

AS PRESENTED



ATTACHMENT 2: STAFF REPORT MARCH 8, 2022



MEMORANDUM

To: Mayor and City Council
CC: Heather Butkowski, City
Administrator

Date: November 20, 2020
RE: Application to vacate public right-of-way and landscape easement at 1795 Eustis Street

Application and Process Summary

The Applicant, Real Estate Equities (REE), on behalf of the City of Lauderdale (Owner), has applied to vacate a public right-of-way and landscape easement on the subject property. The Applicant is working through a Planned Unit Development (PUD) process to redevelop the site at 1795 Eustis Street with an affordable senior apartment project (Project). The Applicant received Development Stage PUD approval in July of 2019 with conditions as noted in Resolution #070919B. Conditions #3 and 4 in the resolution state that an application to vacate the easement must be made, and that any approval of the Final PUD and Rezoning must be conditioned on the approved vacation.

A duly noticed public hearing has been scheduled for the regular City Council meeting on November 24, 2020. The purpose of the hearing is to solicit public testimony regarding the proposed request to vacate the easement as identified in the Attachments to this staff report.

The following staff report is provided for your review and consideration.

Application Summary

The Applicant, on behalf of the Owner, has requested approval to vacate a right-of-way and landscape easement on the southwestern edge of the subject property located at 1795 Eustis Street. The current site configuration connects the east-west alley along the southwestern edge to the north-south alley which runs parallel to Eustis Street and connects to Ione Street to the south. The existing configuration allow both ingress and egress to all single-family properties and the subject site to either Malvern Street or Ione Street (i.e. it is a through-alley).

This application proposes to swap the current ingress/egress easement from its current location extending from the north-south alley west to Malvern Street, and replacing it with a new east-west easement to provide ingress/egress to Eustis Street that will be provided through the main access driveway on the Project site when developed. (See Attachment A: Vacation & Easement Location Key)

The following list of attachments are provided to assist in your review of the following staff report and analysis:

- Attachment A: Vacation & Easement Location Key
- Attachment B: Alley Vacation Application and Exhibit



Application to Vacate Alley

The existing right-of-way and landscape easement area is currently developed with an approximately 10-foot traveled surface that connects from Malvern Street to the perpendicular north-south alleyway that runs north-south connecting to Ione Street. The existing configuration allows for through-access to all properties on this block which is generally bound by Ione Street on the south, Malvern Street on the West, Spring Street on the north and Eustis Street on the south.

The application materials submitted in Attachment B identify 1) the portion of easement to be vacated, and 2) a new public right-of-way easement for access to be dedicated if the proposed Project is approved. The Applicant proposes to “swap” the east-west alley easement area from ingress/egress from Malvern to ingress/egress to Eustis Street. The “swap” will result in a new easement dedicated for public use through the proposed Project site to align with the newly developed main access into the site from Eustis. This swap will protect the through-access for all residents on this block but will alter their route from Malvern to Eustis Street. This exchange or swap was shown on the Concept Plan and in the Development Stage PUD process. In concept this configuration was approved, but a formal application and consideration of the vacation is required per MN State Statute.

When considering a request to vacate a public right-of-way easement the City Council must consider MN State Statute 412.851 which states, “No vacation shall be made unless it appears in the interest of the public to do so...”

Analysis and Review

The reconfiguration and redevelopment of the site necessitates changing the public right-of-way easement on the subject Property. Swapping the access easements results in generally the same ingress/egress to the properties on this block and maintains through-access for residents and emergency vehicles. ***The reconfiguration of the site is acceptable, and staff believes that the proposed vacation is in the interest of the public provided an alternate access location to Eustis Street is granted as depicted in Attachment B.***

As noted in the Final PUD review process, site construction activities will include demolition of all structures and improvements on the subject property. Staff has discussed with the Applicant the need to maintain the existing alleyway to Malvern Street until such time that the new access to Eustis Street is constructed and operational. ***Staff suggests including a condition of approval that the demolition of the existing alleyway may not be completed until the new easement access to Eustis Street is constructed and open for public use.***

As noted at the November 10, 2020 City Council meeting, staff suggests consideration of the following addition conditions to be included in the resolution granting approval of the requested vacation:

- The vacation is approved conditioned on the successful closing on the subject property by the Applicant and that they become the fee title owner.

