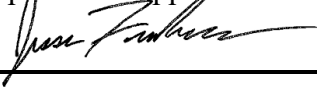


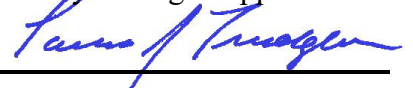
ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: June 20, 2023
Item No.: 10.1

Department Approval



City Manager Approval



Item Description: Approve 1806 and 1812 Aglen Street Drainage and Utility Easement Agreements

BACKGROUND

City staff has been working with the property owners at 1806 and 1812 Aglen Street to address a historic drainage problem. During large rain events, these backyards flood due to the 1.7 acres of residential drainage that collects in a low point between these two properties (Attachment A). Property owners have utilized sandbags in the past to stop water from intruding into their basements. Currently, there is no outlet for the water from the backyards to the street.

As part of the 2023 Drainage Improvement Project, staff is proposing to install a new storm sewer pipe between the two properties to a low point in their backyards, and connect to existing infrastructure in the street. The new storm sewer will be owned and maintained by the City indefinitely. To be able to construct and maintain the pipe, the City requested a five foot easement down the shared property line of 1806 and 1812 Aglen Street.

Both property owners approve the proposed solution to the drainage issue, and both have agreed to enter into an easement agreement with the City (Attachments B and C). The City Attorney has reviewed the template Drainage and Utility Easement Agreements which were used for this project.

POLICY OBJECTIVE

It is City policy to improve and maintain drainage to reduce the risk of localized flooding.

BUDGET IMPLICATIONS

There are no costs for the easements. The overall cost of the improvements is estimated to be \$35,000. When the project is bid, this will be brought to Council for approval. This cost will be paid by the storm sewer fund.

RACIAL EQUITY IMPACT SUMMARY

There should be no equity impacts associated with this agreement.

STAFF RECOMMENDATION

Staff recommends the City Council approve the easement agreements with 1806 Aglen Street and 1812 Aglen Street.

26 **REQUESTED COUNCIL ACTION**

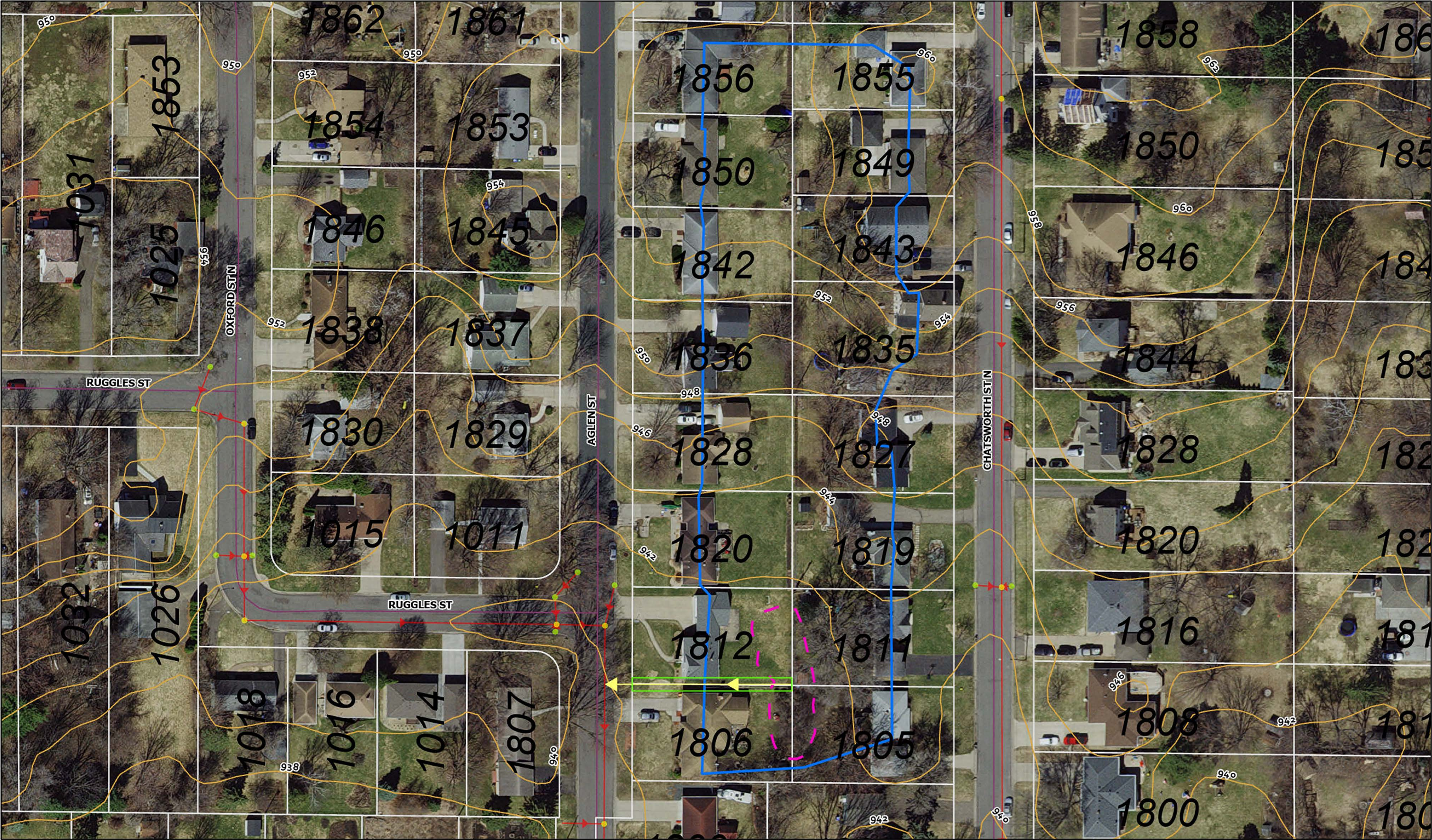
27 Motion to approve Drainage and Utility Easements at 1806 Aglen Street and 1812 Aglen Street.

