

RESOLUTION # 14-03

CenturyLink Parkland Diversion in Highland and Lexington Parkways

WHEREAS, the Saint Paul Parks and Recreation Commission ("Commission") is an appointed body established to advise the Mayor and City Council on long-range and City-wide matters related to the Department of Parks and Recreation; and

WHEREAS, Section 13.01.1 of the City Charter requires that the Commission review any diversion or disposal of park property and present a recommendation to the Saint Paul City Council; and

WHEREAS, the Saint Paul, Department of Parks and Recreation, owns City parkway land, known as Highland Parkway – south side, just east of Snelling Avenue, and Lexington Parkway – west side, at the Montcalm Estates driveway and at the Randolph Avenue intersection; and

WHEREAS, CenturyLink, Inc., headquartered at 100 CenturyLink Drive, Monroe, Louisiana, 71203, is requesting parkland diversion on and under the parkways as shown on the attached maps, for the purpose of installing a direct bored telecommunications cable / conduit with no above ground facilities; and

WHEREAS, said diversion would be granted as a license to use the land for the direct bored cable / conduit installation, related facilities such as handholds and operations, and maintenance; and

WHEREAS, the Department of Parks and Recreation has determined that the park land is of an adequate width for installation and maintenance, that existing facilities on, above and below ground will not be disturbed, that no above ground facilities will be installed for this purpose, and recommends Commission support the request; and,

WHEREAS, that CenturyLink further warrants that it will restore any damaged facilities, including maintenance of any plantings impacted by construction and maintenance until healthy and accepted by city staff; and

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Parks and Recreation Commission concurs with the request to divert a portion of City parkways known as Highland Parkway – south side, just east of Snelling Avenue, and Lexington Parkway – west side, at the Montcalm Estates driveway and at the Randolph Avenue intersection, per the attached documents, and in accordance with City Charter Section 13.01.1 recommends approval by the Saint Paul City Council.

Adopted by the Saint Paul Parks and Recreation Commission on February 12, 2014:

Approved:

Yeas

Nays

Absent:

Resolution # 14-03

Attested to by:

Staff to the Parks and Recreation Commission



CAPRA Accreditation

An Affirmative Action Equal
Opportunity Employer



National Gold Medal Award

Resolution # 14-03
CenturyLink Highland and Lexington Parkways Parkland Diversion

PROJECT DESCRIPTION:

The Saint Paul Department of Parks and Recreation, owns and manages City parkway land known as Highland Parkway – south side, just east of Snelling Avenue, and Lexington Parkway – west side, at the Montcalm Estates driveway and at the Randolph Avenue intersection, as shown on the attached maps. CenturyLink Company, headquartered at CenturyLink, Inc., 100 CenturyLink Drive, Monroe, Louisiana, 71203, with local offices at 301 West 65th Street, Richfield, Minnesota, 55423, is requesting a parkland diversion for the purpose of installation of underground, direct bored cable / conduits that will be routed to existing utility poles and new hand holds below ground flush with existing grades. No facilities associated with this installation will project above ground, except where attached to existing utility poles. According to CenturyLink, the borings are needed due to the presence of existing lines attached to the utility poles; that would make their cables too close to ground level.

STAFF COMMENTS:

The Department of Parks and Recreation approves of this use of short, narrow sections of parkway (in the parkway Right-of-Way and the backs of curbs) that are maintained by the Department of Parks and Recreation. This project will not project above ground level, and won't impact parkway lands or value. We have therefore determined that this parkway land may be disposed of for the purpose stated and recommends support for the License request. CenturyLink has agreed that they will restore any impacted facilities, and replace and maintain any impacted plantings until they are in a healthy state, and accepted by Parks and Recreation staff.

REQUEST OF THE COMMISSION:

Adoption of Resolution # 14-03 advocating the parkland diversion, in accordance with City Charter Section 13.01.1.

COMMUNITY CONCERNS:

None known.



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National Gold Medal Award

Project Basics	
Project Name <i>Owner(s)</i> <i>Address</i> <i>Contact Information</i>	RESOLUTION #14-03 CenturyLink Parkland Diversion in Highland and Lexington Parkways CenturyLink, Inc. 100 CenturyLink Drive, Monroe, Louisiana, 71203. Ron Bozich, Engineer II CenturyLink – local office 301 W 65th Street Richfield, MN 55423 612-861-8162
Action being requested <i>purchase, donation, encroachment, parkland dedication, diversion, street vacation, swap, other land transfer related</i>	Parkland diversion of several relatively short sections of Highland and Lexington Parkways.
Why is the action being requested?	Height of existing overhead cables between utility poles mean that additional overhead lines would be too low, making underground, directionally bored cables necessary.
Is the action proposed permanent or temporary?	Permanent.
Property type <i>neighborhood park, regional park, downtown park, plaza, trail, parkway, recreation center, private ownership/public usage, passive open space, bluff preservation</i>	City Parkway.
Land area <i>square feet & acres</i>	Highland at Snelling: approx. 255.6 sq. ft. or 0.0059 ac. Lexington at Montcalm: approx. 27.6 sq. ft. or 0.00063 ac. Lexington at Randolph: approx. 17 sq. ft. or 0.00039 ac. Total of approx. 300.2 sq. ft. or 0.0069 ac
Land value estimate & basis <i>assessed value, appraisals, comps</i>	The grassed areas of the underground cable areas will be surveyed and appraised, and values will likely vary somewhat from figures below. Assessed values, or adjacent assessed values for the 3 areas follow: Highland at Snelling: \$2,045 Lexington at Montcalm: \$353 Lexington at Randolph: \$123 Total Estimated Value: \$2,521

