As a member of the Land Use Committee of District Council 12 I have followed the issue of the proposed sale of land to the adjacent homeowner at the Saint Anthony Park Library.

In my opinion this is an issue of Preservation of Public Green Space. This has been a priority in all of Community documents, including the Como 2030 Small Area Plan, our Developer Guidelines and both the last and the upcoming 10 Year Comp Plans. When the community owns a patch of green space, especially an important one attached to a community hub like the library, and we have a neighborhood group that has demonstrated eagerness to care for this ground by gardening there, we should not let this become “private”. The value to our community of more garden in this very public area will always be greater than the fair market value of the land.

That said, I appreciate that the adjacent property owner has been operating under the assumption that some or all of the parcel was theirs and has been paying taxes accordingly. I also know the City has a vested interest in a just resolution of this issue.

I would propose a 50/50 split of the lot with half of the area going to the adjacent owners and half staying in City hands to be maintained as an extension of the garden at the library. Essentially this will split the “wedge of pie” into two pieces. This recognizes the priorities of both parties.

Roger Purdy

1497 Hythe St.
Saint Paul, MN 55108

Page 1 Submitted by Mary Maguire-Lerman

Dear Ward 2 Councilmember Rebecca Noecker,

Members of our community are very concerned that the City Council is poised to vote on the sale of land that was publicly donated for our St. Anthony Park Branch Library by former neighborhood residents in 1917. Here is our way of viewing this:

If you look at the lines in the exhibits you've been given, the proposed new property line might look like a compromise from the point of view of the adjacent homeowners. The previous owners (McCord) of 2239 Como (Lot 20) told the new owners (Foss), the sale included the west side yard - though they did not hire a survey - and now the new owners, who want the land, are being asked to "pay money for something they thought they already owned." The current owners also claim they and their predecessors have been paying taxes on a portion of Lot 21. However Lots 21 and 22 and have been tax exempt since 1917.

However, from the point of view of the Clemons family, who clearly DONATED the land to the PUBLIC library 101 years ago, it's not a compromise. Some of the land they donated was under-used for some part of the decades, some of it was in private use by the owners of 2239 Como, and now, just when a PUBLIC use for it is being implemented, the city plans to sell the most usable part of it. Speaking with real estate attorneys, we have been told that claiming ADVERSE POSSESSION of any public land (federal, state or municipal) is not legal in the state of Minnesota.

There is a steep hill on the northwest side of this new proposed line, and that hill is now a pollinator garden: designed, planted and maintained by volunteers for the past three seasons. The top of the hill is a very narrow path (often less than two feet) for the public to observe the gardens and pollinators. That path should have benches for resting and nature observation or to sit and eat your lunch or to read a book. It should be wide enough to safely traverse. The proposed property line — which sells almost 90 percent of the land in question — won't allow for any of these uses in a significant part of the space because the path will be too narrow at the top of the hill.

The District 12 Council, in an April 15, 2016 letter, urged the city to find a COMPROMISE on this boundary, consulting all interested parties. The proposal before you is NOT a compromise and all interested parties were NOT consulted on drawing the boundary.

We urge you to VOTE NO on the proposal to sell this land. If a new boundary is to be drawn, it should be renegotiated to allow the PUBLIC to make full use of what remains to us of the land DONATED in 1917.

We will be attending the City Council meeting this Wednesday evening to further discuss this proposed land sale with you. Enclosed in this packet is the following additional information for you to review in advance of this meeting.

1) An overview of the land-only tax records and assessments of 2239 Como with comparison to the two adjacent neighbors.) - two pages, attached to this cover letter.

2) An overview (1917-present) and timeline of the issue --two pages

3) An ordinance of the City of St. Paul requiring the purchase of Lot 21, Block 37, St. Anthony Park North for library purposes. Dated February 1917

4) A letter from the St. Anthony Park Community Council to Russ Stark dated April 15, 2016.

5) A letter from the St. Anthony Park Community Council to Samantha Henningson dated March 1, 2018.

Members of the St. Anthony Park neighborhood.

