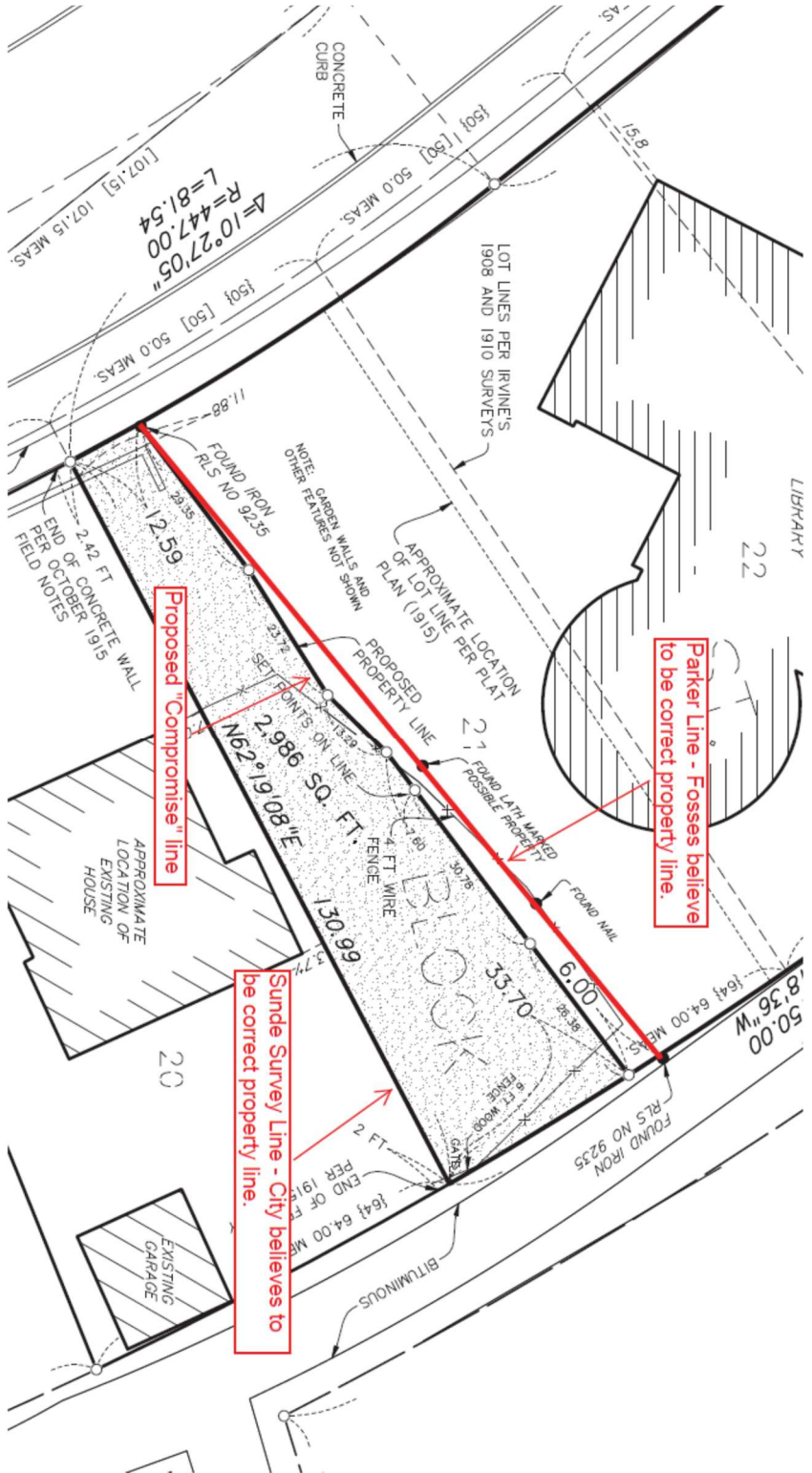
If the Council approves the resolution, then staff would:

- Prepare a sale/purchase agreement.
- Apply for and receive approval of an "adjustment of common boundary" through the PED Zoning Section.
- Prepare, execute and deliver sale/purchase agreement and deed to HRA.
- Closes on sale of property to 2239 Como owners.
- Provides the sale proceeds (less city fees) to SPPL.

In all cases, the City Council has the final decision whether City property can be sold. If you have further questions about the process or rationale, you may contact the Ward 4 offices at [ward4@ci.stpaul.mn.us](mailto:ward4@ci.stpaul.mn.us) or 651-266-8640 or my office at [jane.eastwood@ci.stpaul.mn.us](mailto:jane.eastwood@ci.stpaul.mn.us) or 651-266-7070.

Sincerely,

Jane Eastwood  
Director



Proposed "Compromise" line

Sunde Survey Line - City believes to be correct property line.

Parker Line - Fosses believe to be correct property line.