

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

RESOLUTION #22-212

RESOLUTION DENYING AN EASEMENT ENCROACHMENT AGREEMENT FOR A DETACHED ACCESSORY STRUCTURE AND POOL PATIO IN A DRAINAGE AND UTILITY EASEMENT AT 7160 148TH LN NW

WHEREAS, Demetrious and Christine Jones, hereinafter referred to as the “**Applicants**,” have requested an Easement Encroachment Agreement (the “**Agreement**”) to maintain a ten foot by sixteen foot (10’ x 16’) detached accessory structure (the “**Structure**”), and a pool patio (the “**Patio**”) within a drainage and utility easement (the “**Easement**”) on the property legally described as follows:

Lot 4 Block 2 Regency Ponds 3rd Addition, Anoka County, Minnesota

(the “**Subject Property**”).

WHEREAS, the placement of the **Structure** and **Patio** within the drainage and utility easement would require an Easement Encroachment Agreement, approved by the City Council; and

WHEREAS, the Applicant has a standard ten (10’) foot Drainage and Utility Easement in the rear yard; and

WHEREAS, the City Council reviewed the request for the **Agreement** on the **Subject Property** for the **Structure** and **Patio**, and denied the request during their regular meeting on September 13th, 2022.

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

- 1) That the request for an Easement Encroachment Agreement for an accessory structure and a pool patio to encroach into the drainage and utility easement is hereby denied due to the following:
 - a. There is ample room around the property for the structure to be located; and
 - b. The pool patio was constructed outside of approved plans for the pool construction from 2006; and
- 2) That the **Applicants** must place the **Structure** in an acceptable location with City Staff if they wish to retain the **Structure** on the **Subject Property**. The zoning permit in process must also be approved, paid for, and issued prior to placing the **Structure** on the **Subject Property**; and
- 3) That the **Applicants** must receive a zoning permit for the sport court with after-the-fact fees applied (twice the price of the standard permit fee); and

- 4) That the **Applicants** must remove the **Patio** encroaching into the drainage and utility easement by September 13, 2023.

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 adopted by the Ramsey City Council this the 13th day of September, 2022.

Mayor

ATTEST:

City Clerk