Prepared by: Ryan Johnson, Environmental Manager

Attachments: A: Drainage Map

B: 1806 Aglen Street Drainage and Utility Easement

C: 1812 Aglen Street Drainage and Utility Easement



**1812 Aglen St
Drainage Map**

- Drainage area (1.7 AC +/-)
- Inundation area (4.500 SF +/-)
- Storm pipe (existing)
- Storm pipe (proposed)
- Proposed easement

Data Sources
* Ramsey County GIS (6/7/2022)
* City of Roseville Community Development
* City of Roseville Finance Department

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 produce 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 651-780-1070. The information 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.



Aglen_1812-Drainage

DRAINAGE AND UTILITY EASEMENT

THIS INSTRUMENT is made this 5 day of June, 2023, by Matthew and Michelle Mehmen, husband and wife, Grantor, in favor of the City of Roseville, a Minnesota municipal corporation, Grantee.

Recitals

- A. Grantor is the fee owner of certain real property located at 1806 Aglen Street, Roseville, in Ramsey County, Minnesota (PID No. 142923320016) and legally described on Exhibit A attached hereto (the "Property");
- B. Grantor desires to grant to Grantee a perpetual, non-exclusive drainage and utility easement according to the terms and conditions contained herein.

Terms of Easement

1. Incorporation. The above recitals and attached exhibits are hereby incorporated and made part of this Instrument.
2. Grant of Easement. For good and valuable consideration, receipt of which is acknowledged by Grantor, Grantor grants and conveys to Grantee a perpetual, non-exclusive drainage and utility easement over, under, and across the portion of the Property described on Exhibit B and depicted on Exhibit C attached hereto (the "Easement Area").
3. Scope of Easement. The perpetual, non-exclusive easement granted herein includes the right of Grantee, its contractors, agents, and employees to enter the premises at all reasonable times for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering, repairing, replacing, and removing public utilities and drainage ways within the Easement Area.

The easement granted herein also includes the right to cut, trim, or remove from the Easement Area trees, shrubs, or other vegetation as in Grantee's judgment unreasonably interfere with the easement or facilities of Grantee, its successors or assigns.

4. Warranty of Title. Grantor warrants that it is the owner of the Property and has the right, title and capacity to convey to Grantee the easement herein.

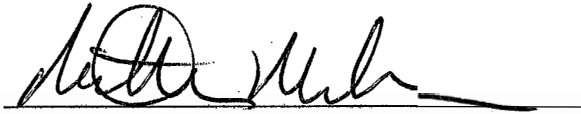
5. Environmental Matters. Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the Easement Area or the Property prior to the date of this Instrument.

6. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on Grantor, its successors and assigns.

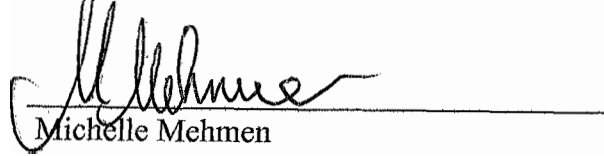
STATE DEED TAX DUE HEREON: NONE

[Signature on following page]

GRANTOR



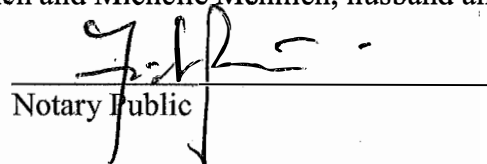
Matthew Mehmen



Michelle Mehmen

STATE OF MINNESOTA)
COUNTY OF Ramsey) ss.

