

Bruce Westby

From: Ron Schmitz <SCHMITZ1301@msn.com>
Sent: Wednesday, August 30, 2017 8:41 PM
To: Bruce Westby
Cc: Charlie@gilbertalden.com; Kurt Ulrich; Joe Langel; Shannon Schmitz
Subject: Re: Proposed Potassium Street Aggregate Cul-De-Sac Cost-Share Amounts

Hi Bruce,

Shannon and I have reviewed the cost-share amounts and design proposed by the City of Ramsey. We believe the design proposed is the best option at this point. As mentioned during our meeting on Friday, August 11th we will not agree to any cost-share where we are to fund 100% of the construction. As a gesture of good-faith, we will offer to contribute \$3,000 to the cost of the cul-de-sac construction assuming both parties can agree to terms and conditions in a written agreement.

Here are our arguments as to why we will only offer \$3,000 to the cost of construction:

- First, from a legal perspective the City of Ramsey has no recorded easement on our property.
- Second, the city attorney has argued the City of Ramsey can claim an easement under Minn. Stat. § 160.05 subdivision 1. We find this implausible. As you witnessed during our meeting on Friday, August 11th, the City of Ramsey has not been maintaining the area in our front yard. If the city was maintaining the area in our front yard, it would have graded or paved the front yard, or at least removed the garbage piles that were present before our home was built. Also, the area in our front yard is not of similar character or quality to the rest of Potassium St NW let alone other streets near the property. Lastly, the area in our front yard does not come anywhere close to the design standards in the proposed design.
- Third, the City of Ramsey's claim of an easement is further undone by the fact that the City of Ramsey approved our construction permits in 2015, and signed off on them without the existence of any easements. Our certificate of survey with no easements was approved by the city with our construction plans on August 3, 2015. City of Ramsey Planning and Engineering staff held a meeting on August 17, 2015 to discuss our permit application and encumbrances on the property, and again nothing arose.
- Fourth, the proposed cul-de-sac is not on our property though it will require a permanent easement on our property. We will not pay for construction of a cul-de-sac while also giving a permanent easement to the City of Ramsey on our property without being compensated.

- Fifth, the benefit to us is to stop ACE, an agent of the City of Ramsey, from further damaging, trespassing, and conducting unsafe turnarounds on our property. The other waste haulers servicing Potassium St NW don't turnaround in our front yard so we won't spend \$21,500 to benefit ACE.
- Sixth, between our building permit (over \$6,000) and our current annual property taxes (over \$5,000 with more than 35% going to the City of Ramsey) we believe the city demanding us to pay 100% for a cul-de-sac on someone else's property to benefit ACE is absurd.

Bruce, we appreciate meeting with you and your work to resolve the matter. We understand you are the messenger of the cost-share amounts based on the proposed agreement from the city attorney. We do find the cost-share amounts as initially proposed extremely disappointing. After what we believe are several missteps by the City of Ramsey, aggressive and intimidating actions toward us with respect to this dispute, the city attorney's proposal suggesting we pay 100% of the construction costs is outrageous.

Again, as a gesture of good-faith which seems to extend in only one direction, in our opinion, our offer is to contribute \$3,000 to the cost of the cul-de-sac construction. As a condition of this contribution, we would require a settlement agreement confirming that among other things, the City of Ramsey has no recorded or unrecorded easements on our property.

We look forward to hearing back from you.

Thanks,
Ron Schmitz

From: Bruce Westby <bwestby@ci.ramsey.mn.us>
Sent: Friday, August 18, 2017 3:28 PM
To: Ron Schmitz; Shannon Schmitz
Cc: Charlie@gilbertalden.com; Kurt Ulrich; Joe Langel
Subject: Proposed Potassium Street Aggregate Cul-De-Sac Cost-Share Amounts

Good afternoon, Ron and Shannon.

As we discussed last Friday, the City received quotes yesterday for constructing a temporary aggregate surfaced cul-de-sac located on the north end of Potassium Street, south of your property per design option #2. Below are all costs proposed to be paid by each party based on the lowest quote, on Hakanson Anderson's engineering fees for the final plans and specifications used to solicit quotes, and on the City Attorney's cost-share proposal as submitted to your attorney on May 1st.

City's obligations:

- Obtain consent from property owners to provide easements, draft and record easement agreements. \$ 3,500
- Retain Hakanson Anderson to design the requisite plans and specifications. \$ 3,800

- City to provide surveyor to stake the easement area and turn-around. \$ 1,000
- Provide at no cost the aggregate base class 5 material needed for construction. \$ 2,400 (240 CY @ \$10/CY)
- City to pay own legal fees.

N/A

TOT

AL = \$10,700

Schmitz's obligations:

- Construction costs, including Hakanson's project administration costs and inspection fees. \$21,500
- Transport gravel from City reserves to the construction site. \$ 0 (included in construction costs)
- Schmitz to pay own legal fees.

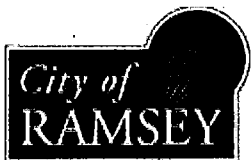
N/A

TOT

AL = \$21,500

Please review and respond with your comments at your earliest convenience. Once cost-share amounts are agreed upon, the City can finalize a cost-share agreement for execution by both parties. The soonest we can present an agreement to Council for approval is September 12th. In the meantime, I will continue to work with the three (3) impacted property owners (including yourselves) to execute easement agreements as required for construction and maintenance of the cul-de-sac. Easement agreements should be presented to Council for approval at the same time as the cost-share agreement. If the required agreements are executed soon, construction of the aggregate surfaced cul-de-sac can be completed this fall.

Thanks, Bruce



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