

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

**RESOLUTION #21-291**

**RESOLUTION DESIGNATING CARTWAY ROUTE AND ORDERING A PUBLIC HEARING FOR PETITIONED CARTWAY ACCESS TO THORN LAKE PROPERTY (PID #04-32-25-31-0001); CASE OF THOMAS AND PATTIANN KURAK**

**WHEREAS**, on August 18, 2021, the City of Ramsey received a petition for the establishment of a cartway to access the landlocked Thorn Lake parcel having PID #04-32-25-31-0001, a copy of which is attached to and made part of hereof as Exhibit A, and

**WHEREAS**, the petition seeks to establish a cartway pursuant to Minnesota Statute 435.37, and

**WHEREAS**, the legal description of the petitioned cartway is as follows:

**Route 1 – Petitioned Cartway Easement Description:**

A permanent easement for cartway purposes over, under, and across the northerly 16.50 feet of Lot 4, Block 1, WILLIAMS WOODS, Anoka County, Minnesota.

A permanent easement for cartway purposes over, under, and across the southerly 16.50 feet of Lot 5, Block 1, WILLIAMS WOODS, Anoka County, Minnesota.

and

**WHEREAS**, the legal description of Staff’s recommended cartway is as follows:

**Route 2 – Staff’s recommended Cartway Easement Description:**

A permanent easement for cartway purposes over, under, and across the southerly and easterly 33 feet of PARK, SHAWN ACRES, Anoka County, Minnesota.

A permanent easement for cartway purposes over, under, and across that part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of section 4, Township 32, Range 25 described as follows: Commencing at the Southwest corner of said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  thence East along the South line thereof a distance of 200 feet; thence North and parallel with the West line of said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  to the point of intersection with the North line of said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence West along the said North line to its intersection with the

West line thereof; thence South along the West line of said Southeast ¼ of the Southwest ¼ to the point of beginning. Subject to easement restrictions and reservations of record if any.

Commencing at the Northwest corner of said Parcel, thence South 00 degrees 50 minutes 44 seconds West a distance of 88.32 feet; thence North 79 degrees 06 minutes 09 seconds East a distance of 30.63 feet; thence North 00 degrees 51 minutes 94 seconds East a distance of 81.90 feet to the North line of said Parcel; thence westerly along said North line of said Parcel to the point of beginning.

and

**WHEREAS**, Minnesota Statute 435.37, subd. 1(a), requires a city council to establish a cartway at least two rods wide connecting a petitioner's land to a public road if a petition is presented by the owner of a tract of land containing at least five acres who has no access thereto except over lands of others; and

**WHEREAS**, Minnesota Statute 435.37, subd. 1(b), says that the city council may select an alternate route other than that petitioned for if the alternate route is deemed by the city council to be less disruptive and less damaging to the affected landowners and in the public's best interest; and

**WHEREAS**, Minnesota Statute 435.37, subd. 1(c), states that the amount of damages must be paid by the petitioner to the city before the cartway is opened. For the purposes of said subdivision, damages means (1) the compensation (if any) awarded to the owner of the land upon which the cartway is established and (2) the costs of professional and other services, hearing costs, administrative costs, recording costs, and other costs and expenses that the city may incur in connection with the proceedings for the establishment of the cartway.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA**, pursuant to Minnesota Statutes 435.37 and 164.07, as follows:

1. A hearing upon the attached Cartway Petition shall be held at the City Hall in the City of Ramsey on December 14, 2021, at 7:00 p.m.
2. The purpose of the hearing shall include, but is not limited to, determining:
  - a. Whether the Petitioner is entitled to a cartway under Section 435.37, subd. 1(a);

- b. If so, whether the cartway should be located where requested and to the width requested, or whether it should be located at an alternate route or of a different width;
  - c. What damages, if any, must the Petitioner pay to affected landowners for the establishment of the cartway;
  - d. What other damages have been incurred or likely will be incurred by the City in connection with the establishment of the cartway; and
  - e. Any other issue or matter that might relate to the cartway petition.
3. The Petitioner shall:
  - a. Cause personal service of this Order and the Cartway Petition to be made upon each owner and occupant of land over which or adjacent to which the proposed cartway would pass, and upon each person whose land would be reasonably expected to be affected by the establishment of the proposed cartway;
  - b. Post a copy of this Order and the Cartway Petition at the City's posting places;
  - c. Accomplish items 3 (a) and (b) at least ten days before the cartway hearing; and
  - d. Submit to the City an affidavit, prior to the hearing, showing that items 3 (a) – (c) have been accomplished.
  - e. Escrow \$20,000 with the City to cover the City's costs and expenses pursuant to Minnesota Statute section 435.37, subdivision 1(c). No further action by the City, including the hearing, shall occur until the escrow is in place.
4. The proposed cartway, if approved, will be a private access/road. It is not in the public's interest to expend public funds on the cartway or to make the cartway into a public access/road.
5. All persons who wish to be heard on any of these issues identified above, or of any other issue or matter relating to the Cartway Petition, should appear at the hearing and be prepared to offer or present any testimony, evidence, opinions, or views that they may have.
6. Affected landowners are hereby notified, pursuant to Minnesota Statute 164.07, subd. 2, that they are entitled to judicial review if the cartway is established, but that to do so they must follow all of the procedures set forth in Minnesota Statute Section 164.07, subd. 7, including but not limited to serving and filing a notice of appeal

within 40 days after the filing of the award of damages, and within ten days after the filing of the award of damages if they wish to delay the opening of the cartway, together with an approved bond of not less than \$250.

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 12th day of October, 2021.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk