

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #22-039

RESOLUTION APPROVING THE DESIGNATED ROUTE FOR THE 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 City 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 ¼ of the Southwest ¼ of section 4, Township 32, Range 25 described as follows: Commencing at the Southwest corner of said Southeast ¼ of the Southwest ¼ thence East along the South line thereof a distance of 200 feet; thence North and parallel with the West line of said Southeast ¼ of the Southwest ¼ to the point of intersection with the North line of said Southeast ¼ of the Southwest ¼; 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), states 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; and

WHEREAS, pursuant to Ramsey City Council Resolution #21-291, adopted on October 12, 2021, a route for the petitioned cartway access to Thorn Lake property PID #04-32-25-31-0001 was designated using the alternate route through Shawn Acres Park, and a Public Hearing was ordered for December 14, 2021, at 7:00 pm, and

WHEREAS, pursuant to Ramsey City Council Resolution #21-316, adopted on November 9, 2021, the Public Hearing was rescheduled at the request of the petitioner to February 8, 2022, at 7:00 pm for the purpose of allowing the petitioner to attend the hearing and to provide additional time for the petitioner to serve required hearing notices, and

WHEREAS, on February 2, 2022, the petitioner submitted notarized affidavits to the City verifying that the required Public Hearing notices were delivered to all parties within the required timelines and provided an escrow payment of \$20,000 to cover the City's costs and expenses related to their petition request, and

WHEREAS, the petitioner posted Public Hearing notices at the City's posting places within the required timelines, and

WHEREAS, the Ramsey City Council held a Public Hearing on February 8, 2022, for the purpose of receiving public testimony, evidence, opinions, or views, and approving Route 2 as the designated cartway route.

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) That the Ramsey City Council hereby designates alternative Route 2 at a width of 33-feet as the cartway route to access the landlocked Thorn Lake parcel having PID #04-32-25-31-0001.

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 8th day of February, 2022.

Mayor

ATTEST:

City Clerk