

From: twcorp@comcast.net
To: [Ryan Heineman](#); [Chelsee Howell](#); [Mark Kuzma](#); [Debra Musgrove](#); [Chris Riley](#); [Dan Specht](#); [Kurt Ulrich](#); [Matt Woestehoff](#); [Bruce Westby](#)
Subject: Fwd: RE: Cartway easement update
Date: Friday, April 15, 2022 10:36:22 AM
Attachments: [Cartway Easement Agreement 7705 173rd Ave 040122 DRAFT.pdf](#)
[Cartway Easement Agreement 17421 Chameleon St 040122 DRAFT.pdf](#)

To All,

We have been patiently working toward getting a cartway assigned to our landlocked 40 acres in northern Ramsey. City Council passed a resolution allowing staff to go forward with the details and complete the process.

We are having great difficulty completely our request as the final document put forth by the city has two items we do not agree to. The last communication regarding these agreements was sent to Bruce Westby by Tom Kurak on 4/4/22 with no response.

As this request has been going on since last year, we are asking the City Council to review the process so far and weigh in on the details of the easement agreement provided to us by staff. (See attached)

We want to be heard by the Council at their next meeting date of 4/26/22 either during work session, or preferably during an official council meeting, so Council can give direction to staff regarding the discrepancies we feel are in the attached agreement between the City of Ramsey and the Kuraks.

Thank you,

Tom and Patti Kurak
15001 Sunfish Lake Blvd NW
Ramsey, MN 55303

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

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

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

> Date: 04/04/2022 3:05 PM

> Subject: RE: Cartway easement update

>

>

> 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 .

> Sincerely 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

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>>

>> -----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:

>>>

>>>

>>> 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

>>>

>>>

>>> Bruce Westby, P.E.

>>>

>>> City Engineer

>>>

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

>>>

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

>>>

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

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>>> www.cityoframsey.com<<http://www.cityoframsey.com>>