

**From:** [twcorp@comcast.net](mailto:twcorp@comcast.net)  
**To:** [Ryan Heineman](#); [Chelsee Howell](#); [Mark Kuzma](#); [Debra Musgrove](#); [Chris Riley](#); [Dan Specht](#); [Kurt Ulrich](#); [Bruce Westby](#); [Matt Woestehoff](#)  
**Subject:** Fwd: RE: Cartway easement update,,,Patti I want to answer Bruce  
**Date:** Tuesday, April 19, 2022 10:06:28 AM

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> ----- Original Message -----

> From: twcorp@comcast.net  
> To: PATTI KURAK <twcorp@comcast.net>  
> Date: 04/19/2022 8:39 AM  
> Subject: Fwd: RE: Cartway easement update,,,Patti I want to answer Bruce

>  
>

> Bruce,,

> Good morning. The fees and the width 33 ft of the cartway are the only 2 items .  
> The width is the minimum width by law . I wonder if it is the best you could do considering all other property can be accessed by a street width easement ? Second ,the fee should be addressed and commented on by the City Council before I sign the Easement Documents.

> Sincerely Tom Kurak

>  
>

>> ----- Original Message -----

>> From: Bruce Westby <bwestby@ci.ramsey.mn.us>  
>> To: "twcorp@comcast.net" <twcorp@comcast.net>  
>> Cc: Kurt Ulrich <kulrich@ci.ramsey.mn.us>  
>> Date: 04/18/2022 5:05 PM  
>> Subject: RE: Cartway easement update

>>  
>>

>> Good afternoon, Tom.

>>

>> Staff plans to discuss the proposed fees for the City Park property cartway easement with the City Council at their April 26th Work Session. Based on your voicemail message from Friday I believe this is your only outstanding issue related to the agreements. If other issues remain, please advise at your earliest convenience.

>>

>> Sincerely, Bruce

>>  
>>

>> -----Original Message-----

>> From: twcorp@comcast.net <twcorp@comcast.net>  
>> Sent: Monday, April 18, 2022 4:56 PM  
>> To: Bruce Westby <bwestby@ci.ramsey.mn.us>; Ryan Heineman <RHeineman@ci.ramsey.mn.us>; Chelsee Howell <CHowell@ci.ramsey.mn.us>; Mark Kuzma <mkuzma@ci.ramsey.mn.us>; Debra Musgrove <DMusgrove@ci.ramsey.mn.us>; Chris Riley <criley@ci.ramsey.mn.us>; Dan Specht <dspecht@ci.ramsey.mn.us>; Kurt Ulrich <kulrich@ci.ramsey.mn.us>; Matt Woestehoff <MWoestehoff@ci.ramsey.mn.us>  
>> Subject: RE: Cartway easement update

>>

>>> Bruce Westby,

>>

>>> Please get the advisement of the City Council at their next meeting. When they review and approve your Cartway Documents I will consider the City's proposal. What is on the table right now is not City Council direction.

>>

>>> Thank you Bruce . Please keep me updated.

>>>

>> Sincerely

>>

>> Tom Kurak

>>

>>

>>> On 04/15/2022 4:42 PM Bruce Westby <bwestby@ci.ramsey.mn.us> wrote:

>>>

>>>

>>> Good afternoon, Tom.

>>>

>>> After consulting with the City Attorney I removed provision 4 from both agreements. Attached are final versions of both agreements. Please sign the agreement for 17421 Chameleon Street and submit it to me at your earliest convenience. I will then present the signed agreement to the City Council for approval at their next regularly scheduled City Council meeting. Please understand that you will need to submit the required compensation before the City will execute this agreement and have it recorded.

>>>

>>> Again, I will work to hire a surveyor to set the cartway easement boundary stakes after the easement agreements are approved by all parties, executed and recorded.

>>>

>>> As a reminder, the City is not party to the 7705 173rd Ave easement agreement, which is between you and the private property owner.

>>>

>>> Please let me know if you have any final questions or concerns.

>>>

>>> Sincerely, Bruce

>>>

>>>

>>> -----Original Message-----

>>> From: twcorp@comcast.net <twcorp@comcast.net>

>>> Sent: Monday, April 4, 2022 4:53 PM

>>> To: Bruce Westby <bwestby@ci.ramsey.mn.us>

>>> Subject: RE: Cartway easement update

>>>

>>> Bruce , I understand the terms and accept except I don't like provision number 4 on each agreement . Years from now the access to the SW corner of my property will have the same utility for ingress and egress as today . I think my purchase of the access is not to be considered as for a period of time with conditions . Please let me know when the agreement is ready to sign . The other items in your letter are agreeable . I am only opposed to # 4 on each agreement.

>>> Sincerely Tom Kurak

>>>> On 04/04/2022 3:05 PM Bruce Westby <bwestby@ci.ramsey.mn.us> wrote:

>>>>

>>>>

>>>> Good afternoon, Tom.

>>>>

>>>> Attached are final drafts of the two cartway easement agreements, which were reviewed by the City Attorney and approved as to form. Please review the agreements and provide comments at your earliest convenience.

>>>>

>>>> Please note the Shawn Acres Park easement agreement (17421 Chameleon St) is between you and the City and requires compensation from you in the amount of \$5,500 for reasons noted in the agreement. Regarding your assertion that as a person you won't have any more right to use the easement than anyone else and that park land used for a cartway involves no change of control or ownership, one could reasonably counter that when public property is used for a cartway the petitioner has more rights than the general public to prevent the City, and others, from using the park property within the cartway easement for various purposes at various times.

>>>>

>>>> Also, please note that the 7705 173rd Ave easement agreement is between you and the private property

owner. The City is not party to this agreement.

