

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #15-04-097**

**A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT FOR AN EXISTING DECK AND SEPTIC SYSTEM WITHIN A DRAINAGE AND UTILITY EASEMENT AT 8077 155<sup>TH</sup> LANE NW AND DECLARING TERMS OF SAME.**

**WHEREAS**, Michael L. Swanson and Diana J. Swanson, hereinafter referred to as the “Applicant”, has requested an Encroachment Agreement for an existing deck and septic system (the “Deck” and “Septic System”) that encroach upon a drainage and utility easement (the “Easement”) on the property generally known as 8077 155<sup>th</sup> Lane NW, Ramsey, Minnesota and legally described as follows:

Lot 2, Block 2, The North Forty 3<sup>rd</sup> Addition, according to the recorded plat thereof, Anoka County, Minnesota.

(the “ Subject Property”); and

**WHEREAS**, in 1991, the City of Ramsey (the “City”) received an application from the original developer of The North Forty 3<sup>rd</sup> Addition to vacate a portion of the Easement on the Subject Property; and

**WHEREAS**, in 1991, the Planning Commission tabled action on the easement vacation request until the developer provided a revised drainage and grading plan for The North Forty 3<sup>rd</sup> Addition, which the City never received; and

**WHEREAS**, in 1991, the City issued a building permit for the Septic System to be installed within the Easement; and

**WHEREAS**, in 1998, the City issued a building permit for the Deck within the Easement; and

**WHEREAS**, the City’s Engineering Division has found that the Easement can still function with the encroachment of the Deck and Septic System; and

**WHEREAS**, the City Council reviewed the request on April 28, 2015.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

1. That, contingent upon the Applicant entering into an Encroachment Agreement with the City, the Applicant may continue to maintain the Deck and Septic System, in their current configurations and dimensions, in accordance with the terms and conditions contained within the Encroachment Agreement.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 28<sup>th</sup> day of April, 2015.

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Mayor

**ATTEST:**

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City Clerk