

DORN LAW FIRM, LTD.

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December 5, 2014

Mr. Chris Anderson
City of Ramsey
7550 Sunwood Drive
Ramsey, MN 55303

RE: Request of 21st Century Bank – Replat of Outlot F, Brookfield

Dear Mr. Anderson:

This letter is intended to accompany the re-submission of the above replat, being sent to you by Jason Rud, our surveyor. I understand that Jason has had numerous discussions with you regarding the status of the existing cul-de-sac, particularly in terms of making it a “permanent” cul-de-sac. I have also reviewed the City proceedings regarding John Peterson’s recently approved replat of an outlot in Alpine Woods, and have spoken with Mr. Peterson regarding that matter. We are asking the City to consider the following in reviewing our request.

1. The reason for creating the temporary cul de sac was because City Code required it. It seems most inequitable for a property owner to be required to wait for perhaps decades to develop what is a perfectly good residential lot because the developer complied with the City’s mandate.
2. Making the cul de sac “permanent” is totally unnecessary, because from a legal standpoint the easement is already permanent. I have enclosed a copy of the deed that created the easement. While the legal description uses the word “temporary”, the deed fails to state any date or condition under which the easement will be terminated. There is no person or entity that has standing to assert that any portion of the easement should be vacated. In addition, it will not be possible to obtain “permanent” easements from the two neighbors. The same situation was present in Alpine Woods and Mr. Peterson was not required to obtain anything from the other two property owners upon whose land the temporary cul de sac line encroaches. The one advantage of the use of the word “Temporary” in the deed, even though the 60 foot ROW was dedicated, is that I do not see any references to setback requirements from the line of a temporary easement, so there could be some flexibility there as long as snow storage can be handled.
3. The main reason given for allowing the Alpine Woods replat was the fact that a residence has been constructed in the path of where future Uranium Street would go, making

extension thereof unlikely, although there is commentary in City records acknowledging that it is theoretically possible that the street could still be extended. The property owner to the south of my client's parcel stated at the public hearing in July that he did not ever intend to develop his land, and that he intended to construct a storage building in the path of Feldspar. Our situation is virtually identical to that found in the Alpine Woods approval.

4. Leaving the existing cul de sac lines as is will enable the dwelling to be pulled as far to the west as possible, and the building pad we have identified has its westerly edge within few feet of the westerly edge of the house to the north. This was previously identified as an issue.
5. We have made good faith efforts to sell this lot to the neighbors, offering a very deep discount and favorable financing terms, without success.

Thanks to the staff for your thoughtful consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wilbur F. Dorn, Jr.', with a long horizontal flourish extending to the right.

Wilbur F. Dorn, Jr.