Land characteristics/special features <i>proximity to significant natural feature, trail connections, water resources, natural areas, buildings, fields, play equipment, courts, other significant uses on/near property</i>	Generally, close to street curb level, gradual slopes, covered with turf grasses. Street trees and other utilities in area, a few driveway aprons. Residential, commercial, Water Dept, and Park buildings.
Adjacent land uses <i>commercial, industrial, residential, etc.</i>	Highland at Snelling: Park, Water Utility, high density residential, commercial, institutional Lexington at Montcalm: High density residential, single family detached Lexington at Randolph: High density residential, single family detached, commercial
Applicable laws, codes, policies, guidelines <i>City, state, county, watershed districts, etc.</i>	City park, parkway, and parkland diversion related ordinances.
Other department, agency involvement	Attorney, Real Estate (OFS), Public Works, Safety Inspections, Board of Water Commissioners
Processes <i>parkland dedication, parkland diversion, community engagement</i>	Parkland diversion.
Legal issues (if any) <i>judgments, liens, deed restrictions, grant agreements</i>	None known.

Public Purpose	
How does the proposed action impact the affected park property and Saint Paul's park system?	Facilities are below or flush with surface (handhole boxes), no effect on park property or park system. 'Potholes' may have to be dug at intervals for longer runs to facilitate the underground boring process, these are only a fraction of the area of open trench excavation. Lines will run to existing utility poles. They will not be noticeable, and won't interfere with park facilities or activities.
How does the proposed action fit with adopted plans/policies? <i>Comprehensive Plan, Parks and Recreation System Plan, Regional Parks Policy and System Plan, SCORP, Legacy Plan, watershed districts</i>	No known effects on adopted plans of City or other jurisdictions.
Does the proposed action impact any other City initiatives/actions? <i>redevelopment, plan implementation</i>	None known. The borings are generally between the curb and the sidewalk, or right-of-way (ROW) boundaries.
How has the community been engaged? <i>communications, public notices, meetings, District Councils, special interest groups,</i>	There are no known concerns from the community. The Parkland Diversion process will take the projects through the Parks and Recreation Commission and a City Council public meeting for public oversight and consideration, once appraisals and other processing is completed. Public

<i>elected and appointed officials, web posting, outstanding issues, support</i>	notice will be posted.
Are there any precedents for the proposed action, and does the proposed action set any precedents for future decisions?	There are numerous such utilities in parkways and other types of streets. An example is the recently approved Arvig underground fiber optic cable installed near the intersection of Edgumbe Road and Shorewood Lane, to serve nearby Homecroft School.
What are the budgetary impacts of the proposed action?	Any funds received will be deposited in the parkland replacement fund.
Are there any other issues or concerns?	None known.
STAFF RECOMMENDATION <i>Include key points of recommendations</i>	Approval. These small parkway parkland diversion projects will not jeopardize parklands, nor interfere with operations and maintenance. They will help to solve some seveel local private utility alignment safety concerns, with no obvious intrusion into the parkways.
Attachments <i>timeline, plans, designs, correspondence, purchase agreements, maps, appraisals, sketches, photos, codes, laws, policies</i>	Parks and Recreation Commission Resolution, Project Description, aerial and street photos of project areas, Parkland Diversion applications from CenturyLink, including engineering plans.

