

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

Tuesday, August 23, 2016
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Chair Larkin ____ Alexander ____
 Murphy ____ Bellemare ____
 Williams ____ Schafer ____
 Council Liaison Harris ____ Staff Liaison Moretto ____
- C. APPROVAL OF MINUTES for June 28, 2016
- D. PUBLIC HEARING
 - 1. Ordinance Amending Sec. 113-37 opt-out of Minnesota statutes, section 462.3593
 - 1. Vacate Easement 1728 Lindig St.
 - 2. Vacate Easement 1725 Fairview Ave.
- E. AGENDA
- F. INFORMATION AND ANNOUNCEMENTS
- G. ADJOURN
- H. WORKSHOP

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.

**City of Falcon Heights
Planning Commission Minutes
June 28, 2016**

PRESENT: Commissioners Alexander, Schafer, Williams, Staff Liaison Moretto

ABSENT: Commissioners Bellemare, Larkin, Murphy, Council Liaison Harris

The meeting was called to order at 7:15 p.m. by Chair Larkin.

The minutes of the May 24nd, 2016 meeting of the Planning Commission were approved.

AGENDA:

1. Discussion Buildable and Non-Buildable Setbacks

Staff Liaison Moretto presented on the definitions and requirements for buildable and non-buildable setbacks. It was illustrated that there can be issues with these requirements when a front yard area is greater than the required yard space. There was consensus that the planning commission should act on this issue in the near future.

INFORMATION AND ANNOUNCEMENTS:

Community Forum: None

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Paul Moretto
Community Development Coordinator

John Larkin
Chair – Planning Commission

ORDINANCE NO. _____

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113 OF THE
CITY CODE OPTING-OUT OF THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 113 of the Falcon Heights City Code is amended by adding Section 113-37 to provide as follows:

Sec. 113-37 OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593.

Pursuant to the authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Falcon Heights opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 2. Effective Date. This ordinance is effective upon adoption.

ADOPTED this _____ day of _____, 2016, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Sack Thongvanh, City Administrator/Clerk

CHAPTER 111--S.F.No. 2555

An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

Subd. 4. **Housing with services establishment or establishment.** (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section 144D.025.

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium,

cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; or

(10) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

Sec. 2. [394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the county has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. **Temporary dwelling permit; application.** (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or

to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.**

This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

Focus on New Laws: Temporary Family Health Care Dwellings

Cities and counties must issue permits for a new type of land use under this law, unless they take steps to opt out.

(Published Jun 13, 2016)

Chapter 111 (*Link to: <https://www.revisor.mn.gov/laws/?year=2016&type=0&doctype=Chapter&id=111>*) creates a new permit and permitting process that local governments must follow to allow a specific type of temporary transitional housing, unless the unit of local government takes official action by passing an ordinance to opt out of that program. Gov. Dayton signed the bill into law on May 12.

While the stated motivation behind passing the new law was to provide transitional housing for seniors, the statute itself does not include an age restriction for use of the structure. Anyone certified with needing assistance with two or more “instrumental activities of daily life” for mental or physical reasons may reside in a qualified temporary dwelling on the property where the “caregiver” or a “relative” resides.

Requirements of the law

The legislation is fairly complex in its requirements for both the permit application and the permit issuance, as well as for its regulations pertaining to compliant structures and eligible uses. Section 1 specifically excludes temporary family health care dwellings from the definition of “housing with services establishment,” exempting these temporary dwellings from the regulations and requirements set forth in Chapter 144D of the Minnesota Statutes.

Section 3 creates a new section in the Minnesota Land Use Planning Act (Minnesota Statutes, chapter 462), applying this new permit process for temporary family health care dwellings to cities. Section 2 of the new law also establishes the program for counties by creating a new section under Chapter 394 of the Minnesota Statutes. Finally, Section 4 of the law establishes Sept. 1, 2016, as the effective date.

What cities need to do

If your city leaders are comfortable with this program, you need to take no action to adopt it. However, by Sept. 1, your city does need to:

Be prepared to accept applications for permits under the new law.

