

REQUEST FOR COUNCIL ACTION

Date: September 14, 2015
Item No.: 12.a

Department Approval



City Manager Approval



Item Description: Approve Resolution approving the vacation of a sewer easement in the W ¼ of the SW ¼ of Sec. 2 Twp. 29 Rng. 23 (Cherrywood Pointe)

BACKGROUND

In 1962 a 20 foot wide sewer utility easement was granted to the City of Roseville by deed prior to the construction of a sanitary sewer line running through the property.

As part of a proposed development, Cherrywood Pointe at Lexington, in this area, the developer's surveyor has recommended the vacation of an existing sewer easement running through the property in the W ¼ of the SW ¼ of Sec. 2 Twp. 29 Rng. 23. This recommendation is based on the establishment of a new alignment for the sanitary sewer to accommodate a new building as part of the development. Further, the existing sanitary sewer line is only within a portion of the existing described easement. As seen on the attached proposed plat, Attachment C, CHERRYWOOD POINTE AT LEXINGTON, a new sewer utility easement would be established throughout the lot to accommodate the re-aligned sanitary sewer.

The vacation will not be official until such time the City Manager executes and records a Notice of Completion of this vacation. This will be done once a Final Plat has been approved by the City Council. Therefore, staff is recommending the vacation of the sewer easements running north to south in the W ¼ of the SW ¼ of Sec. 2 Twp. 29 Rng. 23.

FINANCIAL IMPACTS

There is no financial impact to the City of Roseville. The property owner will need to enter into a Public Improvement Contract with the City to realign the City's sanitary sewer at their cost. All work would need to be completed to the satisfaction of the City Engineer.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the attached resolution approving the vacation of the sewer easement running north to south in the W ¼ of the SW ¼ of Sec. 2 Twp. 29 Rng. 23.

REQUESTED COUNCIL ACTION

Conduct a public hearing receiving any public comments related to the proposed easement vacation.

Approval of resolution approving the vacation of a sewer easement running north to south in the W ¼ of the SW ¼ of Sec. 2 Twp. 29 Rng. 23.

Prepared by: Jesse Freihammer, City Engineer
Attachments: A: Resolution
B: Location Map
C: Draft Cherrywood Pointe at Lexington Plat
D: Aerial view of Subject Property

**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, Minnesota, was duly held on the 14th day of September, 2015, at 6:00 p.m.

The following members were present: ; and and the following members were absent:

Councilmember introduced the following resolution and moved its adoption:

**RESOLUTION NO.
APPROVING THE VACATION OF A SEWER EASEMENT LOCATED IN THE
W ¼ OF THE SW ¼ OF SEC. 2 TWP. 29 RNG. 2.**

WHEREAS, sewer easement was dedicated to the City of Roseville by deed; and

WHEREAS, a Request has been filed with the City of Roseville requesting the vacation of said sewer easement which lie within the following described real property:

That part of the West Quarter of the Southwest Quarter (W. ¼ of SW. ¼) of Section Two (2), Township Twenty-nine (29), Range Twenty-three (23), lying South of Woodhill Drive (formerly County Road C), except the South Three Hundred Thirty-Six Feet (S. 336') thereof, and except the North Two Hundred Fifty-Three and 08/100 feet (N. 253.8') of the South Seven Hundred Forty-Nine and 08/100 Feet (S. 749.8') of the West One Hundred Sixty Feet (W. 160') thereof;

Said point being Three Hundred Ten Feet East (310'E.) of the Southwest corner of said parcel; thence Northerly Seventy Five Feet (N'ly 75'); thence North Thirty Degrees Fifty Minutes East (N. 30°50' E.) to a point on the South line of Woodhill Drive (formerly County Rd C).

