

Josh & Shawna Dvorak  
17131 Nixon Drive NW  
Elk River, MN 55330  
February 26, 2012

City of Ramsey  
Public Works and City Council Members  
7550 Sunwood Dr NW  
Ramsey, MN 55303

Dear Mr. Himmer:

We wanted to thank you for all of the support you have provided in our pursuit to resolve the issue with the path in the backyard of our future home. We, as the potential homeowners of 15620 Krypton Street NW have developed three proposed scenarios for the dual-purpose utility maintenance and pedestrian trail located on this property. We believe it is best to form a partnership with the city and provide a solution that is consistent with the original plan, but will also be a beneficial and cost effective solution for all parties involved; the city, us as the future homeowner, and the taxpayers of the City of Ramsey.

This correspondence outlines the three potential scenarios for this dual-purpose trail though the backyard at 15620 Krypton Street NW. It outlines the benefits to the city and the homeowner, the concessions that would be made by both, the responsibilities for each, and the estimated costs.

#### OBJECTIVE

We are proposing a partnership with the City of Ramsey to move the utility path currently located across the middle of the backyard to a straight line following the lot line as documented in the original plans in a way that would meet the needs of all parties involved.

#### SCENARIO ANALYSIS

##### **Scenario one (most optimal for all involved):**

To assist the city achieve their goal for the development of a interconnected pedestrian trail system throughout the city, we would agree to sign the agreement allowing this trail to reside on our property. We suggest the sale of the land to the city at 50% of the fair market value <sup>(1)</sup> \$1,365.64 (7.5 \* 199 \* 1.83 \*.50). In this scenario the city would obtain full use of 7.5 ft. of land along the eastern lot line. The City would be responsible for the removal and disposal of the current pavement crossing the yard, back to the easement along the property line. The homeowner would be responsible for restoration of the lawn following the removal. To provide access to service the current and future utility line, a manhole could be installed on the paved trail. As discussed with the city engineer and public works committee, this is a reasonable request and would satisfy the needs of the city.

Though this partnership, the benefits to the city would be:

- City would obtain the legal rights for a pedestrian trail in addition to the utility access needed along the property lot line

- City would not be responsible for lawn restoration
- Pavement removed can be recycled for the pavement needs of future paths, reducing the cost for disposal and materials
- City pays only 50% of fair market value for the pedestrian trail access rights

Though this partnership, the benefits to the homeowner would be:

- Path would be straight, preserving integrity of the backyard
- Homeowner would have less security risks with the path directed away from the property and further from the home vs. in the middle of the backyard (i.e: vandalism, theft, break-ins, etc.)
- Homeowner would have path moved to a more acceptable location

#### **Scenario Two:**

This scenario would entail the city waiting for the need to arise for the pedestrian trail development, leaving the path as is until an unknown future date. At that time, the city would be required to approach the property owner to make an offer for the purchase of property for this new use. Due to the delay in resolution for the homeowner, it is uncertain if the property would be made available for the pedestrian access. If the homeowner were to agree to selling the access to the city for a pedestrian trail, the homeowner would require the original design specifications, locating the path along the property line as stated in scenario one, and would require the city to be responsible for removing and disposing of the current pavement, the lawn restoration, and the payment for 100% of the lands full market value.

Just some of the downfalls of this scenario are:

- A higher cost to the City and taxpayers (the City would be responsible for the removal and disposal of pavement as described in scenario one in addition to the cost of lawn restoration)
- Additional cost for the purchase of the property (the City would also be required to pay 100% of fair market value vs. 50% as offered in scenario one)
- The path would be a nuisance for homeowner for extended period of time

#### **Scenario Three:**

This scenario would entail the city forcefully obtaining land through eminent domain. This law is used for government utilities, roadways, etc. which provide for the greater need of the community. (Not specifically designed for trails) This scenario would be a long, drawn out process as the city would first have to receive judgment proving that easement is in greater interest of the community adding court costs and time. Homeowner would then have the right to contest which would bring suit back to court adding to the overall cost and time. Upon settlement, assuming the city obtains the rights to the easement, the city would then make offer to

the homeowner for the purchase of the easement. Not inclined to work with the city homeowner would decline the offer bringing the matter back into the legal system where through constitutional law, the judge would rule for the city to pay fair market value at that point in time. Currently this would be approximately \$1.83 per square foot to purchase, or approximately 60-70% of purchase price to obtain easement.

The downfalls of this scenario would be as follows, but not limited to:

- City and homeowner would incur added expense
- This could be a long, drawn out process delaying the plans for the city to move forward with future use of the trail
- City would pay more than 50% which is offered in scenario one
- Depending on easement granted, the city could potential be responsible for removal and disposal of pavement in addition to lawn restoration

#### CLOSING

I feel I should provide some context around why this is so important for us to find a fair and reasonable resolution to the situation. After being raised in Ramsey, where my parents still reside, I feel that this community with the strong family values is where we want to live and raise our family. We having been looking for a home like this for over a year and we were very excited to find this home. The only thing holding us back is the current location of this trail. As our offer has been accepted by the current homeowner and is now in the hands of the bank, we are ready to move forward provided we can come to an agreement with the future of this trail.

We understand your hesitation to work with us since we do not yet own this home and would like to confirm that any of the solutions above are contingent upon our purchase of this home. Also, please know that we would like to have a resolution and agreement made soon so we can abandon our pursuit for the purchase of this home if necessary.

We appreciate the opportunity and time to work alongside the city to obtain the most beneficial option for all parties involved. If you wish to discuss further please don't hesitate to contact us.

Sincerely,



Josh & Shawna Dvorak

Cc: Mayor Bob Ramsey  
Cc: Public Works Committee

(1) Estimate based on- numbers provided of city documentation, could vary slightly