Checklist for all land transactions/decisions

- X The land transaction/decision is consistent with the Parks and Recreation System Plan, Comprehensive Plan, and other relevant planning documents
- X The land transaction/decision would have a neutral or positive impact on meeting existing/future demand for parkland.
- ☐ If the decision has a budgetary impact, funding is available to cover the cost of the action and any ongoing maintenance needs
- ☐ The action would enhance the parks and recreation system
- X There is community and/or institutional support for the decision
- X There is a clear understanding of how the decision impacts the future of the parks and recreation system
- X The action is consistent with the applicable decision principles outlined in the Parks and Recreation Vision Plan:
 - Furthering Parks' role as the champion of health and wellness
 - ✓ Is a catalyst for private-sector investment
 - Exemplifying environmental leadership
 - Addressing lifecycle and operational costs
 - Helping connect people, parks, trails, and open spaces
 - Supporting a City-wide system of parks and recreational facilities

Exhibit B – Proposed CenturyLink Underground Cable Installations on Lexington & Highland Parkways

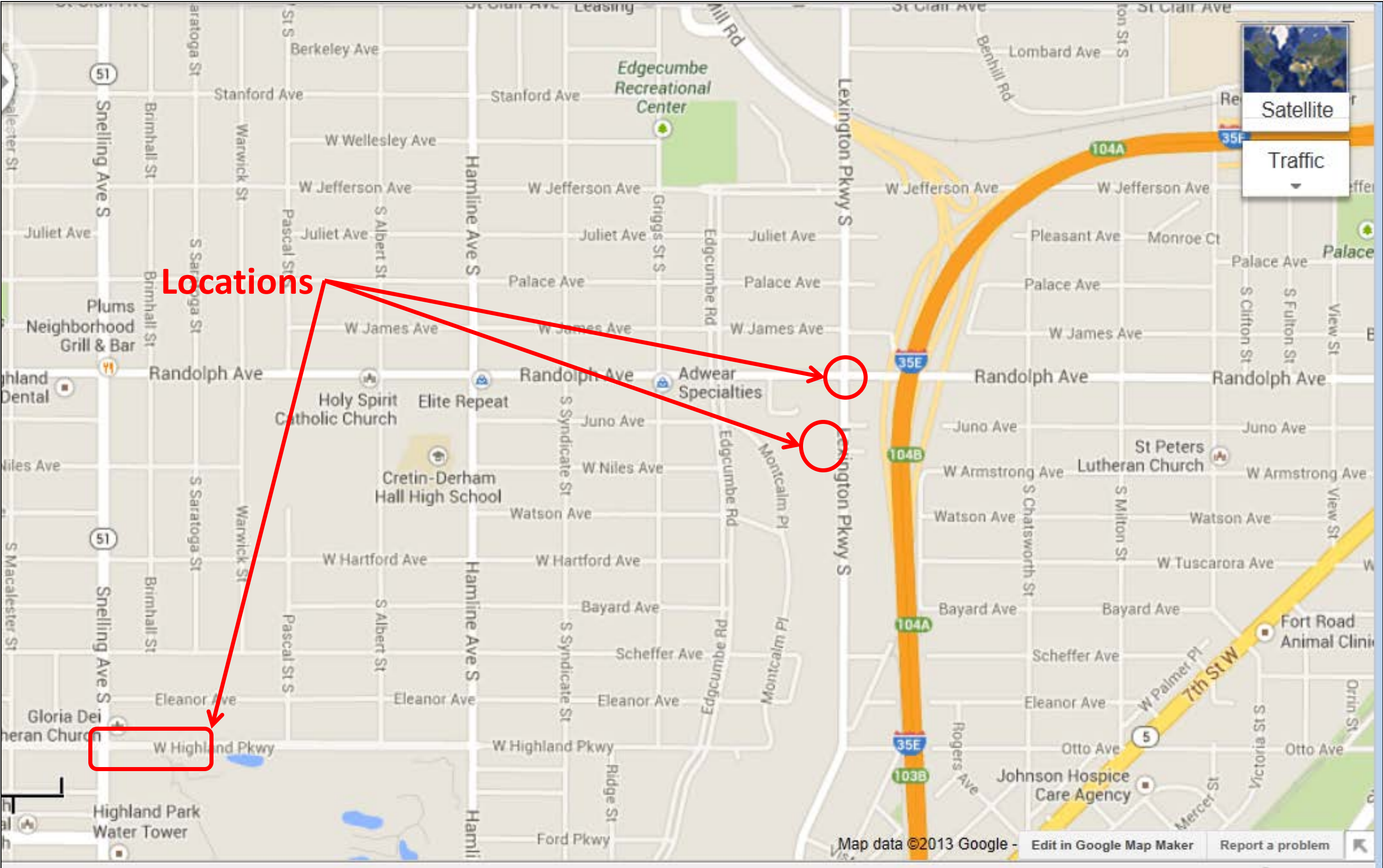


Exhibit B – Proposed CenturyLink Cable Installation on Highland Parkway East of Snelling Avenue

