



Legislation Text

File #: RES PH 21-296, **Version:** 1

Approving a petition by Ryan Companies to vacate and divert city parkland for private storm water improvements.

WHEREAS, the City of Saint Paul ("City") owns a large parcel of parkland within the Highland Bridge development in the Highland Park neighborhood ("Gateway Park") and described as Park A, FORD according to the recorded plat thereof, Ramsey County, Minnesota; and

WHEREAS, Project Paul LLC owns property adjoining Gateway Park to its east and intends to develop said property as a medical office building; and Nellie Francis Court LP owns property also adjoining Gateway Park to its east and intends to develop its property as affordable housing (collectively the "Private Owners"); and

WHEREAS, in conjunction with said development projects, the Private Owners desire to construct and use a private, below ground stormwater system to include storm sewer piping and structures ("Stormwater Improvements") upon portions of Gateway Park, as legally described and depicted in Attachment A attached hereto (the "Stormwater Easement Area"), which Stormwater Improvements will benefit the Private Owners' properties in perpetuity; and

WHEREAS, the Private Owners further desire to construct and use overland flow routes over portions of Gateway Park, also legally described and depicted in Attachment A attached hereto (the "Drainage Easement Area"), which also will benefit the Private Owners' properties in perpetuity; and

WHEREAS, Ryan Companies ("Petitioner"), on behalf of the Private Owners, has requested the vacation and diversion of portions of Gateway Park for the Stormwater Easement Area and Drainage Easement Area; and has further requested that the City grant a perpetual drainage and stormwater easement to the Private Owners ("Stormwater Easement"), attached hereto as Attachment B, for the use, operation, maintenance, repair and replacement of the Stormwater Improvements within the Stormwater Easement Area, and to facilitate stormwater drainage in the Drainage Easement Area; and

WHEREAS, the City's departments of Parks and Recreation ("Parks") and Public Works ("Public Works") have determined that Gateway Park is of adequate size, shape and location for construction and operation of the Stormwater Improvements within the Stormwater Easement Area and the overland flow routes within the Drainage Easement Area, and that the Stormwater Improvements can be designed and landscaped to complement and blend into Gateway Park and the surrounding neighborhood; and therefore Parks and Public Works staff recommend granting the diversion; and

WHEREAS, the Saint Paul Parks and Recreation Commission supports the diversion of the Stormwater Easement Area and Drainage Easement Area, as stated in its resolution, Number 21-13, adopted August 12, 2021, a copy of which is attached hereto as Attachment C; and

WHEREAS, Petitioner warrants that it will restore any damaged improvements in the Stormwater Easement Area and Drainage Easement Area, including replacement and maintenance of any plantings impacted by construction, subject to approval by Parks staff; and

WHEREAS, Petitioner further agrees to pay just compensation for the Stormwater Easement, as

determined by an independent appraisal pursuant to Section 13.01.1 of the Saint Paul City Charter; now, therefore be it

RESOLVED, that upon the petition of Petitioner, as documented in Office of Financial Services, Real Estate Section, file number 02-PKLDVRS-2021, the Stormwater Easement Area and Drainage Easement Area within Gateway Park are hereby vacated and diverted for non-park purposes; and be it further

RESOLVED, that the proper city officials are hereby authorized and directed to:

- A. Grant to each Private Owner said Stormwater Easement in a form and content substantially as set forth in Attachment B;
- B. Accept just compensation for said Stormwater Easement from Petitioner in the form of cash to be deposited into the Parkland Replacement Fund and held in reserve for future purchase of park property as required in Chapter 13.01.1 of the City Charter; and
- C. Collect from Petitioner all fees required to comply with the City's parkland diversion guidelines.