

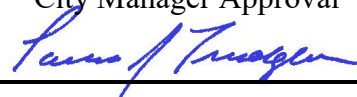
ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: October 7, 2019
Item No.: 9.b

Department Approval



City Manager Approval



Item Description: Approve Trail Easement Agreements for Fairview Avenue Addition

1 **BACKGROUND**

2 As part of the Fairview Avenue Addition plat redevelopment, both property owners will be
3 reconstructing the existing pathway along the west side of the development on the east side of
4 Fairview Avenue. A portion of the newly reconstructed pathway will require the dedication of a
5 trail easement from each property owner. The City has been working with the developers to
6 obtain the necessary easements for public use. Attachment A is the trail easement for the Reuter
7 Walton LLC development on Lot 1, Block 1 Fairview Avenue Addition. Attachment C is a trail
8 easement for the 2720 Fairview MKT, LLC development on Lot 2, Block 1, Fairview Avenue
9 Addition. Both easements give the city the right to maintain a public trail within these legal
10 descriptions.

11 **DISCUSSION**

12 Trail easements (Attachments A & C) will be dedicated to the City along Fairview Avenue. The
13 easements accommodate the new 8-foot pathway which will be reconstructed as part of the
14 redevelopment project.

15 **FINANCIAL IMPLICATIONS**

16 There are no financial costs to the City.

17 **STAFF RECOMMENDATION**

18 Staff recommends that the City Council approve the trail easements for Lot 1 and Lot 2, Block 1,
19 Fairview Avenue Addition.

20 **REQUESTED COUNCIL ACTION**

21 Motion to approve the trail easements for Lot 1 and Lot 2, Block 1, Fairview Avenue Addition.

Prepared by: Jesse Freihammer, Asst. Public Works Director/City Engineer
Attachments: A: Lot 1 Trail Easement
B: Trail Easement Exhibit Lot 1
C: Lot 2 Trail Easement
D: Trail Easement Exhibit Lot 2

TRAIL EASEMENT

THIS INDENTURE is made this _____ day of _____, 2019, between Walton Holdings, LLC, a Minnesota limited liability partnership (“**Grantor**”), and the City of Roseville, a Minnesota municipal corporation (“**City**”).

WITNESSETH:

That the Grantor, in consideration of One and no/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the City, its successors and assigns, a non-exclusive permanent trail easement for trail purposes (the “**Easement**”) on, over and across the following described real estate located in Ramsey County, Minnesota, to-wit:

See attached **Exhibit A**.

The area for said Easement being that part of the above described parcel described as follows, to-wit:

See attached **Exhibit B** (the “**Easement Area**”).

The Easement Area is depicted on **Exhibit C** attached hereto.

The grant of the foregoing Easement includes the right of the City, and its contractors, agents, employees, successors, and assigns, to enter upon and use the Easement Area to construct, reconstruct, inspect, repair, operate, maintain, and use trails and appurtenances, on, over, across, and through the Easement Area; together with the right to excavate and refill the trailbed, and to grade the Easement Area; to remove and import soils; to grade, level, pave, mark, and drain trail, within the Easement Area; to remove trees, bushes, sod, landscaping, plantings, and other vegetation, signs, fences, light poles, irrigation systems, and other obstructions within the Easement Area; and to do all other acts and things which are reasonably necessary for or incidental to the enjoyment of the easement rights granted herein.

The foregoing easement shall be binding upon the Grantor and its successors and assigns, shall inure to the benefit of the City and its successors and assigns, and shall run with the land.

TO HAVE AND TO HOLD THE SAME, together with all of the hereditaments and appurtenances thereunto belonging, or in any way appertaining, to the City, its successors and assigns, forever.

[Signatures follow]

IN TESTIMONY WHEREOF, the Grantor has caused this Trail Easement to be executed as of the day and year first above written.

Walton Holdings, LLC

By _____

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, the _____, a Minnesota limited liability partnership, on behalf of the Grantor.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Erickson, Bell, Beckman & Quinn, P.A.
Attorneys at Law
Suite 110
1700 West Highway 36
Roseville, MN 55113
651-223-4999

EXHIBIT A

**Grantor's Property
Legal Description**

Lot 1, Block 1, FAIRVIEW AVENUE ADDITION, according to the recorded plat thereof,
Ramsey County, Minnesota.