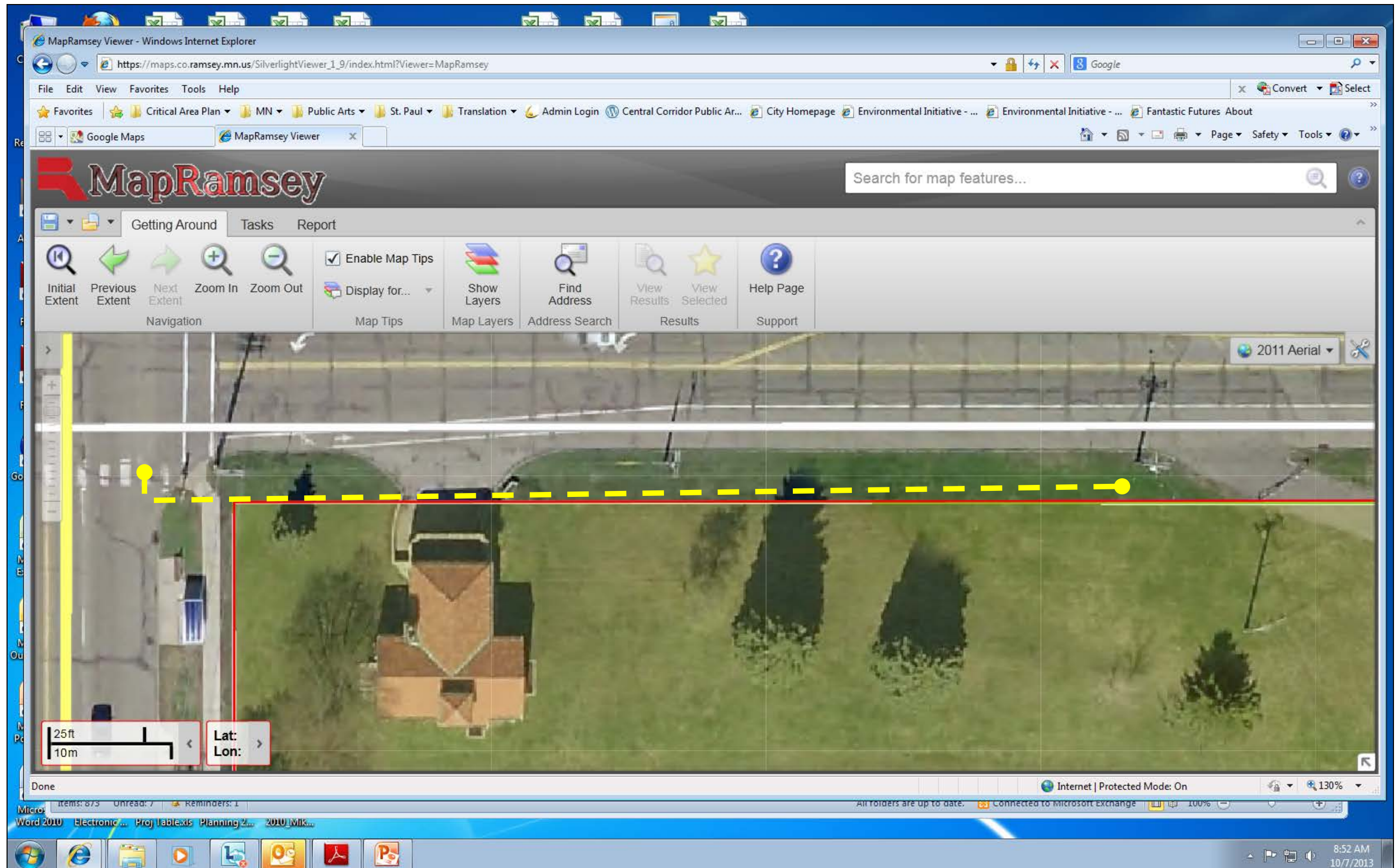


Exhibit B – Proposed CenturyLink Cable Installation on Highland Parkway East of Snelling Avenue