P.S. Councilmember Noecker,
This issue is not within your ward, however, it is precedent setting. If this land sale occurs, then there is no reason another city resident adjacent to public land cannot come and request land for their personal use. Do you really want the city to go down that pathway

Page 2 Submitted by Mary Maguire-Lerman

Ramsey County property tax records and assessments of 2239 Como Avenue

The homeowners at 2239 Como (adjacent to the St. Anthony Park library) have NOT been paying for land they have not had use of over the years, and have been **underpaying if they actually own as much land as they assert they do**.

Ramsey County currently assesses the land value of 2239 Como Ave. on 0.23 acres, and at that acreage the land is assessed **less per square foot** than its immediate neighbors. If 2239 has .23 acres, its assessment is $.28/sq ft lower than 2235 Como and $1.02/sq ft LESS than 2229 Como for the year 2017.

The .23 acres Ramsey County lists is based on incorrect dimensions on the lot, as acknowledged by David Wilford in the property tax mapping department. County records say the lot is 57' wide and 175' long, when it is only 143' feet long. However, according to Mike Moranz in property taxes, dimensions recorded for odd-sized lots are not necessarily accurate per se, as long as they reach an accurate square footage, which would imply the oddly shaped 2239 property is wider than 57' feet in some areas.

So is .23 acres an accurate square footage of the lot?

If you try three scenarios on the lot size, you come to different outcomes, which are shown on page 2, summarized here:

1. If you use the **2015 Sunde survey** (the line the city asserts is the actual property line), 2239 Como has only .187 acres and has been overassessed per square foot relative to neighbors.

2. If you use the **1998 Parker survey** (the line advocated by the 2239 homeowners), they have .273 acres and have been underassessed even more than the county currently underassesses them on .23 acres.

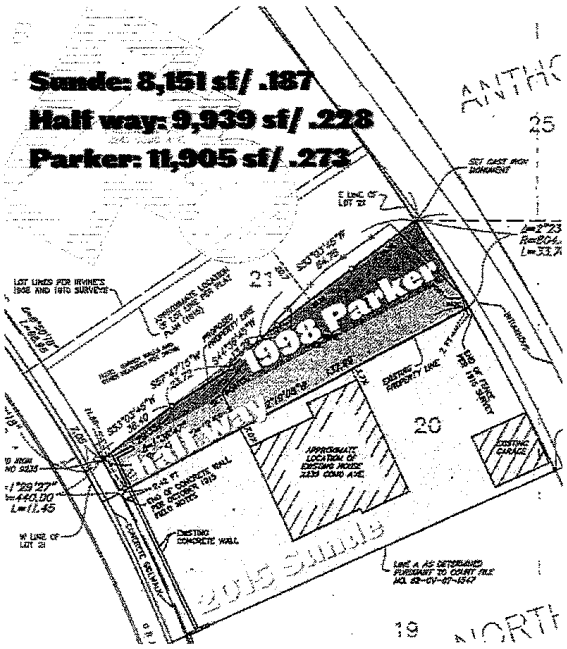
3. If you use the **edge of their new retaining wall** (69.5' width on the Como side of the lot = original 57' + 12.5' added when they built the wall), and go straight back to the alley parallel to the house, they have .228 acres, just about the .23 acres the county says they have, and are underpaying about the same as the have been in reality.

That line — from the edge of the retaining wall to the alley, parallel to the house (it's about 12' from the house) — is called the **Half Way line** in this map, since it comes close to splitting the difference between the two surveys. It also is approximately the same square footage as the 2239 homeowners have been assessed on as well.

We have been told the City did not consider the question of whether the 2239 homeowners past and present paid property taxes on the disputed land when it decided to sell the land.

However, we want to make it clear that Ramsey County's square footage for the 2239 property is incorrect one way or another, or its assessment rate's are not comparable to the immediate neighbors.

And also to show for the public record that the 2239 homeowners past and present have not been taxed on land they didn't have use of.



Page 3 Submitted by Mary Maguire-Lerman

Land-only value assessments, 2014 - 2017								
Property taxes are based on these amounts								
43,560 sq ft = 1 acre								
	2014		**2015**		**2016**		**2017**	
All data through row 17 comes from Ramsey County	**Total**	**Per sq ft**	**Total**	**Per sq ft**	**Total**	**Per sq ft**	**Total**	**Per sq ft**
property tax summaries, publicly available								
2239 Como Ave, .23 acres, 10,019 sq ft	$120,300.00	$12.00	$131,700.00	$13.15	$150,400.00	$15.01	$150,400.00	$15.01
57x175'								
2235 Como Ave. .24 acres, 10454 sq ft	$136,000.00	$13.01	$138,100.00	$13.21	159900	15.29	$159,900.00	$15.29
75x142'								
2229 Como Ave. .25 acres, 10,890 sq ft	$151,700.00	$13.93	$151,700.00	$13.93	$174,600.00	$16.03	$174,600.00	$16.03
73x150'								
Ramsey Count says the lot is .23 acres based on 57 x 175 dimensions.								
This is an ERROR. The lot is only 143 feet deep, according to the								
Ramsey County mapping office, David Wilford, 651-266-2182								
2239 Como Ave: lot size scenarios vs. assessed $ amounts								
57x143' (2015 Sunde survey, historically supported bounda	$120,300.00	$14.76	$131,700.00	$16.16	$150,400.00	$18.45	$150,400.00	$18.45
8151 sq ft, .187 acres								
In this scenario, Ramsey County has been								
overassessing the Fosses compared with neighbors								
69.5' front, 97' back, x 143' 1998 (Parker survey)	$120,300.00	$10.10	$131,700.00	$11.06	$150,400.00	$12.63	$150,400.00	$12.63
11905 sq ft, .273 acres								
This is the property line the Fosses assert. They underpay								
extremely compared with neighbors in this scenario.								
69.5x143' - (69.5 = 57 + 12.5') ~ halfway between surveys	$120,300.00	$12.10	$131,700.00	$13.25	$150,400.00	$15.13	$150,400.00	$15.13
9939 sq ft, .228 acres								
This is a similar acreage to the current assessment. They underpay								
compared with neighbors, but are close to comparable with								
neighbors at 2235 Como.								

Dear City Council Member,

The March 7 City Council Agenda contains a proposal to sell about 3,000 square feet of land owned by the City of St. Paul at the St. Anthony Park library. It's an area located along the southeast side of the grounds, behind the children's room addition (please refer to the map, Exhibit B, in your council packet). The City proposes to sell it to the adjacent homeowners for a so-far undisclosed amount of money. The homeowners assert that they already own the land.

—Carol Herman, Pat Thompson, Virgil Larson, St. Anthony Park residents

An overview and timeline of this issue

1917: Lots 22 and 21 were donated to the St. Anthony Park Library by the Freeman and Clemons families (sold for $1), after action by the City Council, providing a greenspace backdrop to the Carnegie Library planned on Como Avenue.

Mid- to late-20th century: The southeastern half of Lot 21, at the flat top of the hill between the library and the home at 2239 Como, was increasingly used by the homeowners at 2239 Como as yard space, with buckthorn, honeysuckle and other brush on the hillside between.

1998: An addition to the library was built, making the building ADA-compliant and creating a children's reading room. If Lot 21 had not been donated, the addition would not have been possible.

1998: No boundary survey was done before the construction because there was so much space between the two buildings. The only survey done (by Parker) was carried out after the construction started, and specifically states it does not provide a legal description of the boundaries. At the time of the survey, library architect Phillip Broussard informed the 2239 Como homeowners that the property line was about 4 feet from their house, and showed them a map of it. The 1998 Parker survey was never recorded and no property was transferred.

2002: The St. Anthony Park Library Association paid to install a sprinkler system on the hill that extends to the edge of its land, near Lot 20 (2239 Como), while doing landscaping on the south side of its property.

2011: New homeowners purchased 2239 Como. When they moved in, according to records at the Ramsey County Assessors office, the property was 50' wide on the Como side.