AS PRESENTED



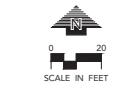
- The new right-of-way easement to Eustis Street shall be drafted to ensure the public right to use the driveway for ingress and egress is perpetual. Such easement language shall be reviewed and approved by the City Attorney.
- The vacation may not be recorded until the Final PUD and Development Agreement are executed.

Next Steps

After public testimony and discussion, Staff requests direction to prepare a resolution of approval with conditions, or denial with findings to be presented at the regular December 8, 2020 City Council meeting.

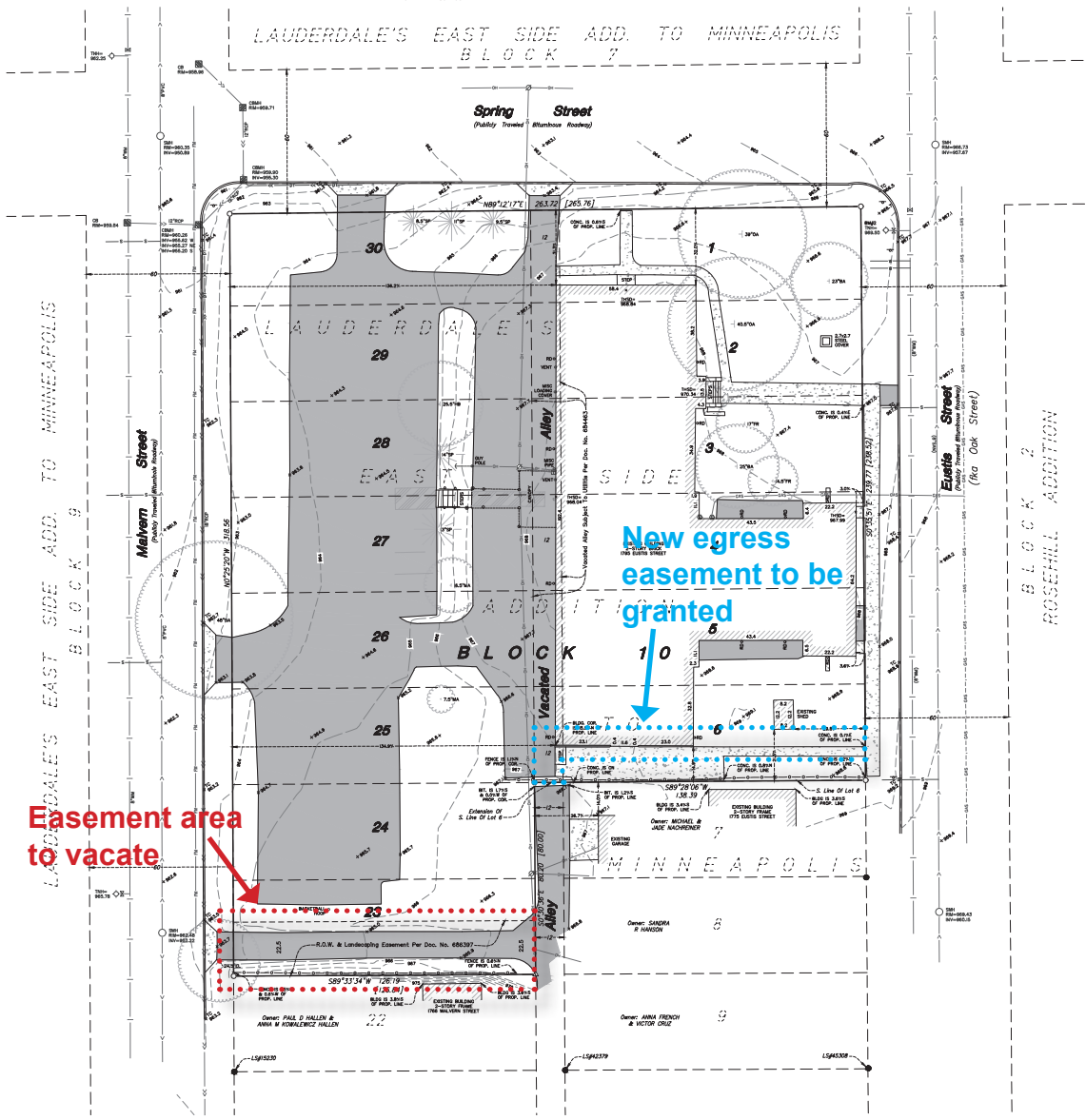
Attachment A: Vacation & Easement Location Key