Abstract Property

EXHIBIT B

**Easement Area
Legal Description**

That part of Lot 1, Block 1, FAIRVIEW AVENUE ADDITION, according to the recorded plat thereof, Ramsey County, Minnesota, described as follows:

The Westerly 8.00 feet of said Lot 1.

Abstract Property

EXHIBIT C
Easement Depiction

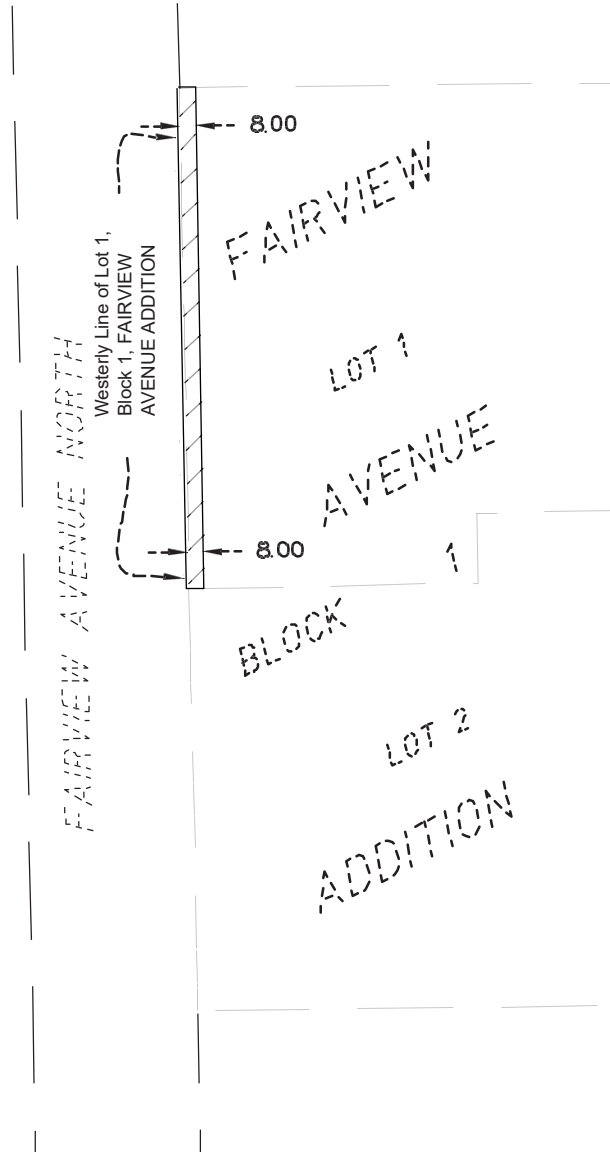
The Easement Area is shown on the survey exhibit that follows.

Trail Easement Exhibit
Part of Lot 1, Block 1 FAIRVIEW AVENUE ADDITION
Roseville, Ramsey County, Minnesota

DESCRIPTION

An easement for trail purposes, over and across the following described property:

The westerly 8.00 feet of Lot 1, Block 1, FAIRVIEW AVENUE ADDITION,
according to the recorded plat thereof, Ramsey County, Minnesota.



SCALE IN FEET

TRAIL EASEMENT

THIS INDENTURE is made this _____ day of _____, 2019, between 2720 Fairview MKT, LLC, a Minnesota limited liability partnership (“**Grantor**”), and the City of Roseville, a Minnesota municipal corporation (“**City**”).

WITNESSETH:

That the Grantor, in consideration of One and no/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the City, its successors and assigns, a non-exclusive permanent trail easement for trail purposes (the “**Easement**”) on, over and across the following described real estate located in Ramsey County, Minnesota, to-wit:

See attached **Exhibit A**.

The area for said Easement being that part of the above described parcel described as follows, to-wit:

See attached **Exhibit B** (the “**Easement Area**”).

The Easement Area is depicted on **Exhibit C** attached hereto.

The grant of the foregoing Easement includes the right of the City, and its contractors, agents, employees, successors, and assigns, to enter upon and use the Easement Area to construct, reconstruct, inspect, repair, operate, maintain, and use trails and appurtenances, on, over, across, and through the Easement Area; together with the right to excavate and refill the trailbed, and to grade the Easement Area; to remove and import soils; to grade, level, pave, mark, and drain trail, within the Easement Area; to remove trees, bushes, sod, landscaping, plantings, and other vegetation, signs, fences, light poles, irrigation systems, and other obstructions within the Easement Area; and to do all other acts and things which are reasonably necessary for or incidental to the enjoyment of the easement rights granted herein.