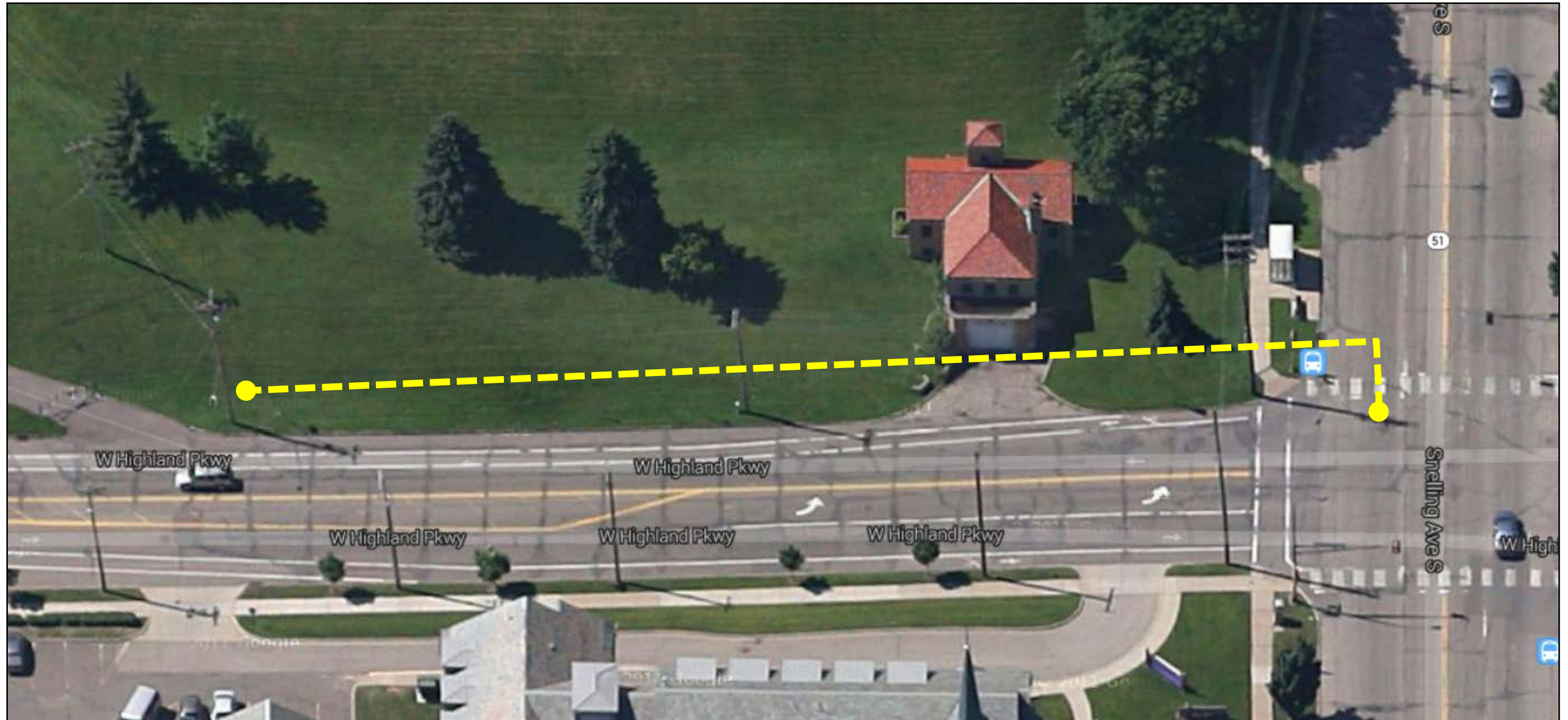


Exhibit B – Proposed CenturyLink Cable Installation on Lexington Parkway Crossing of Montcalm Estates Driveway

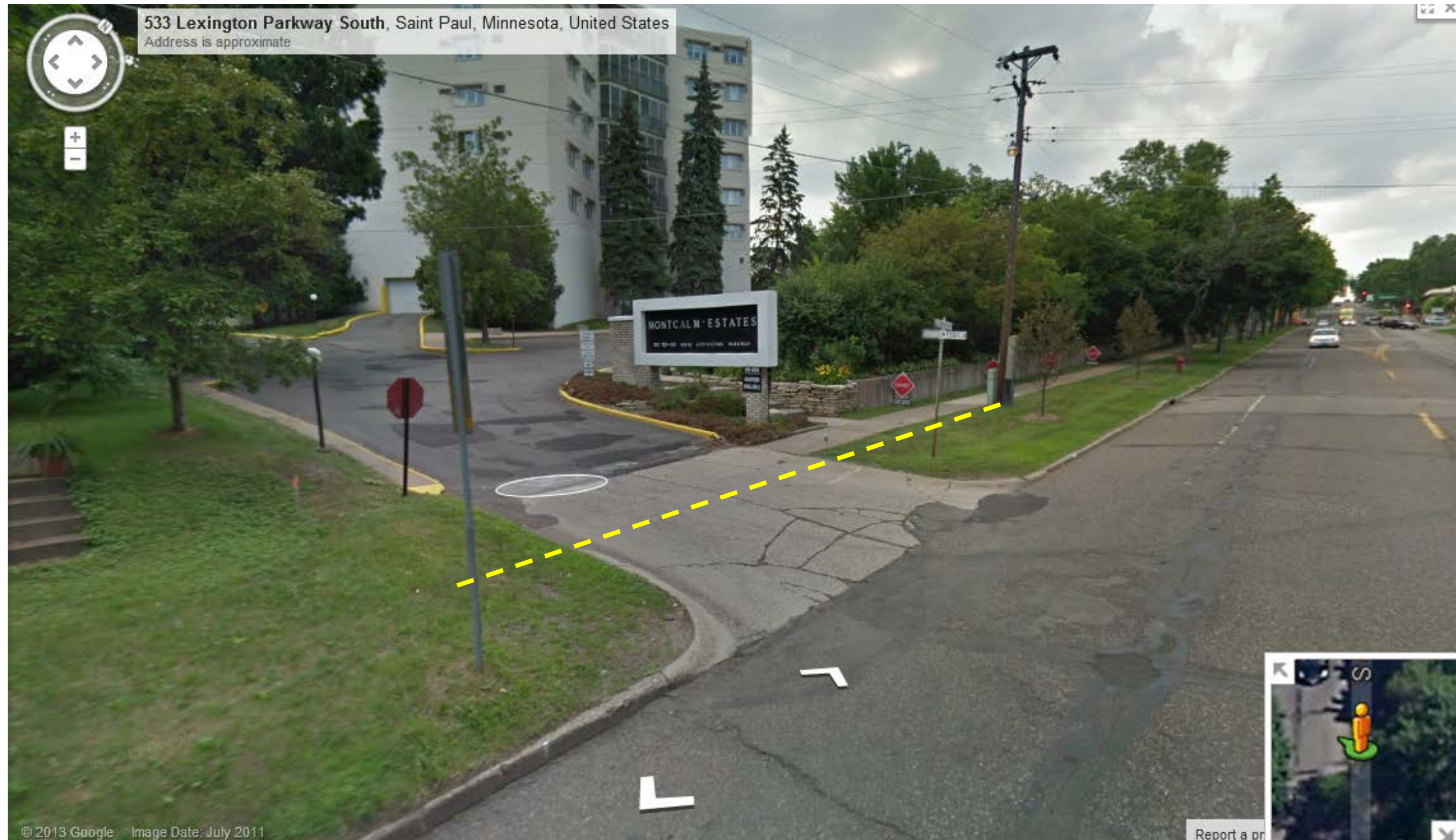


Exhibit B – Proposed CenturLink Cable Installation on Lexington Parkway Crossing of Randolph Avenue





GUIDELINES
FOR THE DIVERSION OR DISPOSAL OF
PARK LAND IN THE CITY OF SAINT PAUL
May, 2011

City park land is a highly valued public asset. To protect from the loss of park land, the City established a mechanism for replacing this land when it is sold or otherwise used for non-park purposes. Chapter 13.1.01 of the Saint Paul City Charter provides for the diversion or disposal of city park land by resolution of the City Council. Following are guidelines for initiating such diversion or disposal.

I. WHO MAY REQUEST THE DIVERSION OR DISPOSAL OF CITY PARK LAND?

Owners of property abutting city park land, or other interested parties wishing to acquire or use city park land, including parkway right-of-way, for non-park purposes may petition the City for a diversion or disposal.

II. WHAT IS THE COST TO THE PETITIONER?

- A. Appraisal – minimum \$1,500 (if acquired by the City. See Item III.E. for clarification)
- B. Land Value – fair market value as determined by an independent real estate appraisal

Payment for the appraised market value of the park land may be in cash, or by conveyance to the City of additional land determined by the Real Estate office to be of equivalent value to the existing park land being disposed of or diverted. The land provided by the petitioner also must be acceptable to Parks and Recreation.

- C. Administrative fee

Base Fee:	\$250
Percentage Fee:	10% of appraised value of park land diverted

Petitioners shall pay the greater of the Base Fee or Percentage Fee up to a maximum of \$1,000.

III. WHAT DOES THE DIVERSION/DISPOSAL PROCESS ENTAIL?

- A. An initial inquiry is made to the Financial Services - Real Estate office to determine if diversion or disposal would apply. If a diversion applies, Real Estate asks Parks and Recreation to determine if the park land is appropriate and acceptable for diversion or disposal. If not appropriate, Real Estate informs the inquiring party and the matter ends.
- B. If Parks and Recreation determines the park land is appropriate for diversion or disposal, Real Estate sends the inquiring party the diversion process guidelines and petition form. The petition form is completed by the inquiring party (the petitioner) and submitted to the Real Estate office.
- C. Real Estate reviews the petition; prepares an estimate of the cost of the park land replacement process, including appraisal fee, value of land to be diverted or disposed of, and administrative fee; and communicates this information to the petitioner. If the petitioner wishes to proceed with the diversion process, Real Estate forwards the petition to Parks and Recreation for review. Staff from the Public Works permitting section and the Department of Safety & Inspections (DSI) may also review the petition.
- D. If city staff determine that the petition may proceed, Parks and Recreation presents a resolution recommending approval of the diversion to the Parks and Recreation Commission, a citizen advisory body. The Commission's recommendation is then forwarded to the City Council.
- E. Real Estate obtains an independent appraisal of the value of park land to be diverted or disposed of, and communicates the value to the petitioner. The petitioner may also obtain an appraisal of the park land from a licensed real estate appraiser who meets the City's appraisal requirements. (Contact Real Estate for this information.)
- F. If the petitioner agrees to all terms and conditions of the diversion, including the value of the park land, a date for a public hearing before the City Council is scheduled and notification (at least two weeks prior to the hearing) is published in the Legal Ledger. The petitioner and other interested parties, including owners of properties that may be affected by the diversion or disposal, are notified and given an opportunity to voice their approval or objection at the hearing.
- G. The City Council conducts the public hearing at which it either: 1) approves the diversion or disposal as recommended; 2) approves the diversion or disposal with amendments (e.g., added conditions); 3) denies the diversion or disposal; or 4) lays the proposal over for a later hearing.

