

**City of Ramsey**  
**Agenda**  
**City Council Special Work Session**  
**Tuesday, July 20, 2021**  
**Immediately Following Public Works Committee**  
**Lake Itasca Room, 7550 Sunwood Drive NW**

Remote Attendance available at [www.cityoframsey.com/meetings](http://www.cityoframsey.com/meetings). To maximize social distancing due to the COVID-19 Pandemic, those that can join remotely are encouraged to do so. Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. **Call to Order**
2. **Topics for Discussion**
  1. Provide Direction on Oak Terrace Estates Encroachment Issues
3. **Adjournment**

## CC Special Work Session

Meeting Date: 07/20/2021

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### **Title:**

Provide Direction on Oak Terrace Estates Encroachment Issues

### **Purpose/Background:**

#### **Purpose:**

The purpose of this case is to obtain direction from the City Council on whether City Staff should work to execute an encroachment agreement to allow encroachments of various manufactured homes and/or other structures onto City-owned property with certain conditions as dictated by the City, or whether the City should require the owner to move the units that are encroaching onto City property.

#### **Background:**

Oak Terrace Estates is a manufactured housing park located on the north side of highway 10, west of Sunfish Lake Blvd. There are approximately 100 units in the park consisting of single-wide and double-wide manufactured housing units, many pre-dating the incorporation of the City of Ramsey in 1974. Tenants either rent their unit, or own their unit and rent the housing pad from the park owners. All the units except one are served by city sewer and water. Some units are not in compliance with current city or building codes. Some units have attached porches and additions that are not code compliant.

The owners of Oak Terrace Estates manufactured housing park desire to refinance their property. A registered land survey was required and revealed that several housing units are physically encroaching on City-owned property, and some are located within public drainage and utility easements. See attached ALTA survey. In order to refinance the property, the owners need to resolve the issues and come into compliance or receive approval of the encroachments by the City.

The City has the ability to create and execute an encroachment agreement that would allow encroachment onto City-owned property, with conditions that the city could dictate. The City could also require the owner to move the units that are encroaching onto City property.

#### **Timeframe:**

Staff estimates this case will take up to one-hour to present and discuss.

#### **Funding Source:**

This case does not require funding. Any costs associated with this case will be the responsibility of Oak Terrace Estates to cover.

#### **Responsible Party(ies):**

The City Engineer / Interim Community Development Director will present opening remarks. The Senior Planner, Chief Building Official and Zoning Code Enforcement Officer will then provide comments and insights related to their responsibilities and areas of expertise. The City Attorney will also be available to respond to questions.

#### **Outcome:**

To obtain direction from the City Council on whether City Staff should work to execute an encroachment agreement to allow encroachments of various manufactured homes and/or other structures onto City-owned property with certain conditions as dictated by the City, or whether the City should require the owner to move the units that are encroaching onto City property.

