

Re: City Council March 7, 2018 meeting  
Item 18-32 Land Disposal - St. Anthony Park Library  
Please post this to "Comments Opposing"

To: St. Paul City Council Members Henningson, Thao, Noecker, Tolbert, Brendmoen, Bostrom and Prince

Dear Council Member:

I am writing to oppose the sale of St. Anthony Park Library land- part of Lot 21, Block 37, St. Anthony Park North - to private homeowners. I have nothing personal against Rick and Nancy Foss. They are good neighbors as many letters have so attested. They are in a difficult situation because the previous owners of the 2239 Como Avenue property (McCords), may have forgotten to tell them an important fact when they purchased their home and property. In 1998, the McCords were informed by Phil Broussard, the architect for the library addition, that the property line between Lots 20 and 21 was approximately four feet from the west side of the addition to their home.

Phil met with Dr. McCord and showed him the Ramsey County map with property lines that had been sent to him. Perhaps the McCords forgot to relay this information to Rick and Nancy Foss, and this led the Fosses to believe the west side of the yard, bounded by a temporary snow-like fence woven through a patch of buckthorn and honeysuckle was part of their property.

Unfortunately, that has never been the case. Lot 21 was donated for library purposes in 1917 by Harold and Celia Clemons, also St. Anthony Park neighborhood residents and good neighbors, who obviously felt it was important that our library be properly situated. The city council in 1917 agreed with the neighborhood request to acquire this land and unanimously approved an ordinance to acquire Lot 21 for library purposes. Fortunately, the Clemons donated this property and so the city did not have to pay or condemn the land as proposed in their ordinance. Although the McCords wove the fence onto part of Lot 21, that does not make it land belonging to 2239 Como. In the state of Minnesota, ADVERSE POSSESSION does not apply to any federal, state or municipal government land. It only applies to privately owned lands.

There is more to our library than just its building. Green space is a very limiting factor in our city as it grows. And..here in St. Anthony Park, growth is becoming very obvious in the past few years. In St. Anthony Park, 71 new housing units have or will shortly be added to the area and even more are planned. I feel strongly that all public land must be preserved for current and future generations. The Clemons family assured that this land was available for the library's first hundred years and I am arguing against the sale of this land to make sure it continues to be available for all city residents and taxpayers.

Why? Tracy Lesneski, author of Why Outdoor Spaces Are Essential for the 21st Century Library says it best in this article:

"Libraries serve as critical community partners by evaluating current and future needs and proactively filling gaps in the community fabric.

Often libraries forget to use a key asset in their toolkit: the outdoors. Library buildings have historically included outdoor spaces, often to underscore the building's significance and to contribute to the beauty of place. Libraries of all scales and in all climates can use their outdoor spaces to fulfill their missions and effectively serve their communities. By turning the library inside-out, libraries can increase their available real estate for providing services and add a host of benefits for patrons."

Why is this particular piece of land so important? In 2016, Jane Eastwood, former St. Paul Library Director, stated that she saw no need for this property in the next twenty years. In 1917, no one knew that in 1990 the ADA law would pass requiring an addition to our library to make it accessible to people of all abilities. Currently we have no separate computer lab or a space for young adults to assemble in our library. I and others think this is a need to be met. We've been told the land is not able to be built upon for a future expansion. To my knowledge, this is not boggy or swampy land, so based on seeing what is happening throughout the city, it is buildable.

Excavation can occur and walls can be built. However, in the meantime, this land can serve many uses. It can be an environmental education area, book club site, reading site and a performance area. We already have a comfortable patio sitting area below and the performance area above would be ideal.

Several writers supporting the land sale (Townley, Schumacher, Leebrick, Lee, Quie, Stolpman and Miller) have indicated that this is an issue brought forward by the local garden club. This is not the case. Several of us working against this land sale are indeed garden club members but we have a wide neighborhood support base against this sale of land. Our current and former state representatives object to the sale and the process involved in this land issue and a former Ward 4 City Council member also objects. We will notify you of further support against this sale at the city council meeting.

I do not want to lose future options for our community because of a misunderstanding between the current and former property owners. I am requesting that you vote NO on the sale of this property. It is important we honor the gift of good neighbors of past generations so that future generations can further enjoy their library and community.

Mary Maguire Lerman, 2301 Como Avenue, Apt. 305, Saint Paul, Minnesota 55108

On Tue, Mar 6, 2018 at 4:25 PM, Cindy Anderson <[cindy.l.anderson@gmail.com](mailto:cindy.l.anderson@gmail.com)> wrote:

Attached is a letter to the St. Paul City Council.

legal description

Every homeowner has a legal description. Without it you cannot register title to property with the county. The legal description defines the size of the property and locates the property within the county boundaries. It is on the mortgage (if one exists) and on the property title.

