

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: January 24, 2022  
Item No.: 10.d

Department Approval



City Manager Approval



Item Description: Approve Modification of Easement to Road Easement at 2501 Fairview Ave

**BACKGROUND**

The City of Roseville has maintained a water tower at 2501 Fairview Ave since 1962. The City also maintained a fire station adjacent to the water tower up until recently. Further, Xcel Energy, formerly Northern States Power (NSP), has maintained a power substation behind the water tower since the late 60's.

In order to provide legal access to the substation, the City and NSP entered into a road easement in 1969. This easement granted NSP access over a portion of the fire station parking lot and water tower property so that maintenance vehicles could access the substation from Fairview Avenue.

With the recent sale of the Fire Station portion of the site and the replatting of the site, this road easement needs to be amended to reflect a modified legal description over both lots. The easement area is also being widened through the west portion of Lot 2 (formerly the fire station portion of the property) and the water tower lot to more accurately reflect where the actual access road has ended up over time.

Xcel Energy and our City Attorney, as well as the ultimate land owner for Lot 2, have reviewed and approved the proposed amendment.

**FINANCIAL IMPACTS**

There is no financial impact to the City to amend this road easement as proposed. Given the current location of the access road, the City is not losing any utility of the parcel.

**STAFF RECOMMENDATION**

Staff recommends that Council approve the proposed Modification of Easement to the Road Easement expanding the size of the easement through portions of the property and updating the legal description.

**REQUESTED COUNCIL ACTION**

Motion to approve the Modification of Easement to the 1969 Road Easement between the City of Roseville and NSP (dba Xcel Energy) at 2501 Fairview Ave.

Prepared by: Marc Culver, Public Works Director  
Attachments: A: Modification of Easement  
B: Original Road Easement

**MODIFICATION OF EASEMENT**

This agreement is by and between Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy (hereinafter referred to as “NSP”) and the City of Roseville, (hereinafter called “City”);

**WITNESS THAT:**

**WHEREAS**, The City is the owner of certain land situated in the County of Ramsey, State of Minnesota and described on the attached **Exhibit A** the (“**Premises**”).

**WHEREAS**, NSP is the record owner of a Road Easement affecting and encumbering the above described Premises. Said easement was granted to Northern States Power Company, a Minnesota corporation by The Village of Roseville, Ramsey County, Minnesota, a municipal corporation on January 13, 1969, and filed with the Ramsey County Recorder on May 20, 1969 in Book 2180 of Ramsey County Records, page 247 as Document No. 1750180.

**WHEREAS**, Northern States Power Company became Xcel Energy, Inc., a Minnesota corporation as a result of the Articles of Merger dated August 18, 2000, and filed with the Ramsey County Recorder on September 25, 2000, as Document No. 3346323. Xcel Energy, Inc. assigned the above easement to Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy, by Assignment and Assumption of Easements dated December 29, 2000, and filed with the Ramsey County Recorder on March 12, 2001, as Document No. 3378232 A or by Ratification and Assignment of Easements dated June 2, 2004, and filed with the Ramsey County Recorder on August 3, 2004, as Document No. 3778787.

**WHEREAS**, both parties desire to amend said Easement as it relates to the “Premises” and “Easement Area”, described therein.

**NOW THEREFORE**, The City and NSP agree said Easement shall be modified as to the “Premises” and “Easement Area” by amending and restating both the descriptions of said “Premises” and “Easement Area” to be described as shown on the attached **Exhibit A**.

All other terms and conditions of the Easement will remain unchanged and in effect.

**The remainder of this page is left intentionally blank**





**EXHIBIT A**

PREMISES:

Lots 1 and 2, Block 1, Fairview Fire Station

EASEMENT AREA:

The South 25 feet of Lot 1, Block 2, Fairview Fire Station; the South 40 feet of the East 167 feet and the South 25 feet of the West 48 feet of Lot 2, Block 1, Fairview Fire Station

Mar 20 12 35 PM '69 1750180

ROAD EASEMENT

THIS INDENTURE, Made this 13th day of January, 1969,  
by and between the Village of Roseville, Ramsey County, Minnesota, a  
municipal corporation, hereinafter called the "VILLAGE", and Northern  
States Power Company, a Minnesota corporation, hereinafter called the  
"COMPANY",

WITNESSETH: The Village hereby grants, bargains and sells to the  
Company a perpetual easement over part of the following described real  
property lying within the Village of Roseville, County of Ramsey, State  
of Minnesota, described as follows, to wit:

The South 200 feet of the North 266 feet of the East  
410 feet of the Southeast Quarter (SE $\frac{1}{4}$ ) of the North-  
west Quarter (NW $\frac{1}{4}$ ) of Section Nine (9), Township  
Twenty-nine (29), Range Twenty-three (23), subject to  
roads and easements.

That part of the above described parcel subject to this easement  
is the following, to wit:

The South 40 feet of the East 200 feet of said parcel,  
and the South 15 feet of said parcel, except the East  
200 feet thereof.

This easement gives to the Company the right to use said property  
for a roadway, and to construct and maintain a bituminous or concrete  
surface or any other subject to approval of the Village's Utilities  
Department.

The roadway maintained by the company shall be subject to use  
by the Village.

State Deed Tax \$2.20



VILLAGE OF ROSEVILLE

By A. [Signature]  
Its Mayor

By Joseph M. [Signature]  
Its Manager



E-5964 (A) Rose R. Sub.

