

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

Date: 5/10/10  
Item No.: 12.b

Department Approval



City Manager Approval



Item Description: Consider Petition requesting the City to accept an Existing Private Street as a Public Street and Adopt a Resolution Ordering the Preparation of a Feasibility Report for Ferris Lane Reconstruction

**BACKGROUND:**

Over the last 12 years, City Staff has been approached a number of times by the Homeowners associations for Ferriswood and Ferriswood II Condominiums with the request that the City take over ownership of the private street portion of Ferris Lane. This street was constructed when this property was developed in 1984. Staff has communicated to the Ferriswood property owners that in order to take these streets over, they would need to be brought to City standards and have adequate right of way dedicated.

To better understand the costs and potential impacts for both the City and the Homeowners as a result of this request, the City will need to undertake additional investigation. This additional investigation would take the form of a Feasibility Report. This Feasibility Report would include a comprehensive review of the project scope, preliminary cost estimates, proposed funding scenarios, review of potential land use actions needed, a schedule, identification of the needed right-of-way, a construction survey to determine the existing conditions as a basis for developing preliminary plans, preparation of the actual preliminary plans for the proposed pavement rehabilitation project, staff time to meet with Association representatives regarding the Project, and City attorney time to prepare and review the necessary agreements, including a street transfer agreement, proposed form of petition and waiver for a public improvement project and a public right-of-way easement agreement.

The findings of this Feasibility Report will be presented to the Homeowner's Associations as well as the City Council. It is anticipated that 100% of the costs for this study and the ensuing public improvement project, if ordered by the City Council, would be paid for by the Homeowner's Association. It is anticipated that this would be accomplished through assessments, as a result we would need to follow the Chapter 429 assessment process for this project.

**POLICY OBJECTIVE**

Accepting this private street as a public road will be setting a precedence for the City of Roseville. In order for us to consider accepting the private street as a public street it should meet the minimum public street standards included in the City Code. These include right-of-way width, street width, street load limits, parking restrictions, and turnaround design. The feasibility report would further investigate what needs to be done to this street to bring it into compliance

31 with code.

32 Attached is a map showing all of the private streets located within the City. The majority of  
33 these streets do not meet code standards for public streets.

34 **FINANCIAL IMPACTS**

35 As described in the attached letter, the Homeowners Association's has agreed to reimburse the  
36 City for staff time to complete a feasibility report for this potential public improvement project.  
37 They will reimburse actual City staff cost; at this time we have estimated that cost to be around  
38 \$6,500. Ordering a Feasibility Report is the first step in the Chapter 429 Public Improvement  
39 Assessment process.

40 If this street were turned over to the City; repair and winter maintenance would become the  
41 responsibility of the City. Public streets cost approximately \$10,000 year/ mile for maintenance.

42 **STAFF RECOMMENDATION**

43 Discuss request from the Ferriswood and Ferriswood II Homeowners Associations to accept  
44 existing private streets as public streets. To complete additional investigation into the costs and  
45 impacts of this request, staff recommends that a Feasibility Report be prepared.

46 **REQUESTED COUNCIL ACTION**

47 Approve Resolution Ordering the Preparation of a Feasibility Report for Ferris Lane  
48 Reconstruction Project.

**Prepared by:** Debra Bloom, City Engineer  
Attachments: A: March 4, 2010 Letter  
B: Ferris Lane Location Map  
C: Private Street Map  
D. Resolution

49

# Felhaber Larson Fenlon & Vogt

*A Professional Association – Attorneys at Law*

Attachment A

MINNEAPOLIS  
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Minneapolis, MN 55402-4504  
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Fax: 612.338.4608  
E-mail: [pbrinkman@felhaber.com](mailto:pbrinkman@felhaber.com)  
Reply to Minneapolis Office

ST. PAUL  
444 Cedar Street | Suite 2100  
St. Paul, MN 55101-2136  
651 222 6321 | Fax 651 222 8905

March 4, 2010

**VIA E-MAIL** – [deb.bloom@ci.roseville.mn.us](mailto:deb.bloom@ci.roseville.mn.us)

Deborah M. Bloom, P.E.  
City Engineer  
City of Roseville  
2660 Civic Center Drive  
Roseville, MN 55113

**RE: Ferriswood Condominium and Ferriswood II Condominium Street Transfer and Improvement Project  
Our File No. 16698.001**

Dear Ms. Bloom:

Thank you for visiting with me recently to discuss Ferriswood Condominium's and Ferriswood II Condominium's request that the private street portion of Ferris Lane be dedicated and accepted by the City of Roseville (the "City") as a public street and that after acceptance it improved as a public improvement project. Our firm has been requested to assist the respective Associations in proceeding through and accomplishing this process.