Have an ordinance in place that establishes the permit fee (if the city decides to charge a fee different than the default fee).

Be ready to review and act on a submitted application within the specified timeline.

Specifically, under the new law, most cities have 15 days to grant or deny a submitted application. (Cities that regularly meet only once a month get 30 days to make their decision.) The law expressly waives the public hearing due to the private medical information involved and because of the immediate need for care. The law does not specify an appeal process related to permit decisions.

The permit is good for six months, with the option to renew once for an additional six months. The permit fee is set at \$100, with \$50 for a renewal; however, a city can choose to adopt, by ordinance, a different fee schedule.

If a city already has designated temporary family health care dwellings as a permitted use, this new law does not apply to that city. Likewise, if a city passes an ordinance specifically opting out of this statute, none of the provisions of the law apply to that community.

If your city wants to adopt a program that differs from the one specified in the new law, you should know that the law does not authorize partial adoption or modification of the program. Instead, your city would need to opt out of the entire law and then adopt a different ordinance that meets the city’s needs.

To help cities that would like to opt out of the statute, the League has developed a sample ordinance. The League has also created a frequently asked questions (FAQs) document.

View the sample opt-out ordinance (doc) (*Link to:*

<http://www.lmc.org/media/document/1/temporaryfamilyhealthcaredwellings.docx>)

Get additional guidance from the League's FAQs (pdf) (*Link to:*
<http://www.lmc.org/media/document/1/temporaryfamilyhealthcaredwellingsfaq.pdf?inline=true>)

A section-by-section walk-through of the bill also will be included in the *2016 Law Summaries*, which will be available on the League website by the end of June.

Details of the law

If this law applies to your city and you don't plan to opt out, it's important to know the specific details of the law, including its effect on your existing land use controls, the criteria for a qualified temporary family health care dwelling, and the permit application requirements.

Effect on land use controls

Existing local controls related to accessory uses and the parking and storage of recreational vehicles cannot regulate or prevent placement of a unit that qualifies as a temporary family health care dwelling (see section 3, subdivision 2). Other local ordinances and setbacks, as well as applicable state and federal laws, do apply.

Section 3, subdivisions 5 and 6 set forth parameters for inspection, enforcement, and permit revocation. At any time, cities can request proof that the unit remains compliant with the requirements of the law. Cities can arrange an inspection at a reasonable time that is convenient for the caregiver, to verify that the unit is compliant, is occupied, and that the resident is the one named on the permit.

Temporary family health care dwelling criteria

Section 3, subdivision 2 specifically sets the criteria for a structure to be considered a qualified temporary family health care dwelling. These structures must:

Be primarily assembled at a location other than its site of installation.

Be no more than 300 gross square feet.

Not be attached to a permanent foundation.

Be universally designed and meet state-recognized accessibility standards.

Provide access to water and electric utilities, either by connecting to the utilities serving the principal dwelling on the lot or by other comparable means.

Have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction.

Have a minimum insulation rating of R-15.

Be able to be installed, removed, and transported by a one-ton pickup truck, a truck, or a truck tractor as defined in Minnesota Statutes, section 168.002.

Be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2, which is an industry definition of a recreational vehicle.

Be equipped with a backflow check valve.

Permit application requirements

A caregiver or a relative must submit a permit application to the city signed by the primary caregiver, the owner of the property on which the unit will be placed, and the resident of the property (if the owner does not reside there). The permit application requires a very specific list of information, including:

Applicant information. Name, address, and phone number of the property owner, the property resident (if different from the owner), and the primary caregiver for the qualified inhabitant of the unit.

Resident name. Only one person can reside in a temporary family health care dwelling and it must be the person named in the application.

Health care provider information. Proof of the provider network that will provide the primary care, respite care, or remote patient monitoring service.

Verification of need. Written certification of the need for assistance with two or more instrumental daily activities from a physician, physician’s assistant, or advanced practice registered nurse licensed to practice in Minnesota.

Septic service. An executed contract for septic service or management.

Neighbor notice. An affidavit that all adjacent property owners and residents have received notification of the application.