2014: In summer, the homeowners at 2239 built a new front retaining wall along the Como side of their property that extended 12.59 feet beyond the previously existing retaining wall, toward the library. During that landscaping project, the city-owned sprinkler system within the east-most part of Lot 21 was dug out of the ground. The St. Anthony Park Library Association paid to repair the remaining system.

2014: In December, the St. Anthony Park Garden Club began creating a pollinator garden on the hillside by removing weeds and shrubs. Planting and weeding continued over the next years. The garden has won awards and appeared on local television.

2015: The 2239 homeowners requested to build a fence between their house and the library grounds, and the city required a survey to determine the property line. The surveyor hired by the city, Sunde, found the property line to be at 4' from the addition on the home, after extensive research. Note: Many homes in the neighborhood have distances that distance or shorter from their neighbors' property lines.

2016: The location of the property boundary became an issue in neighborhood discussions.

2016: The St. Anthony Park Community Council, District 12, sent a letter to Councilmember Russ Stark that urged the city to "find common ground on an intermediate location [of the property line, in order to] contribute to, rather than reduce, our sense of community." The Community Council did *not* vote to oppose sale of land, but urged the city to: "1) request that negotiations about a price for the land cease until such common ground is reached; 2) consider input from other interested parties in this issue; and 3) facilitate a mutually acceptable resolution of this issue."

2017: An open meeting was held at the library with Council Member Stark, library head Jane Eastwood, and others from city offices. Officials were unwilling to disclose what they were negotiating.

2018: The City now proposes to sell approximately 90 percent of the disputed land to the Fosses, the homeowners at 2239 Como. The volunteers who work in the garden assert the proposed new property line does not allow enough space at the top of the hill for a flat path at a safe width or for the addition of benches for public use. They and other residents also assert that this selling of public green space sets a very bad precedent.

Ordinance of the City of Saint Paul

Dated February 17, 1917

Ordinance # 3842

SECTION 1

An ordinance approving the project of acquiring Lot 21, Block 37, St. Anthony Park North, according to the plat thereof on file and of record in the office of the Register of Deeds of Ramsey County, Minnesota, is required for library purposes, and that the estimated value thereof is the sum of One Thousand Dollars and the comptroller having certified that there is money in the treasury of the city available for the acquisition of said lot, the Council hereby approves the project of acquiring same for library purposes, and hereby orders and directs that the same be acquired for said purpose by purchase by the Committee on Lands, consisting in this case of the Mayor, Purchasing Agent and Commissioner of Education, if the same can be procured at a reasonable price, and in case said committee cannot procure said land at a reasonable price and shall so report to the Council, then and in that event, the Council hereby orders and directs that condemnation proceedings be instituted under the provision of the Charter of the City to secure said lot and that costs and expense of acquiring same, whether by purchase or condemnation, be and the same is hereby ordered to be paid for out of the item in the Library Fund appropriated for Other Expense and so much of said funds as may be necessary is hereby appropriated and set apart for said purpose.

SECTION 2

This ordinance shall take effect and be in force thirty days after its passage and publication.
Adopted by the Council February 15, 1917
Yeas- Messrs Farnsworth, Goss, Keller, McColl, Wunderlich, Mr. President (Irvin)-6
Nays- 0
Approved February 15, 1917 V.R. Irvin, Mayor
Attest: J.I. Faricy, City Clerk February 17, 1917

ST. ANTHONY PARK COMMUNITY COUNCIL - DISTRICT 12

St. Anthony Park Community Council (SAPCC) / District 12
2395 University Avenue W, Suite 300E
Saint Paul, MN 55114

April 15, 2016

To: Council President Stark
Saint Paul City Council
310-D City Hall 15 Kellogg Blvd., West
Saint Paul, MN 55102

Dear Council President Stark:

It came to our attention last week that the City and our neighbors, Richard and Nancy Foss, are negotiating a difference of opinion about the location of a lot line between their home and the St. Anthony Park Library, part of the St. Paul Public Library system.

