

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

Date: June 6, 2022  
Item No.: 7.c

Department Approval



City Manager Approval



Item Description: Consider Adopting Resolution Approving the Vacation of an Easement at 2560 Fry Street

1 **BACKGROUND**

2 In 1972, the City of Roseville acquired a sewer easement (Attachment C) at 2560 Fry Street for  
3 planned future development around the area. The City never utilized the easement for any purpose.  
4 The property owner has petitioned the City to vacate the easement since it serves no public purpose.  
5 City staff has reviewed the request and, due to existing uses around the property and existing  
6 infrastructure, the City has no future needs for this easement and supports the easement vacation.

7 The vacation will not be official until such time that the City Manager executes and records a Notice  
8 of Completion of this vacation. Since the vacation was petitioned, only a majority Council vote is  
9 needed for approval.

10 No written public comments have been received to date.

11 **FINANCIAL IMPACTS**

12 There is no financial impact to the City of Roseville.

13 **STAFF RECOMMENDATION**

14 Staff recommends that the City Council adopt the attached resolution approving vacation of a sewer  
15 easement at 2560 Fry Street.

16 **REQUESTED COUNCIL ACTION**

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

18 Consider adoption of a resolution approving vacation of a sewer easement at 2560 Fry Street.

Prepared by: Jesse Freihammer, Assistant Public Works Director/City Engineer  
Attachments: A: Resolution  
B: Public Hearing Agenda  
C: Proposed Vacation

**EXTRACT OF MINUTES OF MEETING  
OF THE  
CITY COUNCIL OF THE CITY OF ROSEVILLE**

\* \* \* \* \*

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of  
2 Roseville, County of Ramsey, Minnesota, was duly held on the 6<sup>th</sup> day of June, 2022, at 6:00  
3 p.m.

4  
5 The following members were present: ; and and the following members were absent:  
6

7  
8 Councilmember introduced the following resolution and moved its adoption:  
9

10 **RESOLUTION NO.**  
11 **APPROVING THE VACATION OF SEWER EASEMENT LOCATED AT**  
12 **2560 FRY STREET**

13  
14 WHEREAS, in 1972 the City of Roseville acquired the easement for sewer purposes; and

15  
16 WHEREAS, the easement is recorded as Ramsey County Document Number 182867; and

17  
18 WHEREAS, the City of Roseville never utilized the sewer easement for any utility purposes; and

19  
20 WHEREAS, a petition from adjacent property owners has been filed with the City of Roseville  
21 requesting the vacation of an easement for sewer purposes over certain property located within  
22 the real property legally described as follows:  
23

24 Except North 767 feet and except South 335 feet; the West 260.5 feet of the East  
25 655.5 feet of NE ¼ of NE ¼ (subject to road) in Section 9, Township 29, Range  
26 23.

27  
28 The centerline of which is described as follows:  
29

30 Commencing at a point 341.89 feet north of the centerline of Oakcrest Avenue  
31 and 30 feet east of the centerline of Fry Street; thence east 230.5 feet to a point on  
32 the east line of the afore described property 32 feet south of the northeast corner  
33 and there terminating.

34  
35 and  
36

1 WHEREAS, the easement to be vacated is located within the Property and described as follows:

2

3 Except North 767 feet and except South 335 feet; the West 260.5 feet of the East  
4 655.5 feet of NE ¼ of NE ¼ (subject to road) in Section 9, Township 29, Range  
5 23.

6

7 and

8

9 WHEREAS, after two weeks published and posted notice have been given as well as notice  
10 having been mailed to all affected property owners according to Minnesota Statutes, a public  
11 hearing was held on 6<sup>th</sup> day of June, 2022 at which all persons interested in said vacation were  
12 given an opportunity to be heard; and

13

14 WHEREAS, the Roseville City Council has determined that the vacation would be in the public  
15 interest.

16

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

19

20 1. That the City of Roseville hereby vacates the easement for sewer purposes, which lies within  
21 the following described real property:

22

23 Except North 767 feet and except South 335 feet; the West 260.5 feet of the East  
24 655.5 feet of NE ¼ of NE ¼ (subject to road) in Section 9, Township 29, Range  
25 23.

26

27 2. The City Manager is directed to execute and record a Notice of Completion of this vacation  
28 proceeding pursuant to Minnesota Statutes §412.851. The vacation authorized by this  
29 Resolution shall not be effective until the Notice of Completion is recorded in the office of  
30 the Ramsey County Recorder.

31

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

34

35 WHEREUPON said resolution was declared duly passed and adopted.



**AGENDA FOR PUBLIC IMPROVEMENT HEARING  
for the 2560 Fry Street Easement Vacation**

- A. Mayor calls the meeting to order and announces the purpose of the meeting and format for the hearing.

"This is a public hearing to consider whether to vacate easements."

"This vacation request was initiated by a petition from adjacent property owners. The Council will consider a resolution to approve vacating the easements as described in the resolution."

THE FOLLOWING AGENDA CAN BE USED AS THE FORMAT FOR THE PUBLIC HEARING:

- B. City Manager comments including, brief description of proposed vacated easement, published and mailed notices, and written objections to the proposed vacation.

It is suggested that the City Manager should make a general comment regarding the published and mailed notices. This should include the following language:

"Published and legal mailed notices have been provided for this public hearing. Legal notices appeared in the city's legal newspaper, *The Pioneer Press*, on May 13 and May 20, 2022. Mailed notices were sent on May 10, 2022. Affidavits of mailing are available in the office of the City Engineer."

