



A NEW  
**CENTURY**  
OF SERVICE  
1912 | 2012



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August 30, 2012

Mr. Kenneth R. Talle  
Thies & Talle Enterprises, Inc.  
470 West 78th Street, Ste 260  
Chanhassen, MN 55317

Re: Shamrock Court Apartments, St. Paul, Minnesota

Dear Ken:

I have reviewed the Correction Notice – Complaint Inspection from the City of St. Paul dated August 14, 2012 and the Resolution (Council File No. 254526) regarding the requirement to maintain 8' high fence on the above-referenced property. I understand Shamrock Court Investors acquired this property in the 1980's, well after the date of the resolution (June 21, 1971). If this requirement is to run with title to the property, then it should embodied in a document which is recorded in the Ramsey County real estate records. I understand that you do not have knowledge of any such a document having been recorded against title to your property. Unless the City can provide evidence of such a recorded document, then I don't believe this requirement should run with title to your property as an obligation of the property owner.

Please let me know if you have any further questions.

Sincerely,

Michele J. Thurnblom  
Partner

MJT/ks

START

Council File No. 254526.—By Victor J. Tedesco—

Resolved, That Shamrock Court Apartments be and hereby is granted a permit to install a 225-car parking lot to be used in conjunction with a 147-unit apartment complex, on property located on the southwest corner of Lower Afton and McKnight Roads, as shown by attached Exhibit A and easements as shown by attached Exhibit B:

EXHIBIT A

All that part of the Northeast ¼ of the Northeast ¼ of Section 11, Township 28 North, Range 22 West, that is encompassed by the following described line; Commencing at the Southeast corner of the said Northeast ¼ of the Northeast ¼, thence North 0°01'09" West, along the East line of the Northeast ¼, for 330.0 feet, thence North 89°41'15" West, parallel to the South line of said Northeast ¼ of the Northeast ¼, for 40.0 feet to the point of beginning of the line to be described, thence continuing North 89°41'15" West for 207.52 feet; thence South 0°0'22" East for 155.00 feet, thence North 89°41'15" West for 80.00 feet, thence North 0°0'22" West for 73.41 feet, thence North 89°35'09" West, parallel to the North line of the Northeast ¼, for 327.52 feet to the West line of the East ½ of the Northeast ¼ of the Northeast ¼, thence North 0°0'25" East, along said West line, for 415.16 feet; thence North 89°58'51" East for 147.83 feet, thence South 0°01'09" East for 30.49 feet, thence North 89°58'51" East for 199.00 feet, thence North 0°01'09" West for 30.49 feet, thence North 89°58'51" East for 268.02 feet to a point that is 40.0 feet West of the East line of the Northeast ¼, thence South 0°01'09" East, parallel to the said East line, for 337.72 feet to the point of beginning.

EXHIBIT B

All that part of the Northeast ¼ of the Northeast ¼ of Section 11, Township 28 North, Range 22 West that is encompassed by the following described line: Commencing at the Southeast corner of the said Northeast ¼ of the Northeast ¼, thence North 0°01'09" West, along the East line of the Northeast ¼, for 330.0 feet, thence North 89°41'15" West, parallel to the South line of said Northeast ¼ of the Northeast ¼, for 40.0 feet, thence North 0°01'09" West, parallel to the said East line, for 337.72 feet to the point of beginning of the line to be described, thence South 89°58'51" West for 268.02 feet, thence South 0°01'09" East for 30.49 feet, thence South 89°58'51" West for 199.00 feet, thence North 0°01'09" West for 30.49 feet, thence South 89°58'51" West for 147.83 feet to the West line of the East ½ of the said Northeast ¼ of the Northeast ¼, thence North 0°00'25" East, along said West line, for 287.12 feet to the South right of way line of the Lower Afton Road, thence South 89°36'09" East, along said

South right of way line, for 614.73 feet to a point that is 40.00 feet West of the East line of the Northeast ¼, thence South 0°01'09" East, parallel to said East line, for 282.47 feet to the point of beginning. Note: An easement will be given for the benefit of the property described in Exhibit A for ingress and egress to Lower Afton Road from the Northerly boundary of the property described in Exhibit A over the Easterly 32 feet of the Westerly 62 feet and over the Westerly 32 feet of the Easterly 157 feet of the property described in Exhibit B.

At such time as alternative access is provided for through the property in Exhibit A, marked "pending drive", it is requested that the roadway across the Easterly portion of Exhibit B be terminated and the easement released, all in accordance with plans dated Received May 5, 1971; subject to a stockade type fence between the subject property and the residential property who desire the fence to be constructed by the owner of the apartment project, to be 8 feet in height, maintained and stained every other year by the owner; further subject to the recommendation of the Traffic Engineer that the shoulders on Lower Afton Road adjacent to the proposed development shall be surfaced and improved to the satisfaction of the Public Works Department by the developer; and further subject to the condition that said applicant-permittee, and its successors and assigns, shall make due compliance with all applicable provisions of municipal ordinances, state statutes and rules and regulations of public authorities having cognizance.

Adopted by the Council June 17, 1971.  
Approved June 21, 1971.  
(June 26, 1971)

END