At the St. Anthony Park Library Association meeting last week, Bruce Engelbrekt, Real Estate Manager, Section of Financial Services, and Jane Eastwood, Director of the Saint Paul Public Library, reported that they see no future public need for the land in dispute and that the City is willing to sell the land in question at a negotiated price to the Fosses. We understand the City's desire to come to a rapid agreement to settle this issue, but feel that fuller discussion will improve is final resolution.

There is no doubt that lot lines in this District are poorly established, and that long-held assumptions and use affect where we think those lines are. Even modern survey techniques can locate the lines in different places. It is not surprising, then, that the Fosses understand that their lot extends further west than the City's recent survey indicates.

At the same time, many neighbors and people active with upkeep of library grounds understand that the lot line is closer to the line established by the recent survey contracted by the City. This is apparently backed up with the history of land acquisition that was required by Andrew Carnegie to build the library nearly 100 years ago.

Some members of our community feel the land in dispute should remain public land, citing both current plans for educational use and potential expansion in the future. Despite the assessment by the SPPL that population density is too low in this District to justify expansion, we anticipate that the need for public space, either as open or built space, will increase as residents reduce carbon emissions and focus our activities in our local communities.

We see at least some justification in all points of view that we have heard expressed, and we know experientially the benefit of thoughtful, respectful consideration of one another's points of view, priorities, and concerns, and to make space to consider alternative solutions, such as a long-term lease of the land to the Fosses for as long as they reside in or own their property, for example.

The two lot lines currently being considered represent the extremes of what we consider to be continuum of potential solutions. Choosing either will leave one side perennially disgruntled; finding common ground on an intermediate location should be possible, but more importantly, should contribute to, rather than reduce, our sense of community.

The St. Anthony Park Community Council (SAPCC) board voted on April 14, 2016 to take no position on this issue at this time, but to urge you to: 1) request that negotiations about a price for the land cease until such common ground is reached; 2) consider input from other interested parties in this issue; and 3) facilitate a mutually acceptable resolution of this issue.

With our continued appreciation for your service to our Ward and our City, and on behalf of the St. Anthony Park Community Council (SAPCC),

Sincerely,

Suyapa Miranda,

Suyapa Miranda, Executive Director
SAPCC: Saint Anthony Park Community Council
www.sapcc.org
suyapa@sapcc.org
651-649-5992

Page 8 Submitted by Mary Maguire-Lerman

ST. ANTHONY PARK COMMUNITY COUNCIL 12 DISTRICT

TO: Council Member Henningson
Saint Paul City Council
310-D City Hall
15 Kellogg Blvd., West
Saint Paul, MN 55102

March 1, 2018

Dear Council Member Henningson:

At the St. Anthony Park Community Council board meeting February 8, 2018, we further discussed the Foss neighbor's difference of opinion about the location of a lot line between their home and the St. Anthony Park Library. We feel that SAPCC's letter of April 2016 – asking for compromise – was basically ignored. The March 7, 2018 City Council meeting will serve as the only public hearing on this.

The proposed resolution of this issue did not meet the request of our April 2016 letter, which said: "The two lot lines currently being considered represent the extremes of what we consider to be a continuum of potential solutions. Choosing either will leave one side perennial disgruntled; finding common ground on an intermediate location should be possible [and] should contribute to, rather than reduce our sense of community." And: we "request that negotiations about a price for the land cease until such common ground is reached [and urge you to] consider input from other interested parties in this issue" to "facilitate a mutually acceptable resolution."

At this point, there is still considerable community concern and discord: the proposed resolution of the boundary was not negotiated with enough of the interested parties. Though there has been a proposed outcome, the issue has not been resolved. Therefore, we urge the city to reexamine this issue with more input before making a final decision.

Sincerely,

Kathryn Murray, Executive Director
SAPCC – St. Anthony Park Community Council
kathryn@sapcc.org | 651-649-5992

cc: Catherine Penkert, Library Director

Dear St. Paul City Council,

I would like to register my opposition to the proposed transfer of city land associated with the St. Anthony Park Library to a private party.

