



Legislation Text

File #: RES PH 18-32, **Version:** 2

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.