WHEREAS, after two weeks published and posted notice have been given as well as notice having been mailed to all affected property owners according to Minnesota Statutes, a public hearing was held on September 14, 2015 at which all persons interested in said vacation were given an opportunity to be heard; and

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

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

1. That the City of Roseville hereby vacates that portion of the sewer easement dedicated to the City by deed, which lies within the following described real property:

That part of the West Quarter of the Southwest Quarter (W. ¼ of SW. ¼) of Section Two (2), Township Twenty-nine (29), Range Twenty-three (23), lying South of Woodhill Drive (formerly County Road C), except the South Three Hundred Thirty-Six Feet (S. 336') thereof, and except the North Two Hundred Fifty-Three and 08/100 feet (N. 253.8') of the South Seven Hundred Forty-Nine and 08/100 Feet (S. 749.8') of the West One Hundred Sixty Feet (W. 160') thereof;

Said point being Three Hundred Ten Feet East (310'E.) of the Southwest corner of said parcel; thence Northerly Seventy Five Feet (N'ly 75'); thence North Thirty Degrees Fifty Minutes East (N. 30°50' E.) to a point on the South line of Woodhill Drive (formerly County Rd C).

2. The vacation applies only to the sewer easement which lies within the real property described in Provision 1 above which were dedicated to the City by deed and not to: (a) the rights of existing utilities, if any, and (b) any other easements running to or benefiting the City of Roseville or the Metropolitan Council.
3. Contingent upon the establishment of new drainage and utility easements platted on this property, the City Manager is directed to execute and record a Notice of Completion of this vacation proceeding pursuant to Minnesota Statutes §412.851. The vacation authorized by this Resolution shall not be effective until the Notice of Completion is recorded in the office of the Ramsey County Recorder.

The motion was duly seconded by Councilmember and upon vote being taken thereon, the following voted in favor thereof: ; and and the following voted against:

WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 14th day of September, 2015, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 14th day of September, 2015.

Patrick Trudgeon, City Manager

(SEAL)



PRELIMINARY PLAT

~of~ CHERRYWOOD POINTE AT LEXINGTON
~for~ CHERRYWOOD POINTE OF
ROSEVILLE AT LEXINGTON LLC

PROPERTY DESCRIPTON

(Description per Stewart Title Guaranty Company, Commitment No. 01040-5066.)

Parcel 2: (Per Title Commitment)
Beginning at a point 496 feet North from the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 2, Township 29, Range 23, thence North 120 feet, thence East 160 feet, thence South 120 feet, thence West to the point of beginning, Ramsey County, Minnesota.

Parcel 3: (Per Title Commitment)
That part of the West 1/4 of the Southwest 1/4, Section 2, Township 29, Range 23, Ramsey County, Minnesota, lying South of the centerline of County Road C (now called Woodhill Drive), except the South 336 feet thereof, and except the North 253.8 feet of the South 749.8 feet of the West 160 feet thereof.

DEVELOPMENT DATA

TOTAL SITE AREA = 264,715 S.F. (6.08± ACRES)
TOTAL NUMBER OF LOTS = 2
LOT 1 BLOCK 1 = 209,624 S.F. (4.81± ACRES)
LOT 2 BLOCK 1 = 9,884 S.F. (0.23± ACRES)