The foregoing easement shall be binding upon the Grantor and its successors and assigns, shall inure to the benefit of the City and its successors and assigns, and shall run with the land.

TO HAVE AND TO HOLD THE SAME, together with all of the hereditaments and appurtenances thereunto belonging, or in any way appertaining, to the City, its successors and assigns, forever.

[Signatures follow]

IN TESTIMONY WHEREOF, the Grantor has caused this Trail Easement to be executed as of the day and year first above written.

2720 Fairview MKT LLC

By _____

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, the _____, a Minnesota limited liability partnership, on behalf of the Grantor.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Erickson, Bell, Beckman & Quinn, P.A.
Attorneys at Law
Suite 110
1700 West Highway 36
Roseville, MN 55113
651-223-4999

EXHIBIT A

**Grantor's Property
Legal Description**

Lot 2, Block 1, FAIRVIEW AVENUE ADDITION, according to the recorded plat thereof,
Ramsey County, Minnesota.

Abstract Property

EXHIBIT B

**Easement Area
Legal Description**

That part of Lot 2, Block 1, FAIRVIEW AVENUE ADDITION, according to the recorded plat thereof, Ramsey County, Minnesota, described as follows:

The Westerly 8.00 feet of said Lot 2.

Abstract Property

EXHIBIT C
Easement Depiction

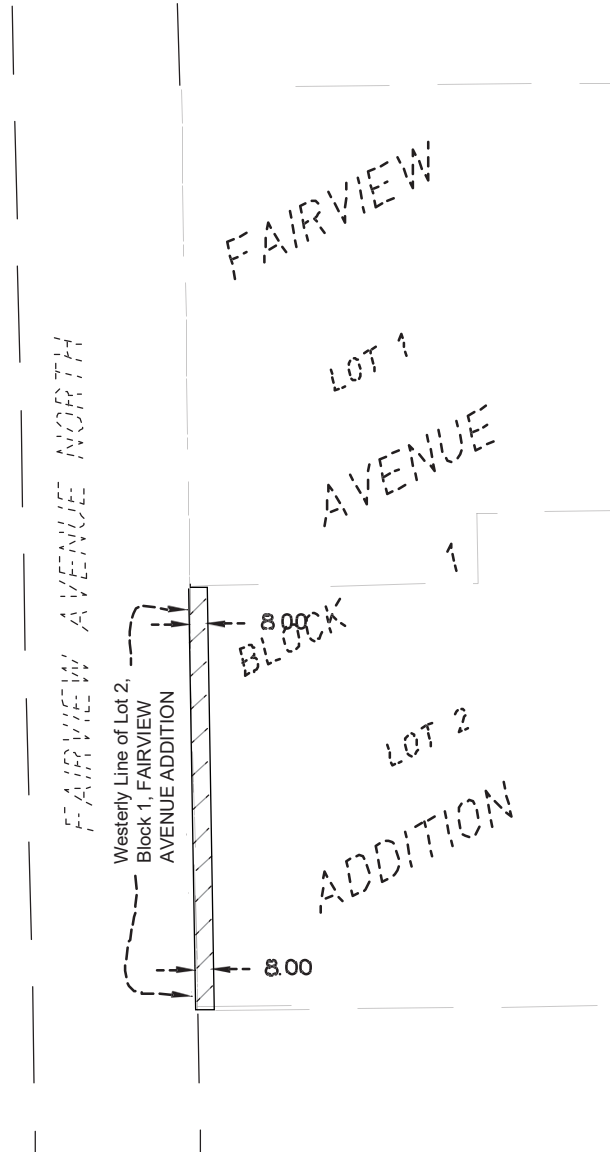
The Easement Area is shown on the survey exhibit that follows.

Trail Easement Exhibit
Part of Lot 2, Block 1 FAIRVIEW AVENUE ADDITION
Roseville, Ramsey County, Minnesota

DESCRIPTION

An easement for trail purposes, over and across the following described property:

The westerly 8.00 feet of Lot 2, Block 1, FAIRVIEW AVENUE ADDITION,
according to the recorded plat thereof, Ramsey County, Minnesota.



SCALE IN FEET