Site map. A general site map to show the location of existing structures and the proposed placement of the new unit. The placement must comply with the same setback requirements that apply to the primary residence and must allow septic service and emergency response access in a safe and timely manner.

Additionally, the law only allows one unit per lot and that unit must house only one resident, who must be the same person named in the application.

Get additional guidance from the League’s FAQs (pdf) *(Link to: <http://www.lmc.org/media/document/1/temporaryfamilyhealthcaredwellingsfaq.pdf?inline=true>)*

Read the current issue of the Cities Bulletin *(Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>)*

* By posting you are agreeing to the LMC Comment Policy *(Link to: <http://www.lmc.org/page/1/comment-policy.jsp>)* .

0 Comments

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Your LMC Resource

Pam Whitmore

Staff Attorney

(651) 281-1224 or (800) 925-1122

pwhitmore@lmc.org *(Link to: <mailto:pwhitmore@lmc.org>)*

Contact Craig Johnson

IGR Representative

(651) 281-1259 or (800) 925-1122

cjohnson@lmc.org *(Link to: <mailto:cjohnson@lmc.org>)*

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(Link to: <http://www.lmc.org/ads/102408>)

Sec. 113-379. - Guesthouses.

- (a) Guesthouses for the purpose of this section shall be an accessory building detached from the principal building with temporary accommodations for sleeping, but having no kitchen facility. It is intended for the use of persons visiting the occupants of the principal structure.
- (b) Guesthouses may be permitted as a conditional use in all residential districts and shall conform to all requirements of this chapter and other regulations applicable to residential dwellings including setback and yard requirements in relation to the principal structure.
- (c) All guesthouses shall have designated off-street parking spaces.

(Code 1993, § 9-14.01(12))



PAID

Action Requested By:

Name of Property Owner MARY K. VOLK

Phone (h) 651.483.9042 (w)

Address of Property Owner 1728 LINDIG ST FALCON HEIGHTS, MN 55113-5529

Name of Applicant (if different)

Address Phone

Property Involved:

Address 1728 LINDIG ST FALCON HEIGHTS, MN

Legal Description 16/29/29 Subj to St And Esmts And Ex E 290 7/10 Ft The N 94 63/100 Ft Of S624 88/100 Ft Of E 30 Acres Of SW 1/4 Of Sec 16 Th 29 Rn 23

Property Identification Number (PIN) 16.29.23.34.0013

Present Use of Property (check one):

- Single Family Dwelling
Duplex/Two Family Dwelling
Multi Family Complex
Business/Commercial
Government/Institutional
Vacant Land

Action Requested (NON-REFUNDABLE):

- Variance (\$350.00)
Conditional Use Permit (\$500.00)
Rezoning, Zoning Amendment (\$500.00)
Comprehensive Plan Amendment (\$550.00)
Lot Split (\$250.00)
Site Plan Review (\$100.00)
Subdivision (Fee on request)
Other (Please Specify) VACATE EASEMENT \$100.00

The above Application Fees do not include any additional fees that might be required, including legal, engineering, consulting and additional City services. Applicants should meet with City Staff prior to submitting application to discuss applicable ordinances, required attachments, timelines and fees.

Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):

See Attached

I certify that all statements on this application are true and correct:

Signature of Property Owner (required) Mary K Volk 7/27/2014

Signature of Applicant (if applicable)

July 27, 2016

Planning Commission
City of Falcon Heights Minnesota

Re: Vacate Easement Request

The original purposes of this easement, granted in 1965, were to allow “constructing, erecting, maintaining, repairing, operating, inspecting and replacing public and private utilities ...”.

However, no public nor private utilities have been placed on the easement in more than fifty years. The easement is isolated along with its companion on the 1725 N Fairview Ave property. There are no similar easements in line with it on adjacent or contiguous properties to the north or south on the east side of Lindig St.

The purposes of this easement are no longer valid and I request that the Planning Commission recommend the City of Falcon Heights vacate this easement.

Thank you.



Mary K. Volk
1728 Lindig St
Falcon Heights, MN 55113-5529

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described, over and across the following described premises situated in Ramsey County, Minnesota:

That portion of the North 94.63 feet of the South 624.88 feet of the East 492.20 feet of the SW 1/4 of Section 16, Township 29 North, Range 23 West, subject to the rights of the public in Lindig St. and Fairview Ave. which lies 5 feet on either side of the following described line: beginning at a point on the north line of said parcel 290.70 feet West of the Center line of Fairview Avenue (said point and said line also being 247.70 feet West of the North East corner of said parcel) thence South parallel to the East line of said parcel 94.63 feet to the South line of said parcel and there terminating, all as is more fully shown on the survey which is attached hereto as Exhibit A and made a part hereof by reference.

IN TESTIMONY WHEREOF, said parties have hereunto set their hands the date and year first above written.

Joseph D. Bianchi
Joseph D. Bianchi

Dorothy M. Bianchi
Dorothy M. Bianchi

STATE OF MINNESOTA)
 Hennepin) ss
COUNTY OF RAMSEY

On this 23rd day of February, 1965, before me, a Notary Public within and for said County, personally appeared Joseph D. Bianchi and Dorothy M. Bianchi, husband and wife, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Roy J. Berggren
Notary Public
ROY J. BERGGREN
Notary Public, Hennepin County, Minn.
(My Commission expires Nov. 7, 1969.)

Ramsey County Tax Parcel Map

Ramsey County - Property Records and Revenue

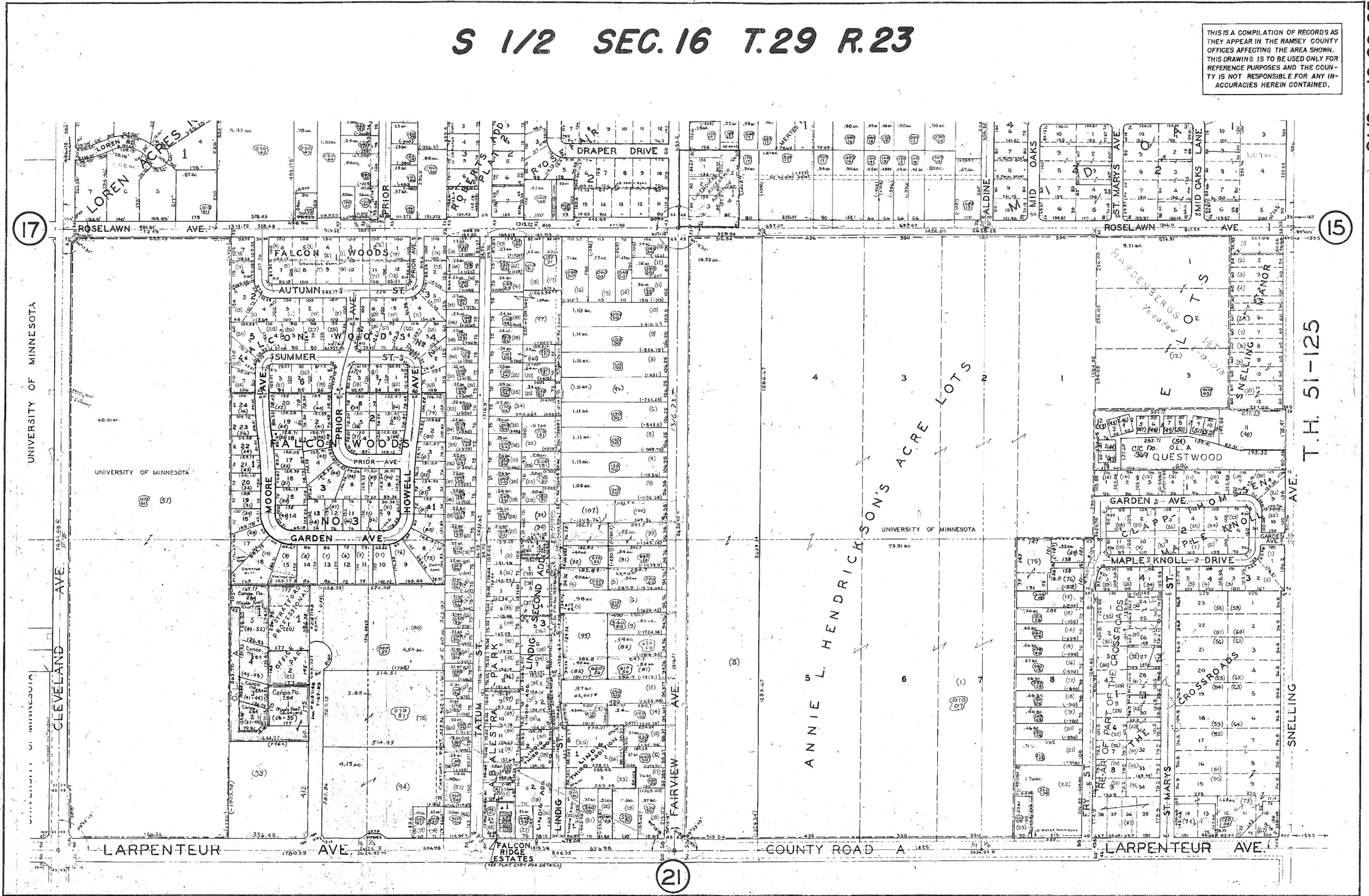
Disclaimer:

Date published: 07/22/2014

THIS IS A COMPILATION OF RECORDS AS THEY APPEAR IN THE RAMSEY COUNTY OFFICES AFFECTING THE AREA SHOWN. THIS DRAWING IS TO BE USED ONLY FOR REFERENCE PURPOSES AND THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

S 1/2 SEC. 16 T.29 R.23

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S 1/2 16-29-23

T.H. 51-125

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

September 14, 2016

No. 16-XX

A RESOLUTION VACATING EASEMENT

WHEREAS, pursuant to Minnesota Statutes Section 412.851, after two (2) weeks' published and posted notice of the hearing and after mailing written notice of the hearing at least ten (10) days before the hearing to each property owner affected by the proposed vacation, the Falcon Heights City Council has conducted a hearing to consider the vacation of the easement #1643377 located as legally described: That portion of the North 94.63 feet of the South 624.88 feet of the East 492.20 Feet of the SW ¼ of Section 16 Township 29 North, Range 23 West, subject to the rights of the public in Lindig St. and Fairview Ave. which lies 5 feet on either side of the following described line: beginning at a point on the north line of said parcel 290.70 feet West of the Center line of Fairview Avenue (said point and said line also being 247.70 feet West of the North East corner of said parcel) thence South parallel to the East line of said parcel 94.63 feet to the South line of said parcel and there terminating.

WHEREAS, it appears that it is in the public interest to vacate the West 5 feet of the easement as described above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. The easement located at that portion of the North 94.63 feet of the South 624.88 feet of the East 492.20 Feet of the SW ¼ of Section 16 Township 29 North, Range 23 West, subject to the rights of the public in Lindig St. and Fairview Ave. which lies 5 feet on either side of the following described line: beginning at a point on the north line of said parcel 290.70 feet West of the Center line of Fairview Avenue (said point and said line also being 247.70 feet West of the North East corner of said parcel) thence South parallel to the East line of said parcel 94.63 feet to the South line of said parcel and there terminating, that the West 5 feet is hereby vacated.
 2. The City Clerk is directed to file a certified copy of this Resolution with the County Auditor and County Recorder/Registrar of Titles.
-

Moved by:

Approved by: _____

Peter Lindstrom

Mayor

LINDSTROM _____ In Favor
GUSTAFSON
HARRIS _____ Against
BROWN THUNDER
FISCHER

Attested by: _____
Sack Thongvanh
City Administrator



City of Falcon Heights
Planning Application

PAID
COPY

Action Requested By:

Name of Property Owner SHIRLEY A. REIDER / DENNIS R. LIENKE
Phone (h) 651-644-7845 (SAR) (w) 651-644-8568 (DRL)
Address of Property Owner 1725 FAIRVIEW AVE NORTH, FALCON HGTS 55713
Name of Applicant (if different) NA
Address _____ Phone _____