Because the Glews' court action resulted in monument markers, one at the alley side and one at the Como side between lots 19 and 20, the Bosses should have had no problem getting a survey of their property.

Has anyone from the city contacted the McCords to determine why the Fosses might have developed this belief that they could own more than the what is described by the legal description?

I can believe the world is flat, but that doesn't make it true. Nor should my erroneous belief give my privileges that take away from others.

future need for land

After only two years as the library director, Ms. Eastwood states that the library does not see any future need for the land requested by the Fosses.

Lot 21 was necessary in order to build the addition. It took eighty years from the construction of the original library to determine that the neighborhood and city wanted to build an addition. It might be reasonable to assume that

Even if the rest of lot 21 is never needed or required for new construction or expansion, land around public buildings helps to those buildings and to allow for the enjoyment of those who visit them.

St. Anthony Park is becoming more dense along Como Ave., the business district of part of the neighborhood. Density works better for everyone when it includes green space. Green space to provide a break in the landscape from the commercial and taller buildings (present and future); to allow people to sit on the grass or one of the benches; to enjoy the gardens that have been planted and maintained by the neighborhood, to read a book outside during lunch or on a summer evening.

Phil notifies the McCords

Before the library addition construction began, Phil Broussard, the library addition architect, talked to Jim and Joan McCord about the property line between lots 20 and 21. The following is what Phil remembers about that time:

"When design work started on the library addition project, the property maps available from the city and county clearly showed the line between the Mc Cord property and the library property line just 3-4 feet from the existing McCord house. This didn't seem important to me at the time since the proposed library addition was so far from that line – far more than the required setback. Joan Mc Cord, part of the St. Anthony Park Library Association, and part of the 'building committee' for the addition, had attended most, not all, meetings during that time. (I ran into Jim McCord on occasion, but Joan was the one who kept directly informed on details of the proposed design.) Throughout the design process I remember only one vague reference Joan made to a "question about the property line location." No mention was made of an alternate property line location.

Later in the design process Joan voiced a concern about kids who might cross from the library property to the Mc Cord property through an opening in the dense shrubbery on the steep hill between the properties. When a fence was proposed, it was clear no one actually knew where the property line was, or where the fence should be placed. A surveyor was retained by the city to stake the property corners, based on the legal description and city/county maps. This placed the line in question very close to the house. As there seemed to be far more distance to the property line than the library addition needed for the required setback, the fence line was arbitrarily placed half way up the steep hill, in the middle the dense shrubbery which was 25 – 30 deep. The surveyor tentatively staked each end of the 'fence line' but refused to provide anything more definitive without performing a more extensive, rigorous and costly survey, and a drawing document that could be certified. Neither Joan McCord or Lee Williamson was interested in paying for the cost of the survey, monuments, recording fee, etc., and the issue was dropped."

historical designations

The SAP Library has two historical designations: One from the Department of the Interior (1984) and one from the 1989 City Council of the City of St. Paul.

Ms Eastwood's reference to historical designations is incomplete, when she writes that the library "is listed both locally and nationally as a historic structure, and that status also has some application to the surrounding site." Her statement is incomplete because she does not reference the fact that both historical designations include the legal description.

The historical designations are not just for the building. They also include the land as defined by the legal description.

Two of the lots, 22 and 21, were donated over a hundred years ago. What does a Historical Preservation Site mean when the City Council creates one only to be willing to sell off part of the land a mere twenty-nine years later?

Ms. Eastwood also states "some community members feel strongly that no public land should ever be sold." This is another incomplete claim. Many members of the community are against selling municipal land that was donated to the neighborhood and to the city for the common good and has been designated part of our history. If the city wants to sell off municipal lands that have not been part of city history, that is different. In this case. Again, open space benefits the community in terms of recreation, ecology, and aesthetic value. This land contributes to all three.

lot size comparisons

There are three houses on Como Ave., on the same block as the SAP Library:

2239 Como Ave. (Fosses), 2235 Como Ave, and 2229 Como Ave.

According to the Ramsey County Assessor's Office, the currently lot sizes are as follows: 2239 Como Ave. - .23 acres; 2235 Como Ave. - .24 acres; and 2229 Como Ave. - .25 acres.

but the owners of the property have been paying taxes on part of lot 21

This rumor is just that, a rumor. A comparison of the square foot property tax for the land (not including the houses), paid by the three property owners, for 2014, 2015, 2016, and 2017 shows that the Fosses have paid slightly less per square foot for their property taxes than the other two owners. If you look at the total property tax for each property, then the comparison is different, but this is a land issue, so only the land assessments were used to view the accuracy of the rumor about 2239 Como Ave. taxes being out of line. Every home owner in Ramsey County receives a long sheet of paper from the county once per year, with the phrase 'this is not a bill' at the top. Also on this same mailing is described the process as to how to appeal your taxes, if you disagree with the assessment. If you prevail in having your taxes lowered, you might also be able to recoup some amount over payment going back several years. In what way could it ever be grounds for the opportunity of buying municipal property, most of which was donated for the library?

Fosses packet

The cover letter brought by Mr. Foss to the meeting in the basement of the library states that they "relied on professionals to inspect the property, and we also relied on professional surveys to show us where the boundaries to our property are." Who are those professionals and who interpreted the surveys they brought to the meeting?

The cover letter brought by Mr. Foss to the meeting in the basement of the library asserts that they relied on two existing surveys when purchasing their property.

The first survey in 1998 was paid for by the City of St. Paul, and the Fosses claim that it "reconfirmed the boundary and was used as the basis for a zoning variance allowing the library's expansion."

The survey clearly states "library under construction" on top of the addition dome on the survey. According to Phil Broussard, the library addition architect, the survey had nothing to do with property boundaries. Instead, during the construction of the addition, the city ran into water issues and briefly explored the option of building a retaining wall that would have been part of a way to redirect the flow of water across the property.

When landowners want or need to redirect the flow of water across a property, a survey is required. The line on the survey between the addition and the Foss' property represents where a retaining wall might have been built, if the city had chosen that method to redirect water. Another method was used. Phil indicates that Lee Williamson (current library employee) and Frank (retired library employee) are probably able to also verify the purpose of this survey. If not, the city probably has the work order request for the survey. The 'scope of work' section of the survey clearly indicates that "The scope of our services does not include determining what you own, which is a legal matter."

As to the claim that the survey had anything to do with a "zoning variance allowing the library's expansion," the only zoning variance was an exemption for the required number of parking spaces. That variance had nothing to do with the 1998 survey or any other survey because it related to the alley side of the property not the property line between the library and 2239 Como Ave.

why the Glews, at 2235 Como Ave., are important

In 2006, somehow the Glew found out that their two side property lines, running from Como Ave. to the alley behind their house, went through the houses on both sides of their property. Although it took a little over two years to move the two side property lines closer to their house, they did so.

The survey that was required by the court to accomplish this involved placing monument markers on the Como side and on the alley side of the line defining the property between the Glews and the McCords, in other words the line between lots 21 and 20.

Monument markers are required by the court before a property line can be moved. They are metal and are set in concrete. With today's technology and/or materials, it is inconceivable that they can be missed by any competent surveyor coming to the property at a later time.

The 2006 survey was paid for by the Glews when they adjusted their side boundaries. That survey describes the boundaries between lots 20 and 19 and between lots 18 and 17. They are solid black lines. Nowhere on the survey is a claim about the line between lots 20 and 21. Correspondingly, there is no claim about the Commonwealth Ave. side of lot 17. The solid black lines are the lines on either side of the Glew's property which is why all the other lines on the survey are dashed because they were not relevant to the survey. Which professional did not help the Glews see this? It's not unlike reading a road map.

The Fosses also reference a Ramsey County GIS tax map that 'shows our property's boundary with the library to be in the same place that it has been for over 100 years.' Several of us have talked with the Assessor's Office. Everyone we have talked to has indicated that those maps are not to be relied on for the location of property boundaries. Again, who did they talk to that would have indicated they could rely on a GIS tax map?

What is interesting about the GIS map is that it indicates an area size for their property to be 0.18 acres, which would place it in time before the McCords transferred the property from the Glews to the Fosses. There does not appear to be a date on this map, but we know that the property from the Glews was transferred to the McCords in 2009 and registered with the Assessor's Office at that time.

They also included an aerial photo. No one ever recommends relying on an aerial photo. Again, the legal description governs the size, dimensions, and location of the property.

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Another claim in the cover letter is that the Fosses had consulted with the library 'before making upgrades to our front yard.' If that refers to the application for the retaining wall, there is still the question as to why the application to build the retaining wall indicates a wall to be 64 feet long, when on the date of the application, the legal description describes a 50 foot length boundary on the Como Ave. side of the property. On July 11, 2014, he McCords transferred 7 feet to the Fosses on the Como Ave. side which increased the Como side length to 57 feet. And yet the retaining wall application was for 64 feet.

Again, everybody owning property has a legal description. Granted, some descriptions are very difficult to read and figure out. That's yet another reason why we have a Ramsey County Assessor's Office. They provide property dimensions with an address and a phone call.

The City of St. Paul is is very clear about the responsibility of applicants to know exactly where their property boundaries are when it comes to a retaining wall and fence and the consequence if they are wrong. The consequence is that it will need to be moved.

adverse possession

This is clearly a case of people believing they have access to city property by adverse possession. While the city is not proposing to give property to the Fosses, they are granting an opportunity to them to buy what is donated land and what has been designated part of a heritage preservation site.

There are claims about the condition of the property