H. If the resolution is approved by the City Council:

- 1) Real Estate sends the petitioner(s) an acceptance form, including the approved resolution and any terms and conditions that must be satisfied prior to finalizing the diversion or disposal of park land. Terms and conditions typically include payment of all costs and submission of any required documents (e.g., easements, deeds, licenses, agreements).
- 2) The petitioner signifies acceptance of the terms and conditions of the resolution by signing the acceptance form and returning it to the Real Estate office. The acceptance form must be received within 60 days following approval of the diversion resolution by the City Council.
- 3) When all terms and conditions have been met, Real Estate executes the applicable licenses, easements or deeds to the petitioner. Real Estate also accepts any documents conveyed by the petitioner to the City. The City then files all easements and deeds with the Ramsey County Registrar of Deeds.
- 4) Failure by the petitioner(s) to return the acceptance form within the 60-day time limit, pay the applicable fees and comply with all terms and conditions set forth in the resolution, may result in the resolution being declared null and void by the City Council via a subsequent resolution.

IV. HOW LONG DOES THE PROCESS TAKE?

The processing time for a petition will vary depending on complications that may arise, but petitioners should expect approximately 90 days from filing of the petition to the date of the public hearing, with an additional 30 to 90 days for completion of the compliance and recording of documents.

For questions or more information, please contact:

Office of Financial Services
Real Estate Section
1000 City Hall Annex
25 W. Fourth St.
Saint Paul, MN 55102
651-266-8850

Saint Paul Parks and Recreation
400 City Hall Annex
25 W. Fourth St.
Saint Paul, MN 55102
651-266-6400



PETITION TO DIVERT OR DISPOSE OF CITY PARK LAND

I (we), the undersigned, do hereby petition the Council of the City of Saint Paul to divert or dispose of its interests in the park land described as follows:

Please refer to Attachment "A" for placing details of CenturyLink facilities as follows:

266 feet of 1.25" innerduct with an outside diameter of 1.5" and one 30"x48"x36" handhole along Highland Parkway

(If available, include a legal description of the park land to be disposed of or diverted, or attach a detailed map to scale)

I (we) request this diversion or disposal for the following reason(s).

We have a service agreement to provide service to a cellular provider and meet facilities at this location.

(Indicate whether you will be building on the site)

I (we) have attached 2 copies of the site plans of any development intended for construction on the land to be diverted or disposed of.

Petitioner(s)

Name: CenturyLink - Ron Bozich, Engineer II
Address: 301 W. 65th Street
Cy/St/Zp: Richfield, MN 55423
Phone: 612-861-8162

Name: _____
Address: _____
Cy/St/Zp: _____
Phone: _____

Please return the completed petition to:

Financial Services – Real Estate
1000 City Hall Annex
25 W. Fourth St.
Saint Paul, MN 55102 Attention: Park Land Diversion

LAYOUT VIEW

700

HIGHLAND PKWY

EXISTING MANHOLE

53'

175'

7'±

D/W

D/W

750

DIVERSION AREA 53FT²=0.0012 ACREAGE

DIVERSION AREA 175FT²=0.004 ACREAGE

266' PROPOSED INNERDUCT

30"X48" PROPOSED HANDHOLE W/ 1'
EASEMENT AROUND ITS PERIMETER=
27.6FT² DIVERSION AREA=0.00063
ACREAGE

SNELLING AVE



CenturyLink

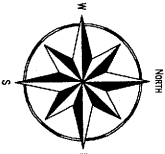
301 WEST 65TH STREET
RICHFIELD, MN 55423

ENGINEER: RON BOZICH
PHONE: (612) 861-8162
FAX: (612) 861-8173
EMAIL: RONALD.BOZICH@CENTURYLINK.COM

WC: STPLMNM
JOB: E.360977
ISSUE DATE: 1-23-2014

DRAWING SYMBOLS

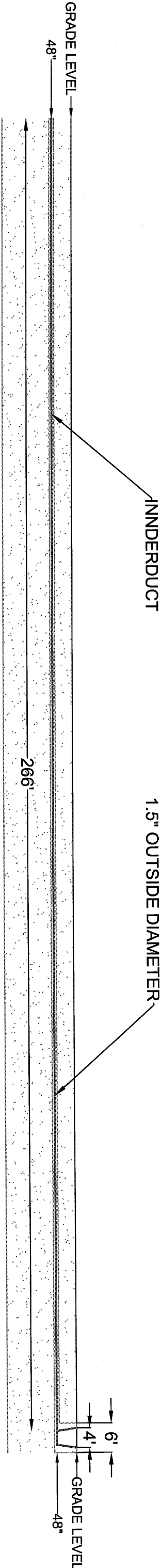
CALL BEFORE DIGGING
1-800-252-1166



SCALE: 1"=30'