That portion of Ferris Lane extending north of its intersection with Gluek Lane, and including the circular loop at the northern end thereof, is a common element private street (herein the "Private Street") of Ferriswood Condominium and is therefore owned in undivided percentage interests by the owners/members of Ferriswood Condominium. The Private Street is subject to a permanent non-exclusive easement for ingress and egress benefitting the owners and members of Ferriswood II Condominium. We understand the Private Street area is also subject to a Utilities Easement for sewer and water service benefitting both Ferriswood Condominium and Ferriswood II Condominium and assume this is for City sewer and water lines. The Private Street is in need of significant repair and needs to be improved.

The Ferriswood Condominium and the Ferriswood II Condominium, by their respective Boards of Directors, request the City accept a grant of an easement by the Ferriswood Condominium Association, at no cost to the City, over the Private Street area,

with boundaries acceptable to the City, for public right-of-way purposes and that the City undertake improvement of the Private Street in accordance with City standards as a public improvement project to be paid by special assessment (the "Project").

To get underway with the Project, we understand the City will undertake the preparation of a Feasibility Report, estimated by the City to cost approximately \$6,556.64, provided Ferriswood Condominium and Ferriswood II Condominium agree to reimburse the City for its costs incurred in preparing the Report. This Feasibility Report is to include a comprehensive review of the Project scope, preliminary cost estimates, proposed funding scenarios, review of potential land use actions needed, a schedule, identification of the needed right-of-way, a construction survey to determine the existing conditions as a basis for developing preliminary plans, preparation of the actual preliminary plans for the proposed pavement rehabilitation project, staff time to meet with Association representatives regarding the Project, and City attorney time to prepare and review the necessary agreements, including a street transfer agreement, proposed form of petition and waiver for a public improvement project and a public right-of-way easement agreement.

We are informed the respective Boards for Ferriswood Condominium and Ferriswood II Condominium have approved reimbursement of 60% and 40% respectively of the City's actual costs incurred for the Feasibility Report based on the City's preliminary estimate of \$6,556.64.

If the findings of the Feasibility Report are acceptable to the City, Ferriswood Condominium and Ferriswood II Condominium and each is agreeable to continue with the Project, we anticipate the parties will want to enter into an agreement to proceed as follows:

1. **Ferriswood Condominium and Ferriswood II Condominium** will obtain the requisite homeowner approval for granting an easement over the Ferriswood Condominium common element property for public right-of-way. While the Bylaws of Ferriswood Condominium authorize its Board to grant an easement through its common element property for a public right-of-way if approved by 50% of the homeowners, we believe this may be superseded by the statutory requirement under Minnesota Statutes Section 515B.3-112 requiring approval by 67% of the homeowners. The existing access easement over the Ferriswood Condominium common element property for the benefit of Ferriswood II Condominium is non-exclusive and therefore Ferriswood Condominium can grant a further easement for public right-of-way over its common element property but we propose that consent to the grant of a public right-of-way easement be obtained from at 67% of the Ferriswood II Condominium owners also.

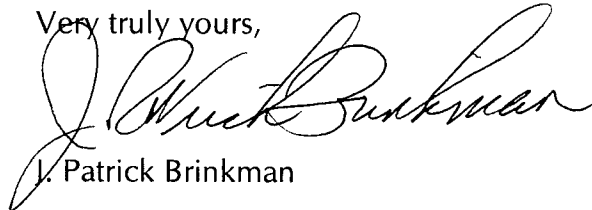
2. **The City, Ferriswood Condominium and Ferriswood II Condominium** will enter into a Street Transfer Agreement committing:

Deborah M. Bloom, P.E.  
March 4, 2010  
Page 3

- a. **Ferriswood Condominium** to grant an easement, and Ferriswood II Condominium to consent thereto, to the City, without cost to the City, for purposes of public right-of-way.
- b. The **City** will accept the easement.
- c. The appropriate officers of **Ferriswood Condominium Association and the Ferriswood II Condominium Association** (not individual homeowners) will execute a Petition and Waiver Agreement in form acceptable to the City requesting improvement of the street as a public improvement project with assessment of the entire cost, 60% to Ferriswood Condominium Association and 40% to Ferriswood II Condominium Association (not the individual homeowners).
- d. The **City** will, upon acceptance of the Petition and Waiver by the Ferriswood Condominium and Ferriswood II Condominium Associations, commence the public improvement process including approval of special assessments for the cost against Ferriswood Condominium Association (60% of the cost) and Ferriswood II Condominium Association (40% of the cost) payable together with interest thereon over an agreed upon installment period not to exceed 15 years. We understand this requires City Council approval, but that the City Council can approve the matter without a public hearing based on the Petition and Waiver provided by the Associations.
- e. The **City** agrees that after the public improvement project is completed it will continue to maintain, repair and replace the public right-of-way at the same frequency and level as is done for similar public improvements in the City.