Property Involved:

Address 1725 FAIRVIEW AVE NORTH FALCON HGTS 55713
Legal Description the East 290.70 feet of the North 94.63 feet of the South 624.88 feet of the Southwest 1/4, Section 16, Township 29, Range 23, Ramsey County
Property Identification Number (PIN) 16.29.23.34.0014

Present Use of Property (check one):

- Single Family Dwelling
- Duplex/Two Family Dwelling
- Multi Family Complex
- Business/Commercial
- Government/Institutional
- Vacant Land

Action Requested (NON-REFUNDABLE):

- Variance (\$350.00)
- Conditional Use Permit (\$500.00)
- Rezoning, Zoning Amendment (\$500.00)
- Comprehensive Plan Amendment (\$550.00)
- Lot Split (\$250.00)
- Site Plan Review (\$100.00)
- Subdivision (Fee on request)
- Other (Please Specify)
Vacate easements

The above Application Fees do not include any additional fees that might be required, including legal, engineering, consulting and additional City services. Applicants should meet with City Staff prior to submitting application to discuss applicable ordinances, required attachments, timelines and fees.

Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):

Vacate 2 easements granted to City of FH for utilities lot # 1643377 and Hwy street + Alley # 1605643. City NEVER used + City now has no access to use.

I certify that all statements on this application are true and correct:

Shirley A. Reider
Signature of Property Owner (required)

Signature of Applicant (if applicable)

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described, over and across the following described premises situated in Ramsey County, Minnesota:

That portion of the North 94.63 feet of the South 624.85 feet of the East 492.20 feet of the SW $\frac{1}{4}$ of Section 16, Township 29 North, Range 23 West, subject to the rights of the public in Lindig St. and Fairview Ave. which lies 5 feet on either side of the following described line: beginning at a point on the north line of said parcel 290.70 feet West of the Center line of Fairview Avenue (said point and said line also being 247.70 feet West of the North East corner of said parcel) thence South parallel to the East line of said parcel 94.63 feet to the South line of said parcel and there terminating, all as is more fully shown on the survey which is attached hereto as Exhibit A and made a part hereof by reference.

IN TESTIMONY WHEREOF, said parties have hereunto set their hands the date and year first above written.

Joseph D. Bianchi
Joseph D. Bianchi

Dorothy M. Bianchi
Dorothy M. Bianchi

STATE OF MINNESOTA }
Hennepin } ss
COUNTY OF RAMSEY }

On this 23rd day of February, 1965, before me, a Notary Public within and for said County, personally appeared Joseph D. Bianchi and Dorothy M. Bianchi, husband and wife, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Roy J. Berggren
Notary Public
ROY J. BERGGREN
Notary Public, Hennepin County, Minn.
My Commission expires Nov. 7, 1959.

CHARLES O. GEORGI COMPANY

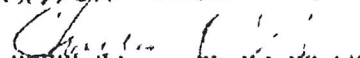
2215 West County Road B

Saint Paul 8, Minnesota

REGISTERED CIVIL ENGINEER AND LAND SURVEYOR

Certificate of Survey

Joseph D. Bianchi
Description:

