

**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

July 8, 2026

No. 26-65

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**A RESOLUTION AUTHORIZING AN ENCROACHMENT AGREEMENT FOR THE  
PROPERTY LOCATED AT 1670 LARPENTEUR AVENUE**

**WHEREAS**, on April 8, 2026, the City Council approved the Fairway Commons Planned Unit Development Amendment (Development) that required relocation of the existing public storm sewer infrastructure located on the property at 1670 Larpenteur Avenue; and

**WHEREAS**, relocation of the storm sewer infrastructure is necessary to accommodate construction of the approved Development; and

**WHEREAS**, as part of the approved Development, certain private improvements, including bituminous pavement, concrete curb and gutter, rip rap, and a bioinfiltration basin, are proposed within portions of the City's Public Drainage and Utility Easement; and

**WHEREAS**, the City has reviewed the proposed encroachments and determined that the improvements will not unreasonably interfere with the City's ability to access, inspect, maintain, repair, reconstruct, or replace public drainage and utility facilities; and

**WHEREAS**, the proposed Encroachment Agreement preserves the City's easement rights, requires the property owner to maintain the encroaching improvements, and provides indemnification and hold harmless protections for the City; and

**WHEREAS**, the City Council finds that approval of the Encroachment Agreement is consistent with the approved Development and is in the best interests of the City.

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

1. The Encroachment Agreement between Fairway Commons, Limited Partnership, and the City of Falcon Heights, substantially in the form presented to the City Council, is hereby accepted.
  2. City staff is hereby authorized and directed to record the agreement with Ramsey County and take all actions necessary to implement this resolution.
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Moved by: Gustafson

Approved by:

Randy Gustafson  
Mayor  
July 8, 2026

GUSTAFSON  
MAY  
MOGEN  
WASSENBERG  
MIELKE

5 In Favor  
0 Against

Attested by:

Jack Linehan  
City Administrator  
July 8, 2026