

  
**REQUEST FOR CITY COUNCIL ACTION**

DATE: 05/09/2011  
ITEM NO: 11.a

Department Approval:



Acting City Manager Approval:



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**Item Description:** PUBLIC HEARING to VACATE a PUBLIC HIGHWAY EASEMENT.

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**1.0 REVIEW OF REQUEST**

Since 2009, AEON has worked with the City of Roseville and the Minnesota Department of Transportation (MNDOT) on acquiring the small triangle lying directly north of Sienna Green. The triangle and other pieces of land was originally acquired in 1942 by MNDOT. The easement only allowed MNDOT to use the triangle for staging construction equipment when the Highway 36 and Snelling Avenue interchange was upgraded. Since MNDOT determined it no longer needed this highway easement, they approved conveying the easement to the City of Roseville via Quit Claim Deed. It is also worth noting that the underlying land has also changed hands and is in the possession of AEON. Since the Highway Easement's interest by MNDOT was conveyed to the City of Roseville and the City has no interest in retaining and/or utilizing said area for highway purposes (or any other public purpose) the public highway easement needs to be vacated.

**2.0 CITY STAFF COMMENTS**

- 2.1 The Development Review Committee (DRC) has reviewed this request and determined that the public highway easement can be vacated.
- 2.2 Also the Planning Division has received a few calls regarding the vacation of the highway easement, mostly for clarification reasons, but also one resident indicated their opposition to the easement vacation.

**3.0 STAFF RECOMMENDATION**

The Planning Division recommends that the City Council adopt a resolution vacating the public interest in the highway easement that covers the small triangle directly north and adjacent to Sienna Green.

**4.0 REQUESTED CITY COUNCIL ACTION**

ADOPT A RESOLUTION APPROVING the VACATION of the PUBLIC HIGHWAY EASEMENT that covers the small triangle directly north and adjacent to Sienna Green.

**Prepared by: Thomas Paschke, City Planner (651-792-7074)**

- Attachments:
- A: Area map
  - B: Aerial photograph
  - C: Easement Resolution
  - D: Easement vacation doc

# Attachment A: Public Highway Easement Vacation for Planning File 07-068



Prepared by:  
Community Development Department  
Printed: May 3, 2011



### Site Location

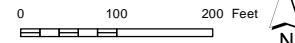
LR / R1 Comp Plan / Zoning Designations

### Data Sources

\* Ramsey County GIS Base Map (5/2/2011)  
For further information regarding the contents of this map contact:  
City of Roseville, Community Development Department,  
2660 Civic Center Drive, Roseville MN

### Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

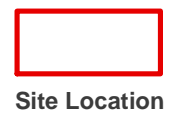


mapdoc: planning\_commission\_location.mxd

# Attachment B: Public Highway Easement Vacation for Planning File 07-068

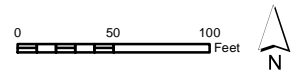


**ROSEVILLE**  
Prepared by:  
Community Development Department  
Printed: May 3, 2011



**Data Sources**  
\* Ramsey County GIS Base Map (5/2/2011)  
\* Aerial Data: Kucera (4/2009)  
For further information regarding the contents of this map contact:  
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**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, State of Minnesota, was held on the \_\_\_\_\_ day of May, 2011 at 6:00 p.m.

The following members were present: \_\_\_\_\_  
\_\_\_\_\_.

The following members were absent: \_\_\_\_\_  
\_\_\_\_\_.

Council Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION VACATING A PORTION OF A PUBLIC HIGHWAY EASEMENT**

WHEREAS, the Roseville City Council has determined on its own motion to vacate a portion of a public highway easement on, over, across and through real property legally described as follows:

That part of Tract A described below:

Tract A. The north three acres of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 9, Township 29 North, Range 23 West, Ramsey County, Minnesota;

which lies southwesterly of Line 1 described below:

Line 1. Beginning at a point on the south line of said Tract A, distant 220 feet east of the southwest corner thereof; thence run northwesterly to a point on the west line of said Tract A, distant 30 feet south of the northwest corner thereof and there terminating;

and

WHEREAS, said easement was acquired by the State of Minnesota pursuant to a Final Certificate in condemnation proceedings, which Final Certificate was filed in the office of the Ramsey County Recorder as Document No. 1020360; and

WHEREAS, said easement reverted and was conveyed to the City of Roseville by Quit Claim Deed given by the State of Minnesota to the City of Roseville; and

46 WHEREAS, after two weeks prior published and posted notice was given, the Roseville  
47 City Council held a public hearing on May \_\_\_\_\_, 2011, to determine whether or not a portion  
48 of said easement should be vacated; and  
49

50 WHEREAS, the Roseville City Council has determined that the vacation would be in the  
51 public interest; and  
52

53 WHEREAS, four-fifths of all members of the City Council concur in this resolution;  
54

55 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
56 OF ROSEVILLE, MINNESOTA:  
57

58 1. That the City of Roseville hereby vacates that portion of the public highway easement  
59 created by said Document No. 1020360 referred to above which is legally described  
60 as follows:  
61

62 That part of the North 3 acres of the Northeast Quarter of the Southeast Quarter of  
63 the Southeast Quarter of Section 9, Township 29 North, Range 23 West, Ramsey  
64 County, Minnesota which lies southwesterly of the following described line:  
65

66 Beginning at a point on the south line of said North 3 acres, said line also being  
67 the North line of Lot 2, Block 1, Sienna Green Addition, Ramsey County,  
68 Minnesota, distant 138.80 feet east from the Southwest corner of said North 3  
69 acres; thence North 55 degrees 27 minutes 07 seconds West, to its intersection  
70 with the west line of said 3 acres of the Northeast Quarter of the Southeast  
71 Quarter of the Southeast Quarter of Section 9, Township 29 North, Range 23  
72 West, Ramsey County, Minnesota, and there terminating.  
73

74 Basis of bearings: The north line of Lot 2, Block 1, SIENNA GREEN  
75 ADDITION is assumed to have a bearing of North 89 degrees 40 minutes 12  
76 seconds East.  
77

78 2. That the Roseville City Council finds that the easement vacation has no relationship  
79 to the City's Comprehensive Plan and therefore the Roseville City Council has  
80 dispensed with the requirements of Minnesota Statutes §462.356, Subd. 2.  
81

82 3. The vacation applies only to that portion of the public highway easement legally  
83 described in Provision 1 above and not: (a) to any right of access taken by the State of  
84 Minnesota, (b) the rights of existing utilities, if any, as provided in Minnesota Statutes  
85 §161.45, Subd. 3, or (c) any other easements running to or benefitting the City of  
86 Roseville.  
87

88 4. The City Manager is directed to record a notice of completion of these vacation  
89 proceedings pursuant to Minnesota Statutes §412.851.  
90

**Attachment C**

91           The motion for the adoption of the foregoing resolutions was duly seconded by Council  
92 Member \_\_\_\_\_, and upon vote being taken thereon the following voted in favor  
93 thereof: \_\_\_\_\_,

94  
95 and the following voted against the same: \_\_\_\_\_,

96  
97 and the following were absent: \_\_\_\_\_.

98  
99           WHEREUPON said resolution was declared duly passed and adopted on the \_\_\_\_\_  
100 day of \_\_\_\_\_, 2011.

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STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, Minnesota, do hereby certify that I have carefully compared the attached and foregoing Extract of Minutes of a regular meeting of the City Council of the City of Roseville, Minnesota, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, with the original on file in my office, and the same is a true and correct transcript therefrom, insofar as same relates to the resolution shown.