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## Attachments

ALTA survey Oak Terrace Estates

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### Form Review

**Inbox**

Kurt Ulrich

Form Started By: Bruce Westby

Final Approval Date: 07/15/2021

**Reviewed By**

Colleen Lasher

**Date**

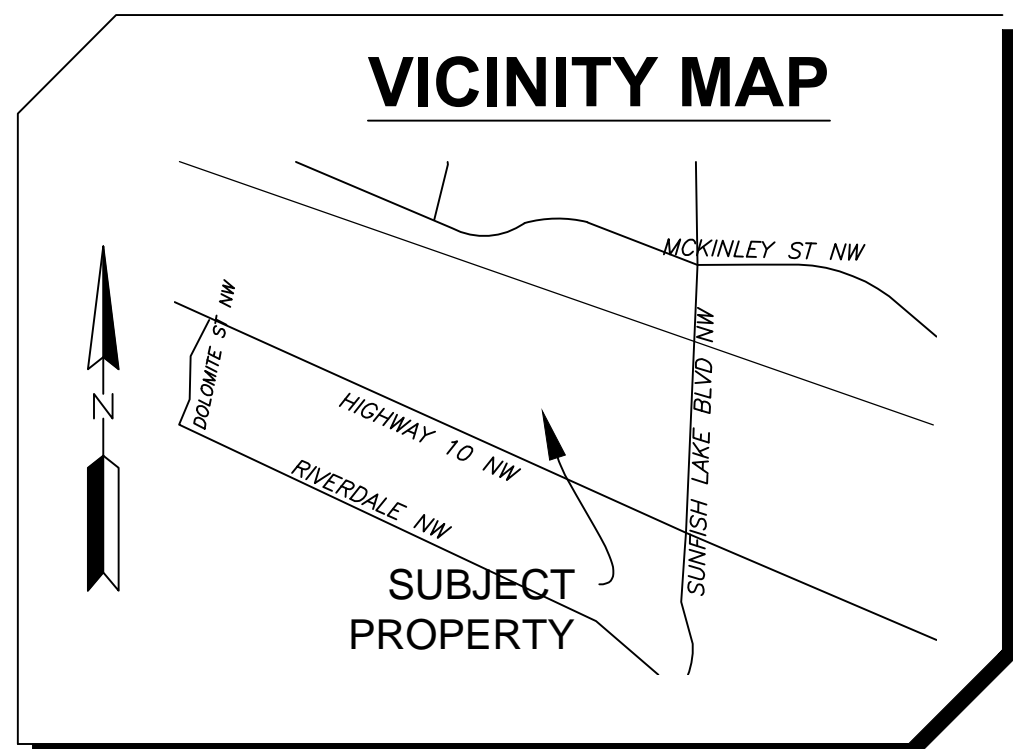
07/15/2021 04:17 PM

Started On: 07/15/2021 01:23 PM



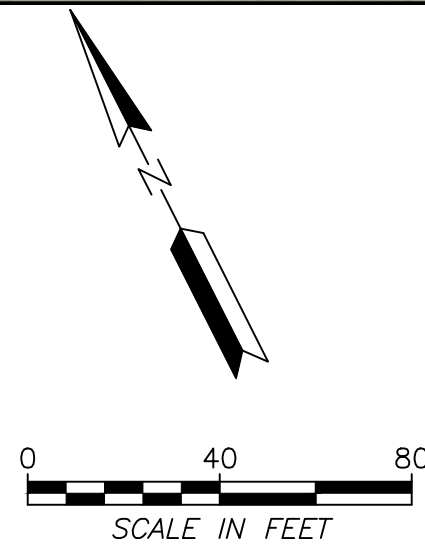
**LEGEND**

- |  |                            |  |
|--|----------------------------|--|
| ○ SET 3/4"ODx14" IRON PIPE WITH PLASTIC CAP 43055 OR MAG NAIL W/WASHER | ⊠ ELECTRIC METER           | — X — FENCE LINE                       |
| ● FOUND MONUMENT   | ⊠ ELECTRIC TRANSFORMER     | — ST — STORM SEWER                     |
| ⊙ SANITARY SEWER MANHOLE   | ⊠ TRAFFIC SIGN             | — S — SANITARY SEWER                   |
| ⊙ STORM SEWER MANHOLE  | ● BOLLARD/POST             | — I — WATERMAIN                        |
| ⊙ STORM SEWER INLET  | ⊠ UTILITY POLE             | — G — UNDERGROUND GAS LINE             |
| ⊙ STORM SEWER INLET  | ⊠ ANCHOR CABLE             | — COM — UNDERGROUND COMMUNICATION LINE |
| ⊙ HYDRANT  | ⊠ LIGHT POLE               | — OU — OVERHEAD UTILITY LINE           |
| ⊙ GAS METER  | ⊠ MAILBOX                  | ▭ BUILDING                             |
| ⊙ COMMUNICATIONS PEDESTAL  | ⊠ HAND HOLE                |  |
| ⊙ ELECTRIC MANHOLE   | ⊠ IRRIGATION CONTROL VALVE |  |
| ⊙ DECORATIVE LIGHT   | ⊠ WATER VALVE              |  |



**GENERAL NOTES**

1. Bearings shown hereon are based on the Anoka County Coordinate System relative to the NAD83(11) control adjustment.



CLIENT NAME  
 OAK TERRACE ESTATES MHC/  
 OAK TERRACE ESTATES, LLC

PROJECT TITLE ALTA/NSPS LAND TITLE SURVEY				
DWN BY RWN	CHK'D XXX	APP'D XXX	DWG DATE SCALE	SEE CERT. SCALE BAR
PROJECT NO. 227704089		SHEET NO. 1 OF 2		

### PROPERTY DESCRIPTION

The following description was provided in Chicago Title Insurance Company Commitment No. 58504 which has an effective date of April 15th, 2021 at 7:00 A.M.