BA. BASSWOOD	● CATCH BASIN	— STORM SEWER
BL. BLM	○ STORM MANHOLE	— SANITARY SEWER
BR. BIRD FRUIT	○ SANITARY MANHOLE	— WATER MAIN
BU. BUCKEYE	○ HYDRANT	— SANITARY SEWER SERVICE
MA. MAPLE	⊕ GATE VALVE	— WATER SERVICE
DA. DAK	⊕ FORCE MAIN	— BRANTLE
SP. SPRUCE	⊕ GAS METER	— UG GAS MAIN
TC. TOP OF CURB	⊕ GUANO POST	— UG GAS MAIN
TL. TOP OF LEVEL	⊕ GUY WIRE	— OVERHEAD UTILITY
TH. TOP OF THRESHOLD	⊕ GUY BRAN	— CHAIN LINK FENCE
TR. TOP OF HYDRANT	⊕ SIGN	— HAND RAIL
TR. TRIFOLIUM	⊕ TELEPHONE PEDestal	— CONCRETE CURB
TR. TRIFOLIUM	⊕ TELEPHONE PEDestal	— BITUMINOUS
TR. TRIFOLIUM	⊕ TELEPHONE PEDestal	— NO PARKING
TR. TRIFOLIUM	⊕ TELEPHONE PEDestal	— CONTOUR



BM1
In Roseville, 0.35 mile east along Co. Rd. B from the junction of Trunk Hwy 280 & Co. Rd. B, 31.9 feet south of Co. Rd. B, 34 feet west of Fulham St., 28.9 feet northeast of northeast corner of a house No. 2151, 6.0 feet west of Fulham St. & Co. Rd. B sign post.
ELEVATION = 952.27 Feet (NGVD 29)

BM2
Top of hydrant located at southwest quadrant of intersection of Spring St. & Euclid St., as shown hereon.
ELEVATION = 959.50 Feet (NGVD 29)



Easement area to vacate

New egress easement to be granted

DESCRIPTION OF PROPERTY SURVEYED

(Per Schedule A of the herein referenced Title Commitment)

- Lots 1 to 6 inclusive, Block 10, Lauderdale's East Side Addition
- Lots 23 to 30 inclusive, Block 10, Lauderdale's East Side Addition

That part of the vacated alley in Block 10 lying between the extensions across said vacated alley of the South line of Lot 6 and the North line of Lot 1, all in Block 10, Lauderdale's East Side Addition.

Ramsey County, Minnesota
Being Registered land as is evidenced by Certificate of Title No. 623113.

TITLE COMMITMENT EXCEPTIONS

(Per Schedule B, Part II of the herein referenced Title Commitment)

The property depicted on this survey and the easements of record shown hereon are the same as the property and the easements described in the Commitment for Title Insurance issued by Guaranty Commercial Title, Inc., as agent for Stewart Title Guaranty Company, File No. 64654, effective date December 18, 2018. The numbers below correspond to those in the title commitment.

- 1 through 5 do not require comment.
- 2 Subject to reserved easements for utilities in the vacated alley as set forth in Document No. 684463. Shown hereon.
- 3 Public right of way, landscaping and other public purpose easement(s) over part of Lot 23, Block 10, Lauderdale's East Side Addition as evidenced by Document No. 686397. Shown hereon.

ALTA/NSPS OPTIONAL TABLE A NOTES

(The following items refer to Table A optional survey responsibilities and specifications)

1. Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses to the corner are shown hereon.
2. The address, if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork is 1795 Euclid Street, Lauderdale, Minnesota.
3. This property is contained in Zone X (area of minimal flooding) per Flood Insurance Rate Map No. 2712C0080G, Community Panel No. 270376-0080 G, effective date of June 4, 2010.
4. The Gross land area is 73,262 +/- square feet or 1.68 +/- acres.
5. (a) No zoning letter or report were provided by the client. Per the zoning map located on the website for the City of Lauderdale, the subject property is Zoned R-1 (Suburban Residential). We are unable to determine any setbacks or restrictions for this zone.
7. (a) Exterior dimensions of all buildings are shown at ground level.
8. Substantial features observed in the process of conducting fieldwork, are shown hereon.
9. There are no striped parking stalls on this site.
10. (a) There are no observable division or party walls on this site.
11. We have shown underground utilities and/or serving the surveyed property per Gopher State One-Call Ticket Nos. 183400002 and 183400004. The following utilities and municipalities were notified:

CITY OF LAUDERDALE	(651)792-7650
COMCAST	(800)778-9140
CENTURYLINK	(855)742-6062
MINDOT	(651)366-5750
ST PAUL REGIONAL WATER	(651)266-6508
ST PAUL SEWER	(651)266-9850
ST PAUL TRAFFIC AND LIGHTING	(651)266-9777
ST PAUL PARKS	(651)332-5129
XCEL ENERGY	(651)229-2552

- i. Utility operators do not consistently respond to locate requests through the Gopher State One Call service for surveying purposes such as this. Those utility operators that do respond, often will not locate utilities from their main line to the customer's structure or facility. They consider those utilities "private" installations that are outside their jurisdiction. These "private" utilities on the surveyed property or adjoining properties, may not be located since most operators will not mark such "private" utilities. A private utility locator may be contacted to investigate these utilities further, if requested by the client.
- ii. Maps provided by those notified above, either along with a field location or in lieu of such a location, are very often inaccurate or inconclusive. EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS SITE. BEFORE DIGGING, YOU ARE REQUIRED BY LAW TO NOTIFY GOPHER STATE ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 811 or (651) 454-0002.
13. The names of the adjoining owners, as shown hereon, are based on information obtained from current tax records.
16. We are not aware of any evidence of recent earth moving work, building construction or building additions observed in the process of conducting our field work.
17. We are not aware of any proposed changes in street right of way lines or evidence of recent street or sidewalk construction or repairs observed in the process of conducting our field work.
18. We have not been provided with any information on wetland delineation markers, as determined by a qualified specialist.
19. We are not aware of any plottable offsets (i.e., appurtenant) easements or servitudes for this site.

SURVEY REPORT

1. The Surveyor was not provided utility easement documents for the subject property except for those shown on the Survey.
2. Snow and ice conditions during winter months may obscure otherwise visible evidence of on site improvements and/or utilities.
3. The bearings for this survey are based on the Ramsey County Coordinate System NAD 83 (1986 Adjust).
4. Trees shown hereon are 6 inch diameter at breast height or greater. Other trees less than 6 inches may be on site but are not shown hereon.
5. If necessary, the process should be started to get the utility easements released that were retained in the vacated alley.

CERTIFICATION

To Real Estate Equities, LLC, a Minnesota limited liability company, City of Lauderdale; Guaranty Commercial Title, Inc., and Stewart Title Guaranty Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1 - 4, 6(a), 7(a), 8, 9, 10(a), 11, 13, 16, 17, 18, 19 and 20 of Table A thereof. The field work was completed on December 31, 2018.

Date of Plat or Map: January 16, 2019

Paul J. McKinley, PLS
pjmckinley@loucksinc.com



1795 EUCLID STREET
Lauderdale, MN
Ramsey County

REAL ESTATE EQUITIES
345 St. Peter Street
Suite 1000
St. Paul, MN 55102

LOUCKS
PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

7200 Hennock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CADD QUALIFICATION

AutoCAD, MicroStation, Revit, etc. (Detailed description of software proficiency)

SUBMITTAL REVISIONS

DATE	REVISION
7/16/19	SURVEY ISSUED

PROFESSIONAL SIGNATURE

Paul J. McKinley, PLS
License No. 16099
Date: 1/16/19

QUALITY CONTROL

Loucks Project No. 18444
Project Lead: PJM
Drawn By: PJM
Checked By: PJM
Field Crew: CMS/SPH/SK



ATTACHMENT B

EASEMENT VACATION

October 29, 2020

A perpetual easement for public right-of-way, landscaping and other purposes over, under, across and through the South 22.5 feet of Lot 23, Block 10, Lauderdale's East Side Addition to Minneapolis.