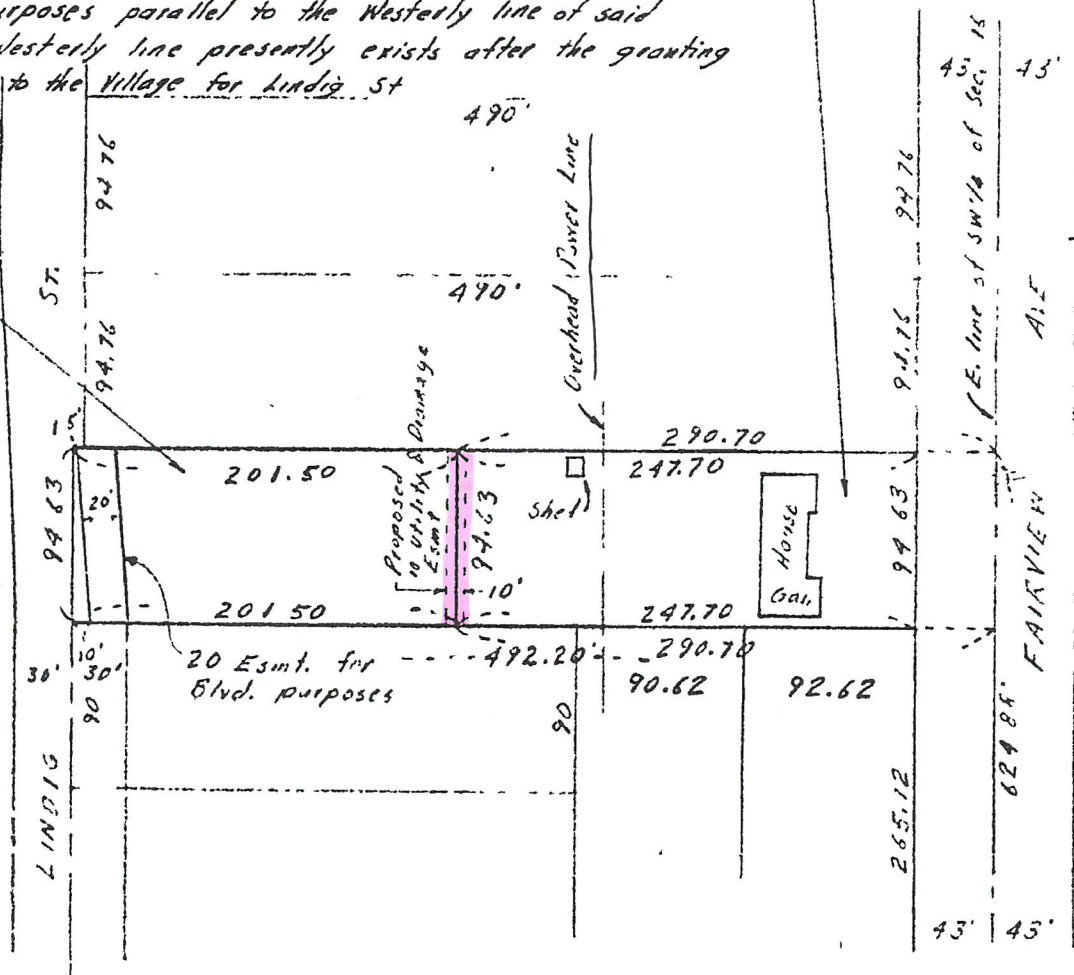
I Hereby Certify that this plat shows a building location survey made by me on the property described on this plat, and that all locations, have been correctly shown. Approval is requested of record by the Village Council for a building permit for the use of Lindig St described below.
Date July 1964 Lindig St described below
Scale 1" = 100' ... By  REGISTERED LAND SURVEYOR

That portion of the North 94.63 feet of the South 624.88 feet of the East 492.20 feet of the SW 1/4 of Section 16, T29N. R23W, except the East 290.70 feet thereof and subject to the rights of the public in Lindig St, described as follows: beginning at the Southwest corner of said parcel, thence North 94.63 feet along the West line of said parcel to the Northwest corner of said parcel, thence East along the North line of said parcel 1.5 feet, thence Southeasterly in a straight line to a point on the South line of said parcel 10 feet East of the Southwest corner of said parcel, thence West along the South line of said parcel to the Southwest corner of said parcel. Subject to a 20 foot easement to the Village of Falcon Heights for boulevard purposes parallel to the Westerly line of said parcel as said Westerly line presently exists after the granting of the easement to the Village for Lindig St

DESCRIPTION

The East 290.70 feet of the North 94.63 feet of the South 624.88 feet of the SW 1/4 of Section 16, T29N. R23W, subject to the rights of the public in Fairview Ave.

NOTE:
It is recommended that the easements along Lindig St. be decided to the Village for Tax purposes.