8250 \$01.25 TOTL. A

ENTERED IN TRANSFER RECORD  
5-28-1969  
THOMAS J. KELLEY  
Auditor, Ramsey County, Minnesota  
By [Signature] Deputy

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STATE OF MINNESOTA }  
County of Ramsey } ss.

On this 13<sup>th</sup> day of January, 1969, before me,  
a Notary Public within and for Ramsey County, personally  
appeared A. Donald Moll and Joseph M. Sills  
to me personally known who, being each by me duly sworn they did say that they  
are respectively the Mayor and the Manager of the Village of Roseville named in the  
foregoing instrument, and that the seal affixed to said instrument is the corporate  
seal of said Village and that said instrument was signed and sealed in behalf of said  
Village by authority of its Village Council of the Village of Roseville and said A.  
Donald Moll and Joseph M. Sills acknowledged said instrument to be the free act and  
deed of said Village of Roseville



Margaret Pohl

Notary Public Ramsey County, Minn.  
My commission expires June 3, 1970

88 19 2E 1/2 S 1/2 W 1/4  
1750180  
Rough Count  
Village of Roseville  
Northern St Power Co

STATE OF MINNESOTA }  
County of Ramsey } ss.  
Office of the Register of Deeds  
This is to certify that the within instrument  
was filed for record in this office at St. Paul  
on the 20 day of May  
A. D. 1969, at 11:05 o'clock A.M. and that  
the same was duly registered in book 2180  
of Ramsey County Records page 247

By \_\_\_\_\_  
Register of Deeds  
Deputy

Norman J. Berger  
No. States Power Co.  
414 Nicollet Mall  
Mpls, Minn 55401

Office of the Ramsey County Engineer  
367 Courthouse  
Saint Paul, Minnesota 55102

HIGHWAY EASEMENT

Fairview Avenue  
from County Road B2 to County Road C2  
S.A.P. 62-648-03  
Parcel 12

EXEMPT FROM STATE DEED TAX

I HEREBY CERTIFY THAT THIS INSTRUMENT IS  
ENTITLED TO RECORD OR RECORDED WITHOUT  
PAYMENT OF FEES PURSUANT TO LAWS 1967,  
CHAPTER 129, IT BEING FOR THE BENEFIT OF  
THE COUNTY OF RAMSEY, STATE OF MINNESOTA.

*[Signature]*  
Title *Right of Way Engineer*

ENTERED IN TRANSFER RECORD

1-9-1974

LOU MCKENNA

Auditor, Ramsey County, Minnesota

By *[Signature]*  
DEPUTY

KNOW ALL MEN BY THESE PRESENTS, That the Village of Roseville, a municipal corporation, grantor, of Ramsey County, Minnesota, for and in consideration of the improvement and widening of Fairview Avenue from County Road B2 to County Road C2, hereby conveys and warrants to the County of Ramsey, grantee, for highway purposes, free and clear of all encumbrances, the following described real estate in the County of Ramsey in the State of Minnesota:

The east 43 feet of the south 200 feet of the north 266 feet of the west 377 feet of the east 410 feet of the southeast quarter of the northwest quarter of Section 9, Township 29 North, Range 23 West, excepting therefrom such right of way heretofore dedicated to the public or otherwise acquired for highway purposes, also subject to right-of-way easement for roadway purposes in favor of the Great Lakes Pipe Line Co., a Delaware corporation (now owned by Williams Brothers Pipe Line Company, a Delaware corporation), and Standard Oil Co., an Indiana corporation, as set forth in a certain instrument dated December 31, 1949, filed December 31, 1949, as Document 1220885 in 1326 Deeds 75, also subject to road easement to Northern States Power Company, a Minnesota corporation, as set forth in a certain instrument dated January 13, 1969, filed May 20, 1969, as Document 1750180.

And the said grantor for its successors and assigns does hereby release the County of Ramsey, its successors and assigns from all claims for any and all damages resulting to the land through and across which the parcel of land hereby conveyed is located by reason of the location, grading, construction, maintenance and use of a public highway over and upon, and the removal of materials from the premises hereby conveyed and from the uses incidental thereto, and the County of Ramsey shall have the right to use and remove all earth and other materials together with all trees, shrubs, grasses and herbage lying within the parcel of land hereby conveyed.

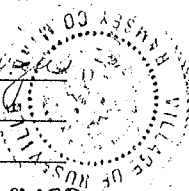
Dated this 15<sup>th</sup> day of October, 1973.

In presence of:

Margaret Pohl  
Clay Frie

VILLAGE OF ROSEVILLE

By A. Dale Lumborg  
Its Mayor  
By [Signature]  
Its ACTING MANAGER



State of Minnesota ) ss.  
County of Ramsey )

On this 15<sup>th</sup> day of October, 1973, before me, a notary public within and for said County, personally appeared A. Dale Lumborg and Steve North, to me personally known, who being each by me duly sworn did say that they are respectively the Mayor and Acting Manager of the municipal corporation named in the foregoing instrument, and the seal affixed to said instrument was signed and sealed in behalf of said municipal corporation by authority of its Village Council and said [Signature] and said Acting Manager acknowledged said instrument to be the free act and deed of said municipal corporation.

This instrument was dictated by  
NAME: Margaret Pohl  
ADDRESS: 1518 E. 12th

Margaret Pohl  
Notary Public, Ramsey County, Minnesota  
MARGARET POHL  
My Commission expires June 3, 1977

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