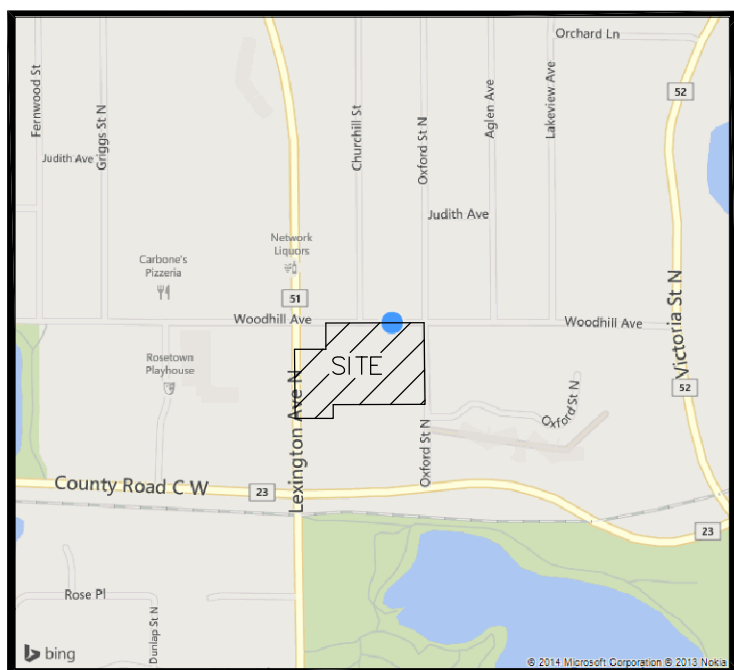
GENERAL NOTES

- Fee ownership is vested in Roger Joseph Reiling for Parcels 2 and 3.
Parcel ID Numbers: Parcel 2 = 02-29-23-33-0047
Parcel 3 = 02-29-23-33-0048
Parcel 2 = 2688 Lexington Avenue North, Roseville, Minnesota.
Parcel 3 = 0 Oxford Street North, Roseville, Minnesota.
- Address of the surveyed premises: Parcel 2 = 2688 Lexington Avenue North, Roseville, Minnesota.
Parcel 3 = 0 Oxford Street North, Roseville, Minnesota.
- Bearings shown hereon are based on Ramsey County Coordinate System.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance flood plain), according to Flood Insurance Rate Map Community Panel No. 27123C0020G by the Federal Emergency Management Agency, effective date June, 04, 2010.
- Boundary area of the surveyed premises: 251,377± sq. ft. (5.77 acres) including right-of-way 214,250± sq. ft. (4.92 acres) excluding right-of-way.
- A search of the City of Roseville's website indicates that the surveyed premises shown on this survey is currently zoned HDR-1 = (High Density Residential-1 District). A zoning endorsement letter has not been provided for this survey. Under the applicable zoning regulations, the current lot standards and setbacks are:

	Attached	Multifamily
Maximum density	24 Units/net acre	
Minimum density	12 Units/net acre	
Maximum building height	35 Feet	75 Feet
Maximum improvement area	75%	75%
Minimum front yard building setback:		
Street	30 Feet	30 Feet
Interior courtyard	10 Feet	10 Feet
Minimum side yard building setback:		
Interior	8 Feet (end unit)	20 Feet, when adjacent to ldr-1 or ldr-2
	10 Feet, all other uses	
Corner	15 Feet	20 Feet
Minimum rear yard building setback	30 Feet	30 Feet
- For additional information contact the Planning and Zoning Department at the City of Roseville at (651) 792-7000.
- There are no marked or striped parking areas onsite. (0 regular, 0 handicapped).
- The surveyed premises has access to Lexington Avenue, Woodhill Drive and Oxford Street, all public streets.
- Utilities shown hereon are observed. Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation. United Locating Services (612-270-7632) was used for utility locates. The Gopher State Ticket number obtained by United Locating Services for this survey locate request is 141323722. Utility Companies contacted by One Call are as follows: A1&1 LOCAL SVCs/TRANSMISSI (903) 753-3145; BP PIPELINE (800) 548-6482; CITY OF ROSEVILLE (651) 792-7004; COMCAST - COMST01 (612) 522-8141; MCI (800) 289-3427; MN COMMERCIAL RAILWAY (651) 295-8609; RAMSEY COUNTY PUBLIC WORKS (651) 266-7100; XCEL ENERGY (651) 229-2427; TTM OPERATING CORP (866) 753-8309; CENTURYLINK (800) 283-4237 and ZAYO GROUP No number provided.
- Subsurface and environmental conditions were not examined or considered during the process of this survey. No statement is made concerning the existence of underground or overhead containers or facilities that may affect the use or development of the surveyed premises.
- The field survey of this site was completed on May 23rd, 2014. Delineated wetlands were located on June 10th, 2014.
- Stewart Title Guaranty Company, Commitment No. 01040-5066, Schedule B-II Survey Related Exceptions regarding Parcels 2 and 3 only:
 - 10.) Lexington Avenue and Woodhill Drive as laid out and traveled. [Surveyor's Note: Lexington Avenue and Woodhill Drive as laid out and traveled are shown. The widths shown are per the Ramsey County Half Sections Maps and therefore it is not warranted or guaranteed for accuracy. No documentation was provided to determine the legal width of said right-of-way.]
 - 11.) Terms and conditions of Easement dated 11/12/1962, filed 11/21/1962, as Document No. 1577421. [Surveyor's Note: Easement per Document No. 1577421 is shown in approximate location only. The easement does not provide a basis of bearings to accurately depict the location. The easement also does not cover the entire sanitary sewer line as shown.]
 - 12.) Terms and conditions of Easement dated 12/7/1962, filed 12/31/1962, as Document No. 1580419. [Surveyor's Note: Easement per Document No. 1580419 does not lie within Parcels 2 and 3.]
 - 13.) Terms and conditions of Easement dated 5/8/1968, filed 6/19/1968, as Document No. 1726546. [Surveyor's Note: Easements per Document No. 1726546 are shown.]
 - 14.) Terms and conditions of Easement dated 11/14/1972, filed 12/18/1972 as Document No. 1844504. [Surveyor's Note: Easement per Document No. 1844504 does not lie within Parcels 2 and 3.]
 - 15.) Terms and conditions of Easement dated 12/1/1972, filed 12/26/1972, as Document No. 1845114. [Surveyor's Note: Easements per Document No. 1845114 are shown.]
 - 16.) Right of the public, State of Minnesota and adjoining land owners to the body of water on the property and consequences of the change in location or expansion of the body of water due to rising and falling levels. [Surveyor's Note: The body of water is shown.]
- There is a description gap between Parcels 2 and 3 as shown.
- Curb shots are taken at the top and back of curb.
- Proposed Site Plan information provided by JSSH Architects, ponding provided by Plowe Engineering.