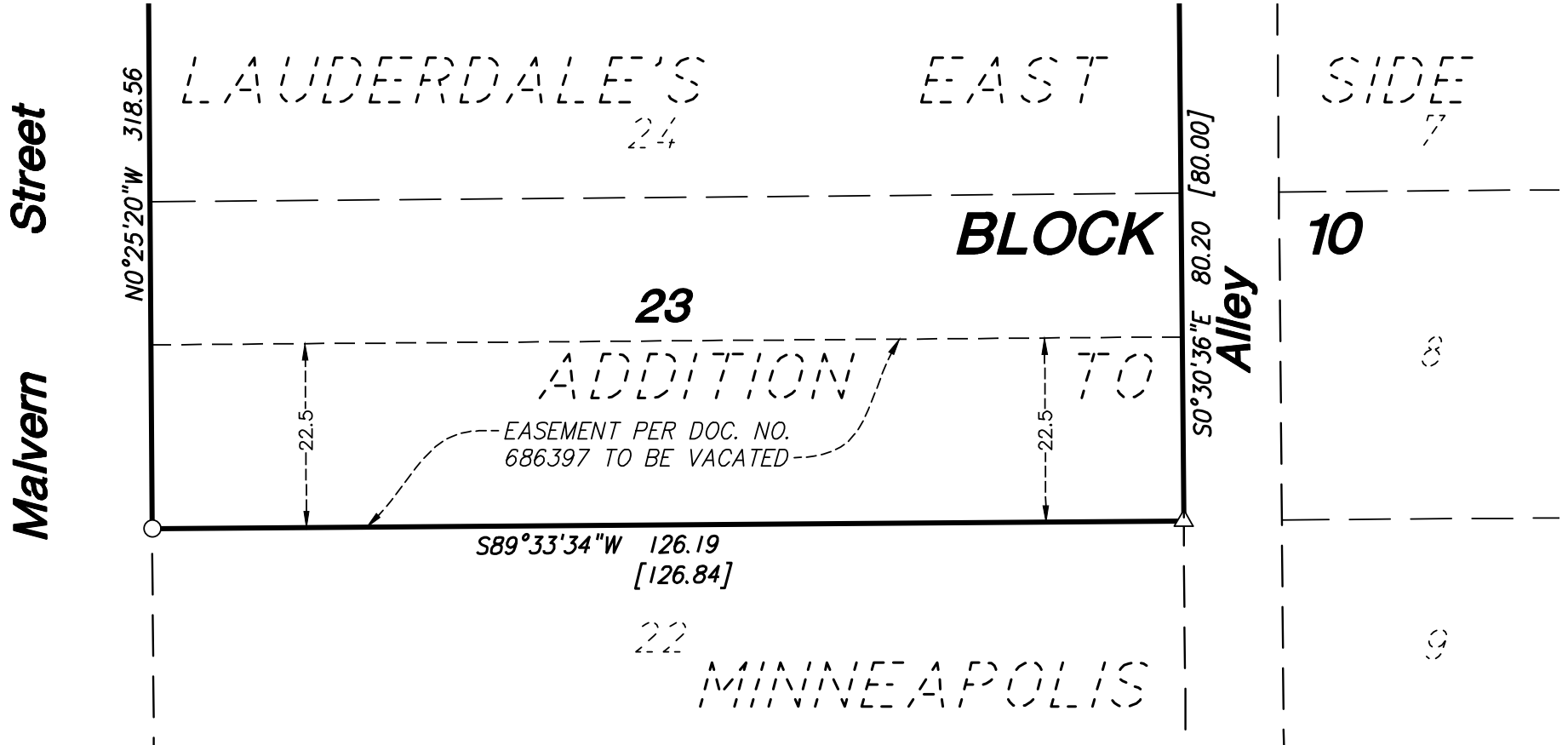
SCALE IN FEET

EXHIBIT

EASEMENT VACATION

October 29, 2020

A perpetual easement for public right-of-way, landscaping and other purposes over, under, across and through the South 22.5 feet of Lot 23, Block 10, Lauderdale's East Side Addition To Minneapolis.



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

Max L. Stanislawski

Max L. Stanislawski - PLS

License No. 48988

10/29/20

Date



Locks Project No. 18644

EXHIBIT

INGRESS & EGRESS EASEMENT

October 28, 2020

The south 9.00 feet of Lot 5, together with the west 3.00 feet and north 15.00 feet of Lot 6, all in Block 10, LAUDERDALE'S EAST SIDE ADDITION TO MINNEAPOLIS, Ramsey County, Minnesota.

Together with that part of the vacated Alley lying north of the westerly extension of the south line of said Lot 6 and south of the westerly extension of the north line of said south 9.00 feet of Lot 5.