Prior to the hearing proceeding, the City Manager should read all written objections for the project.

- C. City Engineer by this time has provided specific information for vacation including a description and proposed resolution.

- D. Mayor opens hearing to public. It is suggested that the following comments be made by the Mayor:

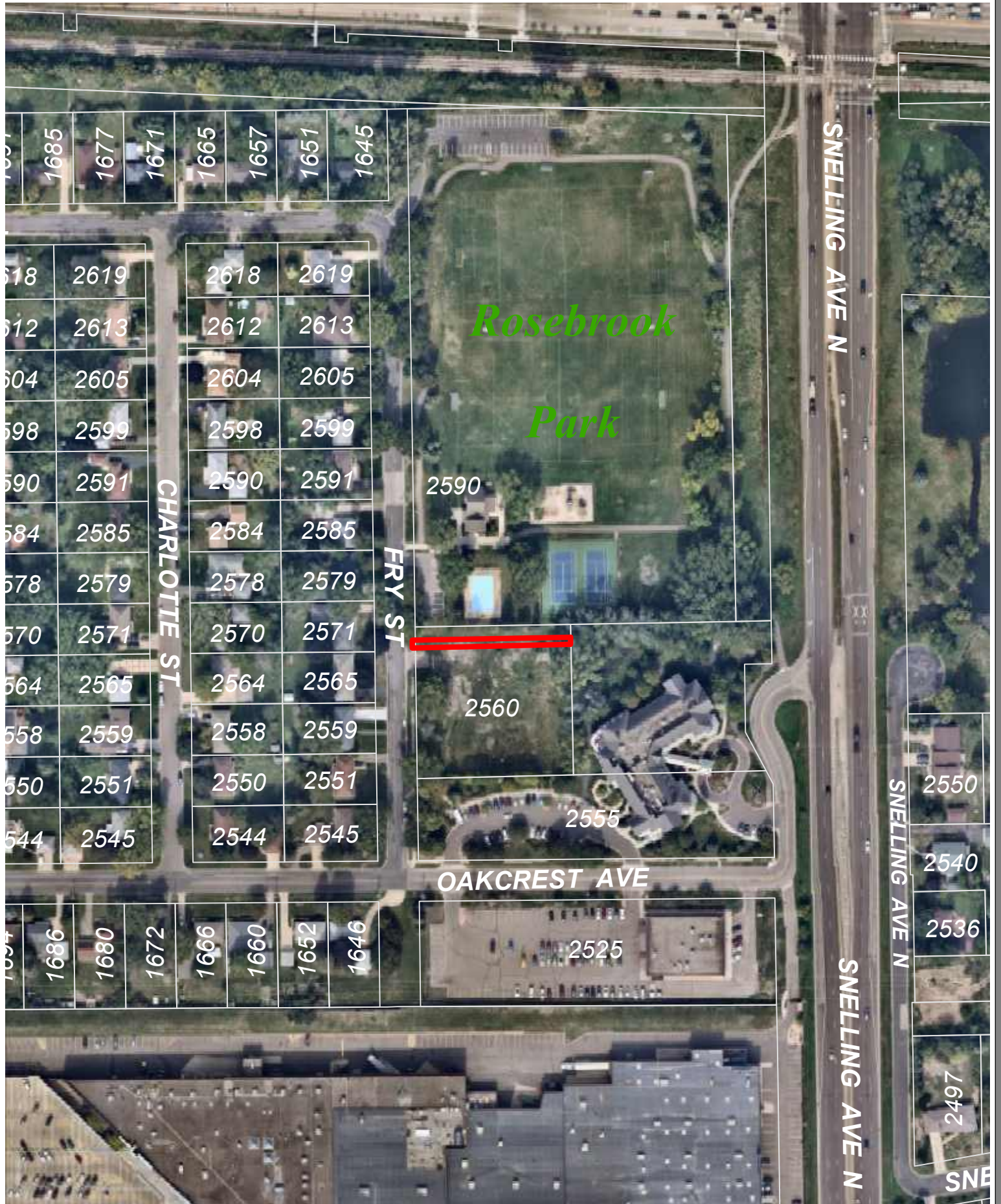
"In an attempt to provide everyone an opportunity to be heard and yet conduct the hearing in an efficient manner, we would suggest that rules be used for the hearing for this project. These would include the following:

1. Individuals should identify themselves by giving their name and address and should speak into the microphone.
2. Each speaker should limit questions and comments to five minutes.
3. No person will be heard for a second time until all interested persons who wish to speak have had an opportunity to do so.
4. Be courteous. No comments from audience or applause during question/ comment period.

- E. Mayor closes hearing.

After all citizen comments have been completed, the Mayor should indicate that the public hearing is closed and turn the hearing over to the City Council for action.

- F. Council action on proposed vacation: Resolution approving vacation of a sewer easement located at 2560 Fry Street. (Resolution provided by City Engineer.)



# 2560 Fry Street Easement Vacation



Prepared by:  
Engineering Department  
April 29, 2022



Proposed Easement Vacation

Data Sources and Contacts:  
 \* Ramsey County GIS Base Map (4/05/22)  
 \* City of Roseville Engineering Department  
 For further information regarding the contents of this map contact:  
 City of Roseville, Engineering Department  
 2660 Civic Center Drive, Roseville MN

DISCLAIMER:  
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