**Parcel A:**

That part of Government Lot 4, Section 34, Township 32, Range 25, Anoka County, Minnesota, described as follows, to-wit: Commencing at the Northwest corner of said Government Lot 4; thence East along the North line of said Government Lot 4 to the Southwesterly line of the railroad right-of-way as it crosses said Lot 4; thence Southeasterly along the Southwesterly line of said right-of-way to the East line of the West Half of said Government Lot 4; thence South along the said East line of the West Half of said Government Lot 4 a distance of 29 rods and 4 feet, more or less, to the center of the public highway leading from Anoka to Elk River; thence in a Northwesterly direction along the center line of said highway to the West line of said Government Lot 4; thence North on the West line of said Government Lot 4 a distance of 28 rods, more or less, to the point of commencement, said tract containing 8 acres more or less all according to the United States Government Survey thereof, said land now having been platted as Lot 8, Auditor's Subdivision No. 30, Anoka County, Minnesota according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Anoka County, Minnesota.

**Torrens Property**

**Parcel B:**

All that part of East Half of Government Lot 4, Section 34, Township 32, Range 25, Anoka County, Minnesota, that lies Southerly of the Southerly right-of-way line of the Burlington Northern Railroad Company; that lies Northerly of the Northerly line of the right-of-way of U.S. Highway 10, and that lies West of the following described line: Commencing at the point of intersection of the West line of said East Half of Government Lot 4 with said Southerly line of the railroad right-of-way; thence Southeasterly along said railroad right-of-way for 75.12 feet to the actual point of beginning of the line to be hereby described; thence Southerly for 427.52 feet, more or less, to intersect with and terminate at a point on said Northerly line of the highway right-of-way a distance of 68.87 feet, as measured along said highway right-of-way, Southeasterly of the point of intersection thereof with said West line of the East Half of Government Lot 4.

Also being a part of Lot 11, Auditor's Subdivision Number 30, Anoka County, Minnesota.

Abstract Property

### NOTES CORRESPONDING TO SCHEDULE B - 2

Items corresponding to Schedule B Section 2 as provided in Chicago Title Insurance Company Commitment No. 58504 which has an effective date of April 15th, 2021 at 7:00 A.M.

Items 1, 2, and 4-8 and 10 are not survey related and are not addressed herein.

Item 3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. - ANY SUCH ITEMS OBSERVED BY THE SURVEYOR ARE ADDRESSED HEREON.

Item 9. Easement Mortgage (Oak Terrace-MN Ramsey-BA 20) dated August 30, 2011, filed September 2, 2011, as Document Nos. 2024169.001 (Abstract), and 505675.001 (Torrens), executed by BA Infrastructure SPE, LLC, a North Carolina limited liability company, as mortgagor, to Bank of America, N.A., as mortgagee, in the original principal amount of \$41,500.00.

Amended and supplemented by Supplemental Mortgage (Oak Terrace-MN Ramsey-BA 20) dated August 30, 2011, filed September 27, 2011, as Document Nos. 2024611.001 (Abstract), and 505880.001(Torrens).

NOTE: Above instruments terminated in the Torrens property records pursuant to Order filed September 20, 2018, as Document No. 559731.006. A termination was not filed in the Abstract property records.

- SAID PERIMETER EASEMENTS ARE SHOWN OVER PARCEL B (ABSTRACT) HEREON, PARCEL BE IS ALSO SUBJECT TO A BLANKET EASEMENT PER THESE DOCUMENTS.

Item 11. Subject to highway easement to the State of Minnesota which is contained in Document No. 4759 filed October 1, 1947. (Shown by recital on the Certificate of Title) - SAID EASEMENT IS SHOWN HEREON.

Item 12. Easement for public drainage and utility purposes, in favor of the City of Ramsey, a Minnesota municipal corporation, as created in Drainage and Utility Easement dated November 29, 2005, filed January 10, 2006, as Document Nos. 1981162.003 (Abstract), and 486019.001 (Torrens). - SAID EASEMENTS ARE SHOWN HEREON.