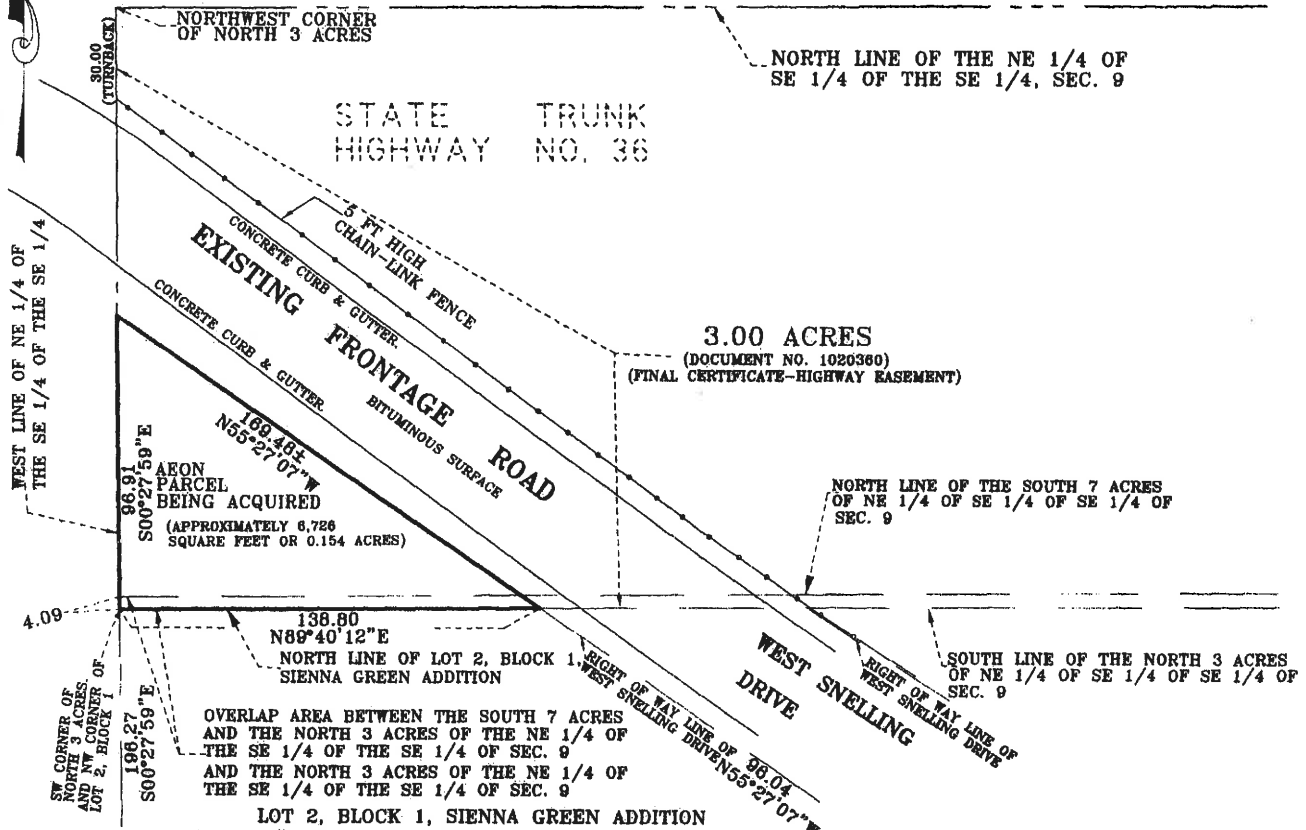
WITNESS my hand as such City Manager of the City of Roseville, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
William J. Malinen, City Manager

(SEAL)

# SURVEY FOR: AEON LLC

## SKETCH OF AEON PARCEL TO BE ACQUIRED



**PROPOSED AEON PARCEL TO BE ACQUIRED:**  
 That part of the North 3 acres of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 9, Township 29 North, Range 23, Ramsey County, Minnesota;

Which lies southwesterly of the following described line:  
 Beginning at a point on the south line of said North 3 Acres, said line also being the North line of Lot 2, Block 1, SIENNA GREEN ADDITION, Ramsey, County, Minnesota, distant 138.80 feet east from the Southwest corner of said North 3 acres; thence North 55 degrees 27 minutes 07 seconds East, on an assumed bearing to its intersection with the west line of said 3 acres of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 9, Township 29 North, Range 23 West, Ramsey County, Minnesota, and there terminating.

Basis of bearings: The north line of Lot 2, Block 1, SIENNA GREEN ADDITION is assumed to have a bearing of North 89 degrees 40 minutes 12 seconds East.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*John Coulter Peterson*

Note: This Survey Certificate is not valid without a raised seal.  
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Date 9/14/10 Lic. No. 13792

DATE: 10/30/09
REVISIONS
5/19/10
9/14/10

**C. E. COULTER & ASSOCIATES, INC.**  
 LICENSED LAND SURVEYORS IN MINNESOTA AND WISCONSIN



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 Burnsville, Minnesota 55337  
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 E-mail: coulter@cecoulter.com

SCALE: NONE
JOB NO. 12302C
BK./PG. 819/60
FILE NO. TURNBACK 2
SHEET 1 OF 1