Ramsey County Tax Parcel Map

Ramsey County - Property Records and Revenue

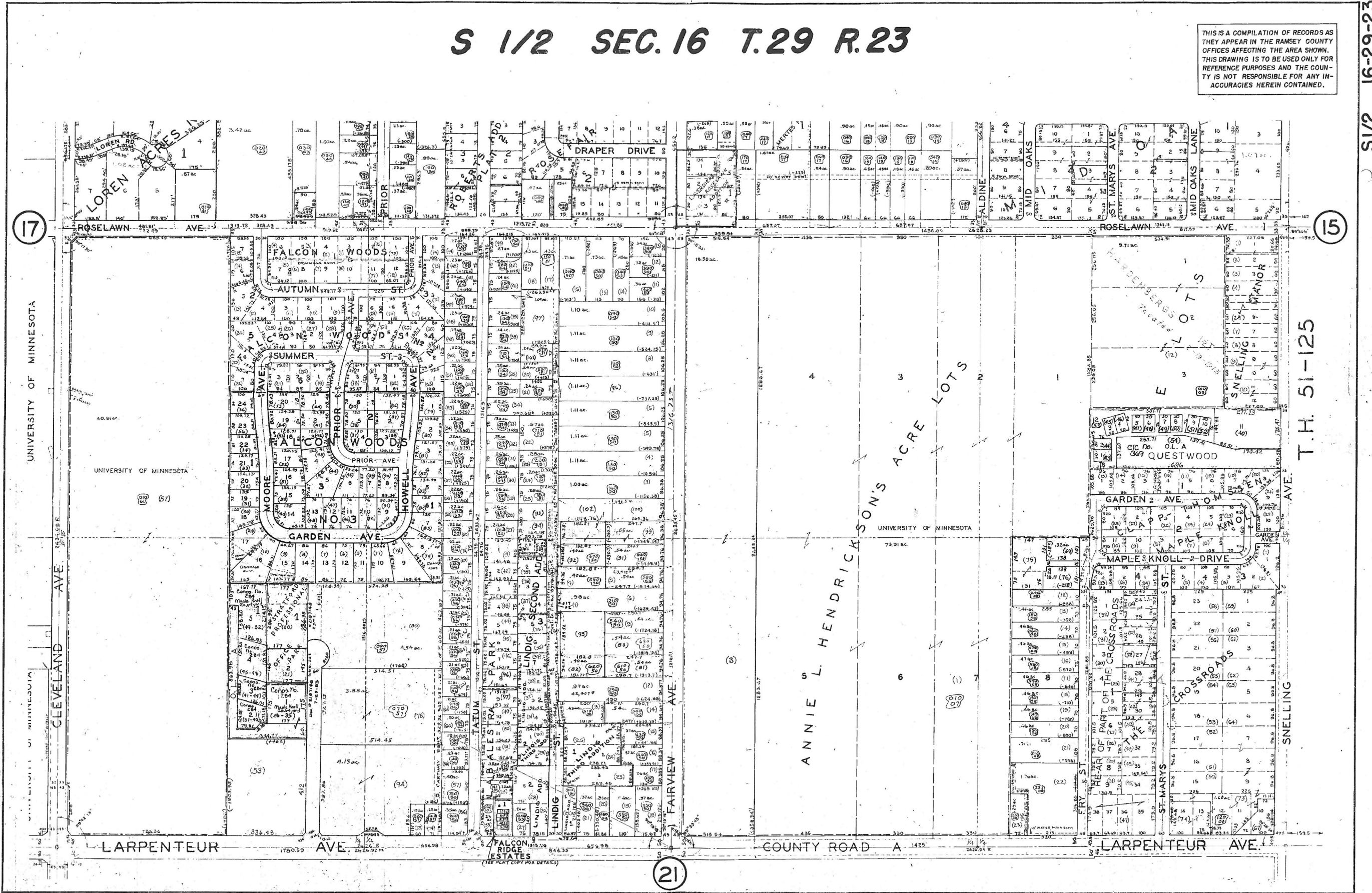
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