>>>>

>>>> As to next steps, I will work to hire a surveyor to set the cartway easement boundary stakes after the easement agreements are approved by all parties, executed and recorded.

>>>>

>>>> Please contact me with any questions, or to request Word documents of either or both agreements.

>>>>

>>>> Thanks, Bruce

>>>>

>>>>

>>>> -----Original Message-----

>>>> From: Bruce Westby

>>>> Sent: Thursday, March 31, 2022 3:44 PM

>>>> To: 'twcorp@comcast.net' <twcorp@comcast.net>

>>>> Subject: RE: Cartway easement update

>>>>

>>>> Hi, Tom.

>>>>

>>>> I will provide final drafts of the cartway easement agreements to the City Attorney tomorrow for review and approval. I then hope to provide City approved agreements to you by early next week for your review and approval.

>>>>

>>>> Sincerely, Bruce

>>>>

>>>>

>>>> -----Original Message-----

>>>> From: twcorp@comcast.net <twcorp@comcast.net>

>>>> Sent: Monday, March 21, 2022 12:29 PM

>>>> To: Bruce Westby <bwestby@ci.ramsey.mn.us>

>>>> Subject: RE: Cartway easement update

>>>>

>>>> Bruce , Thank you for the email .I have no questions .

>>>> Sincerly Tom Kurak

>>>>> On 03/18/2022 12:08 PM Bruce Westby <bwestby@ci.ramsey.mn.us> wrote:

>>>>>

>>>>>

>>>>> Tom:

>>>>>

>>>>> I understand you have a verbal agreement with the Campbell's and we are proceeding to prepare the required easement agreement to create the cartway easement on their property. We are also preparing the easement agreement needed to create the cartway easement on the City's park property.

>>>>>

>>>>> Regarding your previous question regarding whether you can hire a surveyor to set the easement corner pins, I was advised by the City Attorney that the City should hire the surveyor to complete this work. I am therefore proceeding to hire a surveyor to complete this work after the easement agreements are executed and recorded.

>>>>>

>>>>> Regarding your request to return your bond funds, Minnesota Cartway statutes authorize the City to recover all costs associated with creating cartway easements in response to cartway petitions, along with requiring bond funds from petitioners to ensure the City will be compensated for the costs it incurs while creating the cartway easements. The City Council cases related to this matter include all applicable details regarding the City's rights and responsibilities, as well as your rights and responsibilities. Please understand the City has spent a significant amount of time addressing your petition and all costs for this time will be paid from the bond funds you submitted. As such, the City must retain your bond funds until the cartway process is complete.

>>>>>

>>>>> At this time, I anticipate providing copies of the draft easement agreements for your review next week. In the meantime, please let me know if you have further questions.

>>>>>

>>>>> Sincerely, Bruce

>>>>>  
>>>>>

>>>>> -----Original Message-----

>>>>> From: twcorp@comcast.net <twcorp@comcast.net>

>>>>> Sent: Friday, March 18, 2022 6:52 AM

>>>>> To: Bruce Westby <bwestby@ci.ramsey.mn.us>

>>>>> Subject: Re: Cartway easement update

>>>>>

>>>>> Mr. Bruce Westby, I have made a hand shake agreement with affected land owners, the Campbells . I have agreed with the Campbells that they should receive \$1,000.00 in compensation for their granting of a public Cartway across private property they own.

>>>>> Minnesota State law will sometimes require bonds . The Cartway Statute does not require a Bond .

>>>>> Please return to me \$19,000.00 ,of the \$20,000.00 the City asked me for as a condition of creating a Cartway to my land locked parcell. I am asking that the \$1,000.00 I am leaving at the City be turned over to the Campbells for the public easement .The City has an obligation to create the easement but the city allowed me to offer the Campbells compensation and I have . If the City won't pay the Campbells for the Cartway Easement then return all of the \$20,000.00 the city asked me for as the Cartway Statute does not require a bond from a Cartway Petitioner .

>>>>> Bruce I am sorry for the inconvenience of addressing this return of my funds . It is true as you said ,we haven't gone thru the Cartway Easement process before . If we follow the statute we will be done soon .

>>>>> Sincerely Tom Kurak

>>>>>> On 03/16/2022 8:16 AM Bruce Westby <bwestby@ci.ramsey.mn.us> wrote:

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>>>>>>

>>>>>> Hi, Tom.

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>>>>>> The purpose of this email is to provide a quick update for you.

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>>>>>> I am working with the City Attorney to prepare a cartway easement agreement for the Campbell's property, and to prepare a resolution for Council approval, most likely at one of the April City Council meetings. I am also waiting for his input on whether the City needs to hire the surveyor, or whether you can. Please understand this is all new to me so I need the City Attorney's input on such decisions to make sure we are complying with all applicable Cartway laws.

>>>>>>

>>>>>>

>>>>>> Also, for the sake of transparency, I want to inform you that Staff is discussing whether compensation should be provided to the City for your use of public park land for your cartway easement. I hope to be able to reach out to you within the next several days with more details on this. At this time we have not reached a decision but I wanted you to know we are considering this option.

>>>>>>

>>>>>>

>>>>>> Please know that I am on vacation today, and that I will be taking another vacation day on Friday, but I will provide another update by the end of the week via email so you can be assured that we are actively working on this.

>>>>>>

>>>>>>

>>>>>> Thanks, Bruce

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>>>>>>

>>>>>> Bruce Westby, P.E.

>>>>>>

>>>>>> City Engineer

>>>>>>

>>>>>> 7550 Sunwood Drive NW | Ramsey, MN 55303

>>>>>>

>>>>> 763-433-9825 (Direct) | 763-647-4485 (Cell)

>>>>>

>>>>> bwestby@cityofframsey.com<<mailto:bwestby@cityofframsey.com>>

>>>>>

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