The matters set forth in this letter are not intended to be a proposal or demand, but are instead offered as a roadmap of what we hope to discuss and evaluate during our meeting on Friday. We look forward to our meeting with you on Friday.

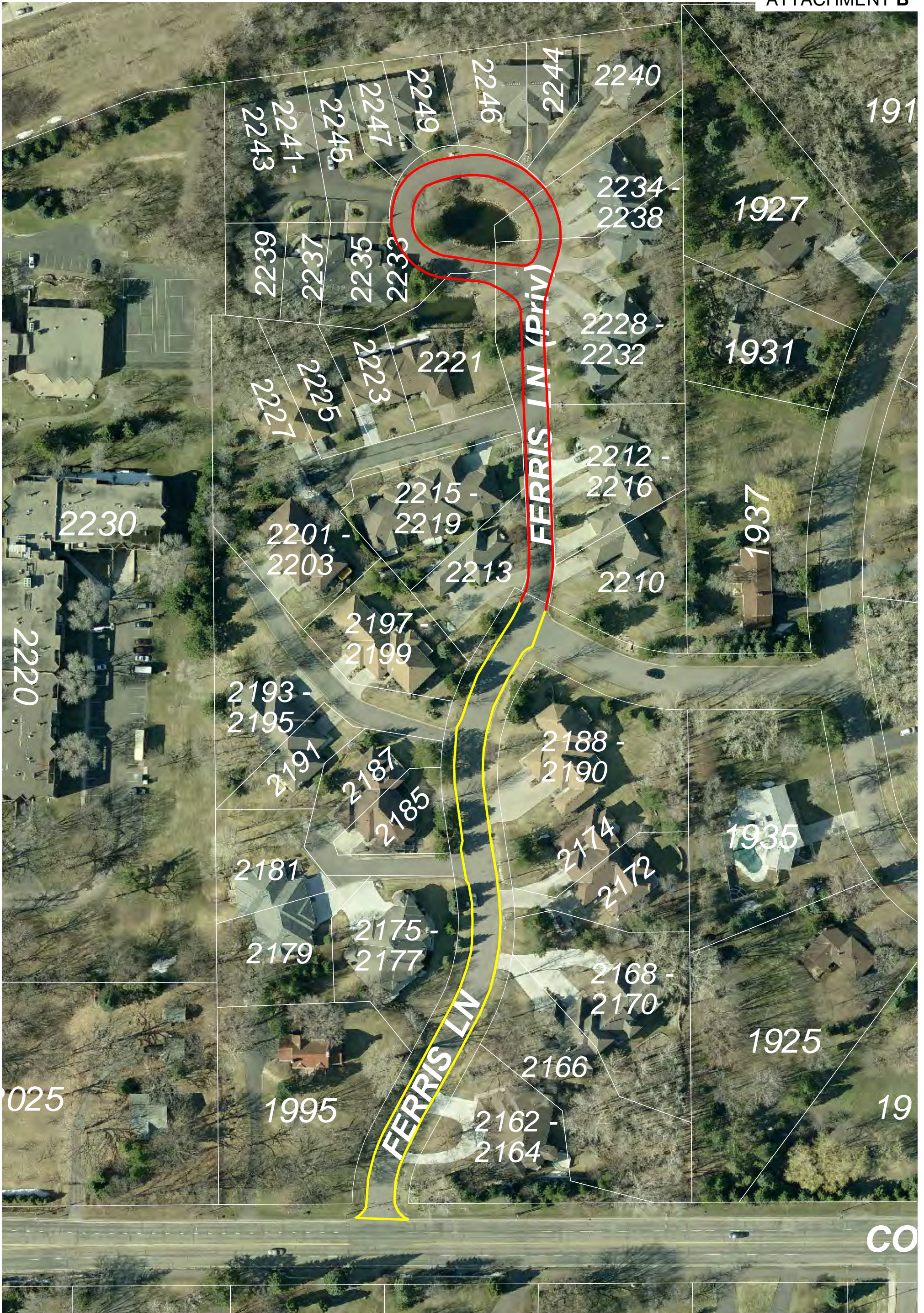
Very truly yours,





Patrick Brinkman

:gls

cc: Bruce Abrahamson (via e-mail - [bruceabrahamson@comcast.net](mailto:bruceabrahamson@comcast.net))  
Stan Vasseur (via e-mail - [sgvasseur@comcast.net](mailto:sgvasseur@comcast.net))



# Ferris Lane

-  Ferris Lane Private Roadway Boundary
-  Ferris Lane Public Roadway Boundary



Prepared by:  
Engineering Department  
April 30, 2010

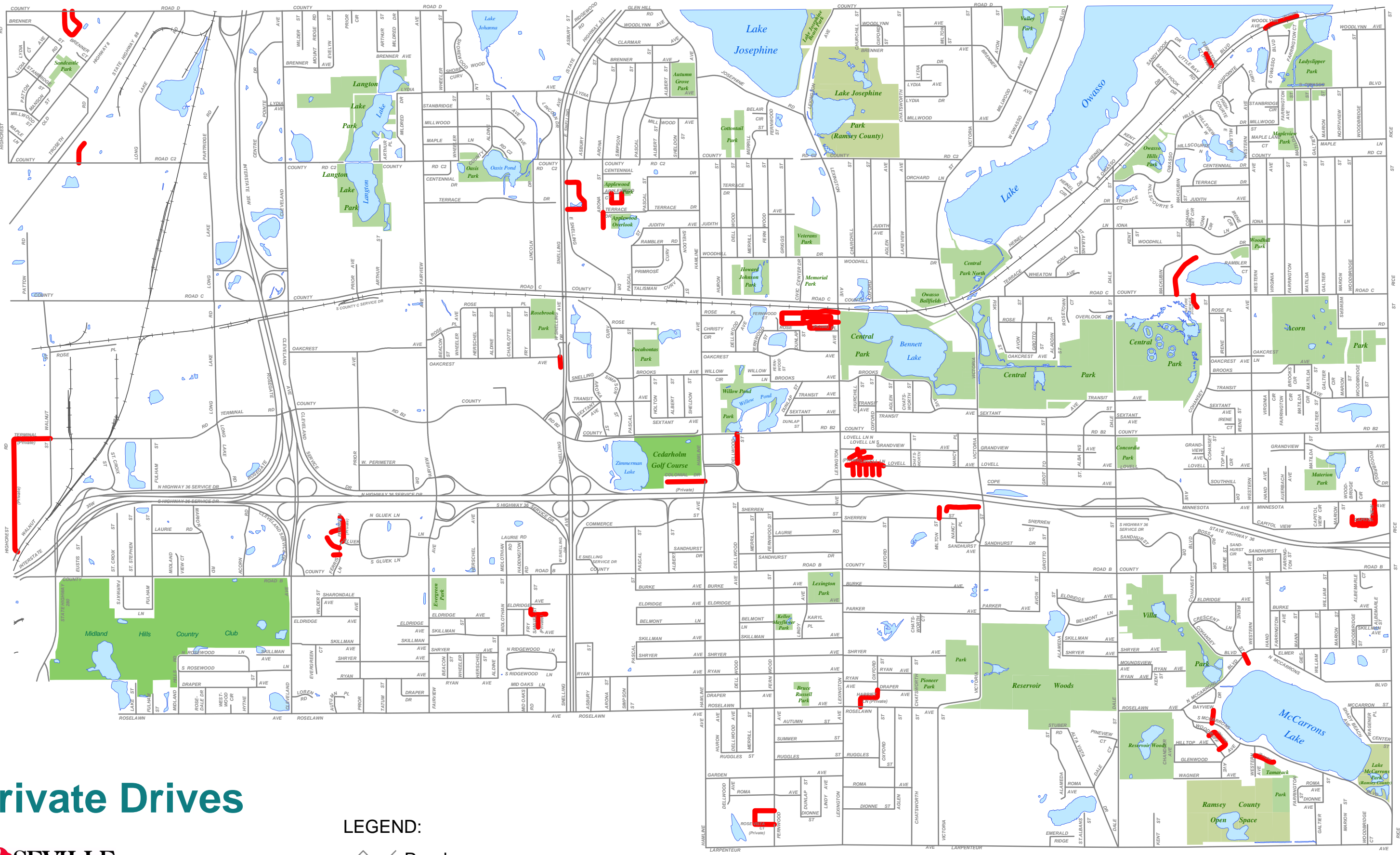
Data Sources and Contacts:  
\* Ramsey County GIS Base Map (3/31/10)  
\* City of Roseville Engineering Department  
For further information regarding the contents of this map contact:  
City of Roseville, Engineering Department,  
2660 Civic Center Drive, Roseville MN

DISCLAIMER:  
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map: FerrisLane.pdf





# Private Drives

**LEGEND:**

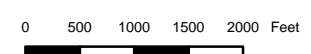
-  Roadway
-  Private Drives



Prepared by:  
Engineering Department  
September 27, 2006

Data Sources and Contacts:  
 \* Ramsey County GIS Base Map (9/8/2006)  
 \* 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

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