The foregoing instrument was acknowledged before me this 5th day of June, 2023 by Matthew Mehmen and Michelle Mehmen, husband and wife.


Notary Public

NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY:

Kennedy & Graven, Chartered
Fifth Street Towers, Suite 700
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300

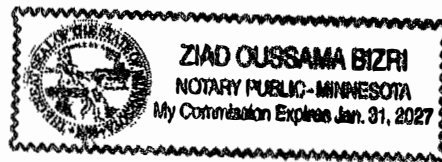


EXHIBIT A

Legal Description of Property

Lot 6, Block 1, Ed Bossard Addition Plat 1

EXHIBIT B

Legal Description of Easement

An easement for drainage and utility purposes described as follows:

An easement for drainage and utility purposes over, under and across the North 80 feet of Lot 6, Block 1, Ed Bossard Addition Plat 1 which is more particularly described as follows:

The northerly 5.00 feet of the North 80 feet of Lot 6, Block 1, Ed Bossard Addition Plat 1,

All in Ramsey County, Minnesota.

EXHIBIT C
Depiction of Easement

RUGGLES ST.

AGLEN ST.

EAST RIGHT-OF-WAY LINE
AGLEN ST.

1812

EXHIBIT "C"
GRANTOR: MATTHEW MEHMEN
GRANTEE: CITY OF ROSEVILLE

132.13'

6'

1806

LOCATED WITHIN THE CITY
OF ROSEVILLE,
RAMSEY COUNTY, MINNESOTA

DRAINAGE AND UTILITY
EASEMENT AREA (660.49 SF)



0 15 30 60
SCALE IN FEET

EXHIBIT "C"
DRAINAGE AND UTILITY EASEMENT
1806 AGLEN STREET

ROSEVILLE
ENGINEERING DEPARTMENT

DRAINAGE AND UTILITY EASEMENT

THIS INSTRUMENT is made this _____ day of _____, 2023, by Douglas and Lorraine Christianson, husband and wife, Grantor, in favor of the City of Roseville, a Minnesota municipal corporation, Grantee.

Recitals

- A. Grantor is the fee owner of certain real property located at 1812 Aglen Street, Roseville, in Ramsey County, Minnesota (PID No. 142923320017) and legally described on Exhibit A attached hereto (the "Property");
- B. Grantor desires to grant to Grantee a perpetual, non-exclusive drainage and utility easement according to the terms and conditions contained herein.

Terms of Easement

1. Incorporation. The above recitals and attached exhibits are hereby incorporated and made part of this Instrument.
2. Grant of Easement. For good and valuable consideration, receipt of which is acknowledged by Grantor, Grantor grants and conveys to Grantee a perpetual, non-exclusive drainage and utility easement over, under, and across the portion of the Property described on Exhibit B and depicted on Exhibit C attached hereto (the "Easement Area").
3. Scope of Easement. The perpetual, non-exclusive easement granted herein includes the right of Grantee, its contractors, agents, and employees to enter the premises at all reasonable times for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering, repairing, replacing, and removing public utilities and drainage ways within the Easement Area.

The easement granted herein also includes the right to cut, trim, or remove from the Easement Area trees, shrubs, or other vegetation as in Grantee's judgment unreasonably interfere with the easement or facilities of Grantee, its successors or assigns.

4. Warranty of Title. Grantor warrants that it is the owner of the Property and has the right, title and capacity to convey to Grantee the easement herein.

5. Environmental Matters. Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the Easement Area or the Property prior to the date of this Instrument.

6. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on Grantor, its successors and assigns.

STATE DEED TAX DUE HEREON: NONE

[Signature on following page]

EXHIBIT A

Legal Description of Property

Lot 7, Block 1, Ed Bossard Addition Plat 1

EXHIBIT B

Legal Description of Easement

An easement for drainage and utility purposes described as follows:

An easement for drainage and utility purposes over, under and across Lot 7, Block 1, Ed Bossard Addition Plat 1 which is more particularly described as follows:

The southerly 5.00 feet of Lot 7, Block 1, Ed Bossard Addition Plat 1,

All in Ramsey County, Minnesota.

GRANTOR

Douglas Christianson
Douglas Christianson

Lorrayne Kay Christianson
Lorrayne Kay Christianson

STATE OF MINNESOTA)
) ss.
COUNTY OF Ramsey)

The foregoing instrument was acknowledged before me this 25th day of May, 2023 by Douglas Christianson and Lorrayne Kay Christianson, husband and wife.

Beth Naomi Moen Kolodjski
Notary Public

NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY:

Kennedy & Graven, Chartered
Fifth Street Towers, Suite 700
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300



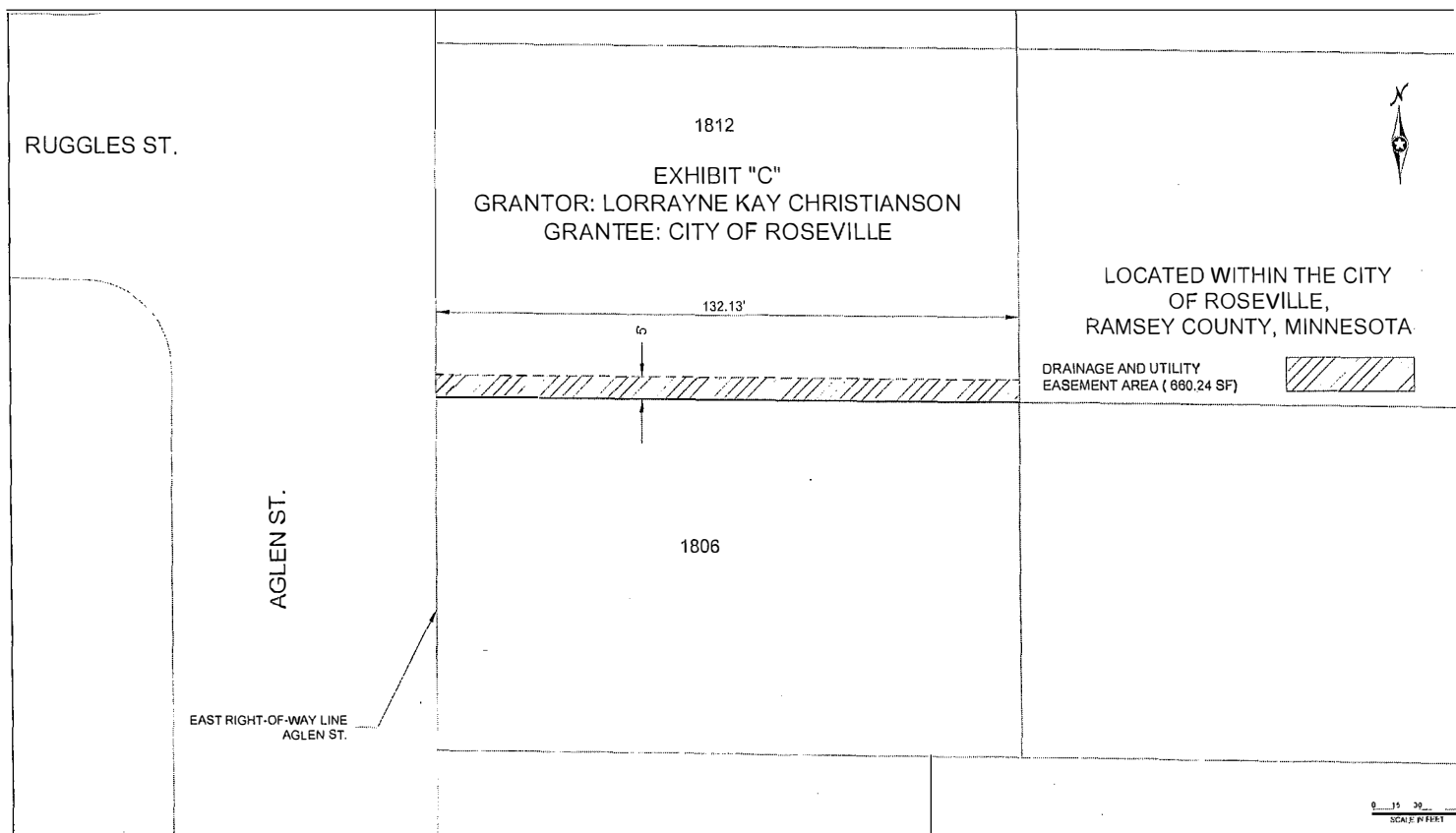


EXHIBIT "C"
DRAINAGE AND UTILITY EASEMENT
1812 AGLEN STREET

ROSEVILLE
ENGINEERING DEPARTMENT