VICINITY MAP

PART OF SEC. 02, TWP. 29, RNG. 23



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

JASON E. RUD
Date: 8/03/15 License No. 41578

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

CITY'S PARCEL DESCRIPTION

All the West 353 feet of the following described premises located in Section 2, Township 29, Range 23; Beginning 266 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter, Section 2, Township 29, Range 23; thence North 70 feet; thence East 40 rods; thence South 70 feet; thence West 40 rods to the point of beginning, Except the East 160 feet thereof.

CITY'S PARCEL NOTES

- Description for City's Parcel is per Warranty Deed Document No. 3070327.
- No title work was furnished for City's Parcel. Therefore, there may or may not exist easements or other encumbrances that are not shown on this survey.
- There is a description overlap between the City's Parcel and Parcel 3 as shown.

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES CATCH BASIN
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES HYDRANT
- ⊙ DENOTES GATE VALVE
- ⊙ DENOTES GAS METER
- ⊙ DENOTES POWER POLE

- DENOTES SIGN
- DENOTES TELEPHONE PEDESTAL
- DENOTES CABLE PEDESTAL
- DENOTES ELECTRICAL BOX
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES UNDERGROUND ELECTRIC LINE
- DENOTES UNDERGROUND GAS LINE

PIN No. 17-119-22-14-0008
Owner: City of X
Address: Unassigned

DENOTES CONCRETE SURFACE
DENOTES BITUMINOUS SURFACE
DENOTES GRAVEL SURFACE

DENOTES ADJACENT PARCEL OWNER INFORMATION
(PER RAMSEY COUNTY TAX INFORMATION)
DENOTES WETLANDS AS DELINEATED BY KUJHAUG
ENVIRONMENTAL SERVICE COMPANY IN JUNE 2014.

BENCHMARK

BENCHMARK: RAMSEY COUNTY BM
#9080 ALUMINUM MONUMENT
ELEV.=904.156 NAVD 1988

DRAWN BY: JEN	JOB NO: 14233PP	DATE: 07/08/15
CHECK BY: JER	SCANNED	
1	08/03/15	Added City Parcel & Add R/W JEN
2		
3		
NO.	DATE	DESCRIPTION
		BY



022923330048 Aerial View



Prepared by:
Engineering Department
September 04, 2015

Data Sources and Contacts:
 * Ramsey County GIS Base Map (8/19/15)
 * City of Roseville Engineering Department
 For further information regarding the contents of this map contact:
 City of Roseville, Engineering Department,
 2650 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 recorded information and data located in various city, county, state and federal offices and other sources regarding the area shown, and should not be used for any 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. This map and the data contained herein are provided "as is" without warranty of any kind, either expressed or implied. If you have any questions or are found in legal contact please contact 651-792-7075. The preceding disclaimer is provided pursuant to Minnesota Statutes §46.052, §46.053 and the use 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 and damages brought by User, its employees or agents, or third-party users arising out of the user's access or use of data provided.