Item 13. Easements and unrecorded Master Community Infrastructure Agreement dated April 20, 2010, by and between Oak Terrace Park Properties, LLC, a Minnesota limited liability company, and Capitol Infrastructure, LLC, a North Carolina limited liability company, as shown by Easement and Memorandum of Agreement dated April 20, 2010, filed June 28, 2010, as Document Nos. 2015952.006 (Abstract), and 501894.005 (Torrens).

The interest of Capitol Infrastructure, LLC, North Carolina limited liability company, was assigned to BA Infrastructure SPE, LLC, a North Carolina limited liability company, by Assignment of Easement (Oak Terrace MHP-MN Ramsey-BA 20) dated August 10, 2011, filed August 11, 2011, as Document Nos. 2023759.001 (Abstract), and 505482.001 (Torrens).

NOTE: Above instruments terminated in the Torrens property records pursuant to Order filed June 20, 2018, as Document No. 557616.001. A termination was not filed in the Abstract property records.

- SAID PERIMETER EASEMENTS ARE SHOWN OVER PARCEL B (ABSTRACT) HEREON, PARCEL BE IS ALSO SUBJECT TO A BLANKET EASEMENT PER THESE DOCUMENTS.

### TABLE "A" OPTIONAL ITEMS

1. Property corner markers were placed or found as shown
2. Property address: 6545 US-10 Ramsey, Minnesota.
3. Flood zone classification: this property is located in Zone X (Area of minimal flood hazard) according to FEMA Flood Insurance Rate Map Number 27003C0281E which has an effective date of 12/16/2015.
4. Gross land areas:  
Parcel A: 301,352 sq. ft. (6.918 acres)  
Parcel B: 28,079 sq. ft. (0.645 acres)  
Total: 329,431 sq. ft. (7.563 acres)
- 6a. Zoning Information: The following zoning information was provided in a letter/report from Armada dated June 4, 2021.  
Zoning Classification: H-1. Highway 10 Business  
Setback Requirements: Legal Nonconforming: While an exact measurement is not available, based on visual review of Google Earth, the subject is not estimated to conform to the Property Line Setback requirements.  
Height Restrictions: NA  
Floor Space Restrictions: NA  
Parking Requirements: 77 parking spaces
- 6b. Setback line is shown.
- 7a. Exterior building dimensions of permanent buildings shown are the exterior facade at chest height. underground footings and foundations and roof lines/eaves may extend outside the building lines shown.
8. The surveyor has made their best effort to depict all above ground visible features hereon.
9. There are 61 off-street parking spaces observed and 0 handicap parking spaces on the subject property.
10. There are no party walls on the subject property. OR Party walls are shown hereon based on exterior building evidence only.
13. Names of owners of adjoining lands were obtained from the Anoka County GIS.
16. There were no observable signs of recent construction or earthmoving on the subject property at the time of survey.
18. The surveyor is not aware of any wetland delineations being conducted on the subject property.

### STATEMENT OF POSSIBLE ENCROACHMENTS

The following possible encroachment notes are intended to draw the users attention only, the surveyor does not guarantee that the items noted below are in fact encroachments or that all possible encroachments are shown hereon.

- 1 Mobile homes and fencing lie across property boundary.
- 2 Guy wire for overhead utility pole lies on subject property.
- 3 Asphalt (bituminous) paving extends onto adjacent property by 1.8 feet.
- 4 Driveway provides access to city parcel across the subject property.

### CERTIFICATION

To: Fannie Mae and/or NorthMarq Capital Finance, L.L.C., their successors and/or assigns, as their interests may appear, Ramsey Park, LLC, Oak Terraces Estates LLC, Commercial Partners Title LLC, and Chicago Title Insurance Company; This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6(b), 7a, 8, 9, 10, 11, 13, 16 and 18 of Table A thereof.

Date of fieldwork: 6/2/2021

DRAFT FOR REVIEW 6/9/2021  
Chris Ambourn, MN. License 43055 Date



CLIENT NAME		PROJECT TITLE	
OAK TERRACE ESTATES MHC/ OAK TERRACE ESTATES, LLC		ALTA/NSPS LAND TITLE SURVEY	
DWN BY	CHK'D	APP'D	DWG DATE
RWN	XXX	XXX	SEE CERT.
PROJECT NO.		SCALE SEE SCALE BAR	
227704089		SHEET NO.	
		2 OF 2	