Sheet 1 of 2 Sheets

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



Max L. Stanislawski - PLS

License No. 48988

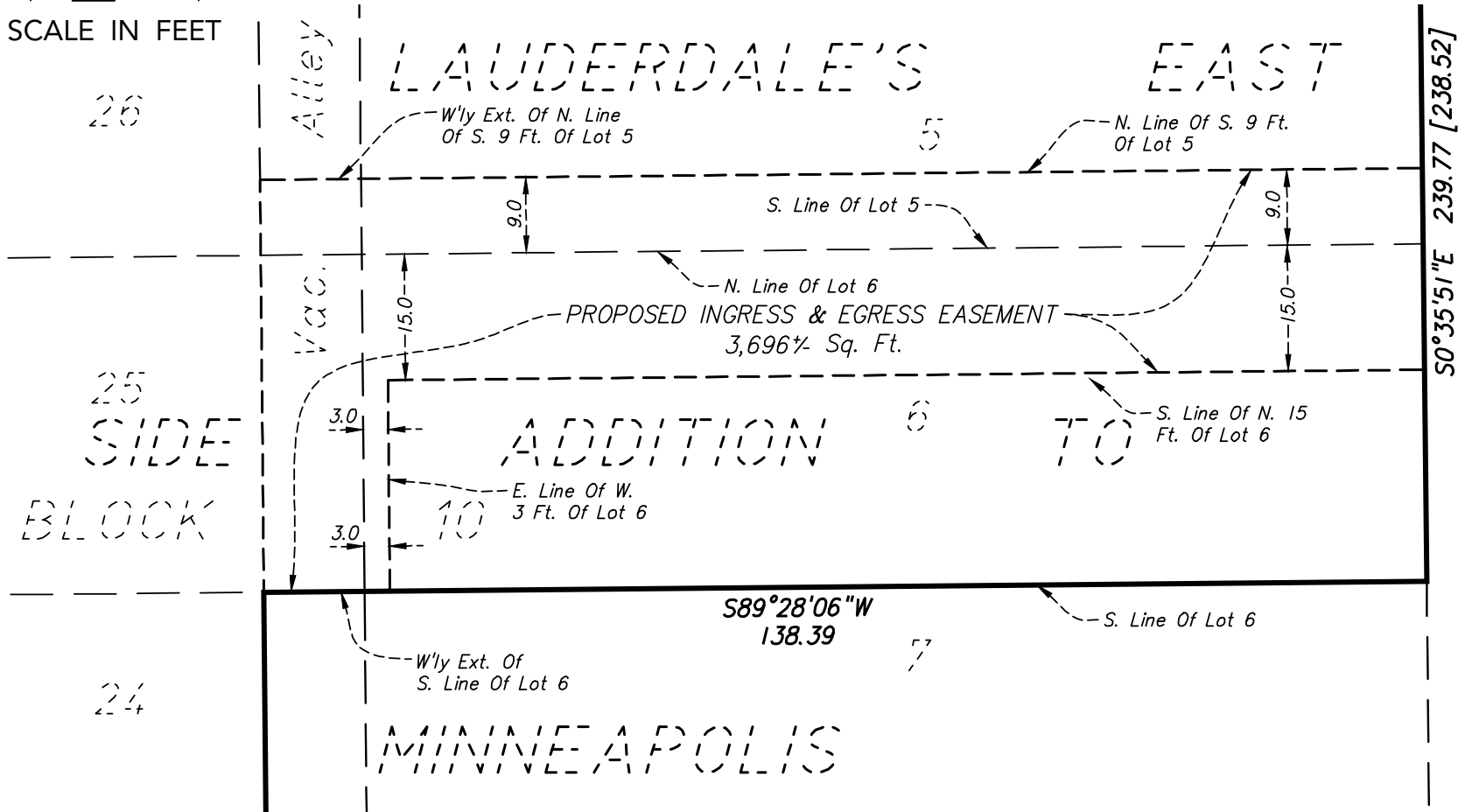
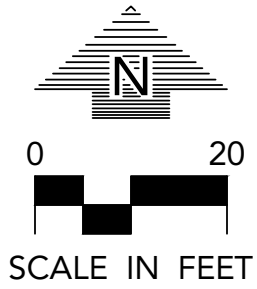
10/29/20

Date



LOUCKS
Loucks Project No. 18644

EXHIBIT



Eustis Street
(fka Oak Street)

W:\2018\18644\CADD DATA\SURVEY_dwg Sheet Files\18644-EXH_VAC

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

Max L. Stanislawski

10/29/20

Max L. Stanislawski - PLS

License No. 48988

Date



Loecks Project No. 18644