City land is precious and should be retained for the enjoyment of all citizens of our city. There can be unforeseen and extremely valuable uses for the land in the future. Therefore, it is essential for St. Paul to keep ownership of the library associated land. That would benefit the entire city and not just a single private party.

Sincerely yours,

David Fan
2112 Hoyt Ave W
St. Paul, MN 55108

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 city property to private individuals for two reasons.

The first: In general this is bad public policy. This land can never be recovered. It diminishes public land with no benefit to the city. The proposed price is far under the value of land in St. Anthony Park and even if the full value was paid it is a pittance of the St. Paul City budget. The ongoing benefit to citizens of the city of St. Paul cannot be measured in dollars but I would venture to say that it is far more than the selling price. Green space is an amenity that is considered when livability ratings are given to cities which in turn, attracts people to the city.

The second: In many of the comments at public meetings those of us opposed to the sale have been urged to be "neighborly" and allow the sale to go through. I fail to understand why the people who want the land can't be "neighborly" and drop their desire for the land. Are some neighbors more important than others? Are some people's rights more of value than others?

I urge you to vote NO on this proposal. Land grabs are a thing of the past or should be.
Thank you for your attention.
Bill Lerman
2301 Como Avenue

To whom it may concern:

As a resident of St Anthony Park for 50 years, I oppose the sale of city library land to a single homeowner as is proposed.

The situation regarding the mistake about the property line of the Foss family lot is very unfortunate. But why should the wish of the original donor and the property given to the Library be suddenly altered?

Everybody can see by looking at the plot of land that such a division of the land is *not realistic*. Who would divide a rectangle of land into 2 triangles?

Could the portion of land the Foss family wants to buy be reduced?

Maryse Fan

--
Maryse Fan
2112 Hoyt Ave W
St Paul, MN 55108

This email is in reference to RES PH 18-32 Land disposal - St. Anthony Pk. Library, File # 04-2016.

For almost two years I have been following the controversy about selling property that was given to the St. Anthony Park Library for parkland in 1917.

I have weighed both sides, and what I find most troubling is how easily public land can become privately owned. It appears to be based on the negligence of the property owners. They did not obtain an official survey of Lot 20 when the property was sold.

I request that the City Council vote NO to this sale in the hope that with more time, a more equitable compromise can be reached.

Thank you for your attention,

Verena Larson
2270 Carter Avenue

Dear Saint Paul City Council,

We are opposed to the sale of approximately 90 percent of the disputed plot of land between the library and the homeowners at 2239 Como Avenue. We would prefer that the city sell a smaller portion of the disputed plot.

We have enjoyed the work that has been done by the St. Anthony Park Garden Club to remove the invasive species of plants and replace them with pollinator plants. We have wandered the areas that have been planted and wish to keep them available for all to walk through and enjoy. We believe that a larger portion of Lot 21 needs to remain part of the Library's land to make use of the gardens practical by any visitors.

We are regular patrons of this library and have been donors to Friends of the St Paul Public Library for years.

Kathy & Stewart McIntosh

1364 Keston St

This email is in reference to RES PH 18-32 Land disposal - St. Anthony Pk. Library, File # 04-2016.

I urge the City Council to vote no to selling this land.

Doing so will honor the gift of this land to the city by Harold and Celia Clemons in 1917 and preserve this space for public use now and in the future.

It is helpful to think of the area around the library as a Library Park which contains a Carnegie Library Building at its center. We should consider the future of this land in terms of a public park, rather than a place to possibly expand the building in the next twenty years. We should react as we would if someone suddenly claimed they felt they owned part of College Park and decided to assert their ownership.

This very local issue has engendered strong feelings on both sides. It would be ideal if instead of a yes or no vote at this time, the interested parties in the neighborhood would practice neighborliness and continue to meet until an amicable consensus can be reached.

If you cannot vote no on the proposal, then I urge the City Council to postpone this decision for a period of time, such as two election cycles.

Sincerely,

Virgil Larson

2270 Carter Avenue, St. Paul, MN 55108