



## Request for City Council Committee Action From the Department of Public Works

**Date:** September 11, 2007

**To:** Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

**Referral to:** None

**Subject:** Storm Drain easement, 3216 25<sup>th</sup> Ave South

**Recommendation:** Approve execution of an easement agreement between Eclipse and the City and authorize payment of \$20,000 plus associated fees from the Storm-water Fund.

**Previous Directives:** None

**Prepared by:** Don Elwood, P.E., Director of Transportation Planning and Engineering Services  
Dennis Morris, Right of Way Section Supervisor

**Approved by:**

\_\_\_\_\_  
Steven A. Kotke, P.E., City Engineer, Director of Public Works

**Presenters:** Dennis Morris, Right of Way Supervisor, 673-3607

Permanent Review Committee (PRC)      Approval \_\_\_\_\_ Not applicable   X  

Policy review Group (PRG)              Approval \_\_\_\_\_ Not applicable   X  

**Financial Impact** (Check those that apply)

  X   No financial impact - or - Action is within current department budget (If checked, go directly to Background/Supporting Information)

\_\_\_ Action requires an appropriation increase to the Capital Budget

\_\_\_ Action requires an appropriation increase to the Operating Budget

\_\_\_ Action provides increased revenue for appropriation increase

\_\_\_ Action requires use of contingency or reserves

\_\_\_ Business Plan: \_\_\_ Action is within the plan. \_\_\_ Action requires a change to plan.

\_\_\_ Other financial impact (Explain):

\_\_\_ Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

**Community Impact**

Neighborhood Notification:

City Goals:

Comprehensive Plan:

Zoning Code:

**Background/Supporting Information.**

During the course of constructing a single family home, the property owner, Eclipse Investment (the Developer), discovered the presence of a storm drain pipe on their property. The storm drain catch basin is in the adjacent public alley and carry's storm water to a larger storm drain in Hiawatha Avenue.

This property was in the possession of the State of Minnesota Department of Transportation (MnDOT) for decades. At some time during MnDOT's possession the storm drain was installed across this property. MnDOT transferred this property (along with other parcels) to the Minneapolis Community Development Agency (MCDA) for development purposes. The MCDA subsequently sold the property for private development. At no time during the property transactions was a public easement established for the storm drain.

The Developer had originally planned to build a handicap accessible home with an attached garage. With the discovery of the storm drain pipe the Developer has had to change the design to connect the garage to the house via an attached breezeway.

The City and Developer have reached what we feel is an equitable solution. The City will purchase an easement from the Developer for \$20,000.00. This cost will include not only the easement value but compensate the Developer for loss of market value based on redesign of the original home. The City will also agree in the grant of easement to allow the construction of the breezeway over the easement area, but with the stipulation that any required maintenance or repair to the storm drain that requires removal of the breezeway will not be at the City's expense. Additionally, we will pay for a surveyor to create a legal description of the easement and pay document recording fees.

Attachment: Map depicting area.



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