SHEET: 01 OF: 02

CROSS SECTION



HIGHLAND PKWY



CenturyLink

301 WEST 65TH STREET
RICHFIELD, MN 55423

ENGINEER: RON BOZICH

PHONE: (612) 861-8161

FAX: (612) 861-8171

EMAIL: RONALD.BOZICH@CENTURYLINK.COM

WC: STPLMNE

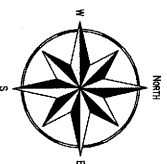
JOB: E.360977

ISSUE DATE: 1-23-2014

DRAWING SYMBOL

CALL BEFORE DIGGING

1-800-252-1166



SCALE: 1"=20'

SHEET: 02 OF: 02



CenturyLink

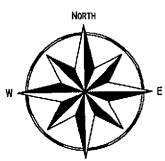
301 WEST 65TH STREET
RICHFIELD, MN 55423

ENGINEER: RON BOZICH
PHONE: (612) 861-8162
FAX: (612) 861-8173
EMAIL: RONALD.BOZICH@CENTURYLINK.COM

WC: STPLNENM
JOB: E.360961
ISSUE DATE: 1-23-2014

DRAWING SYMBOLS

CALL BEFORE DIGGING
1-800-252-1166



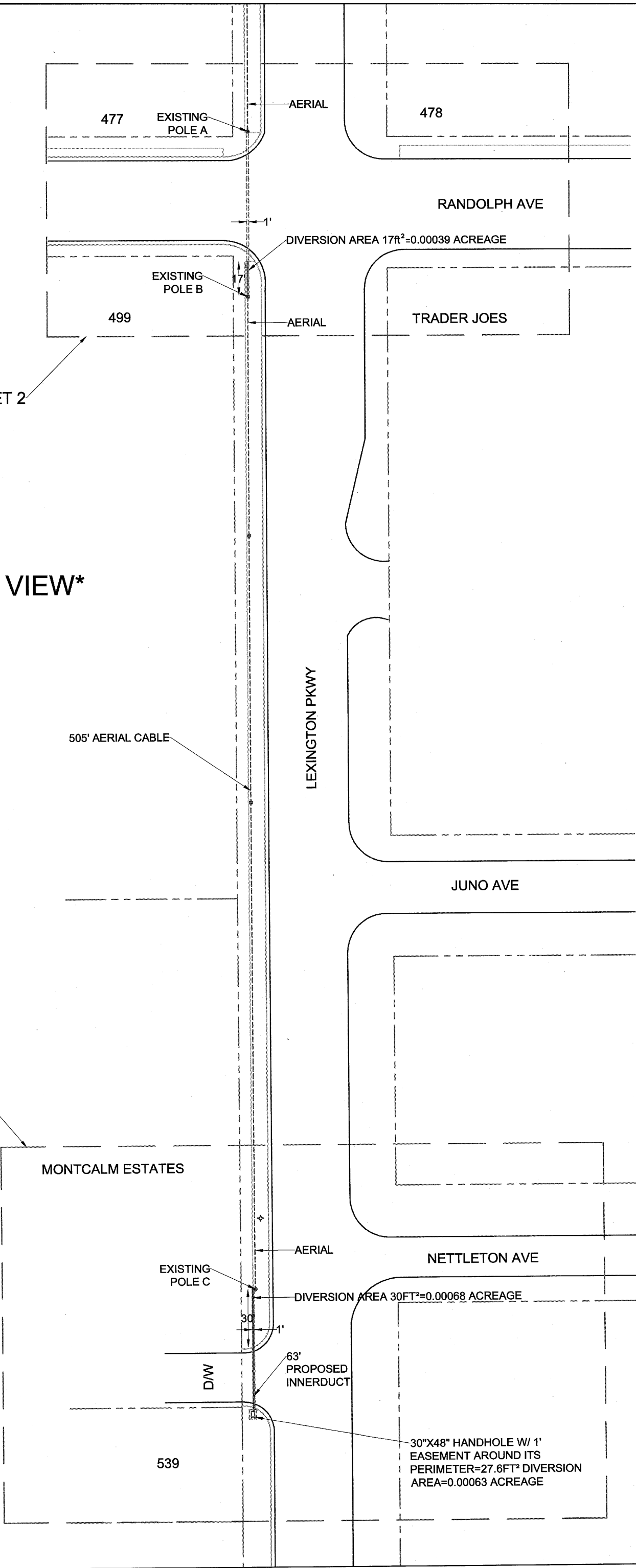
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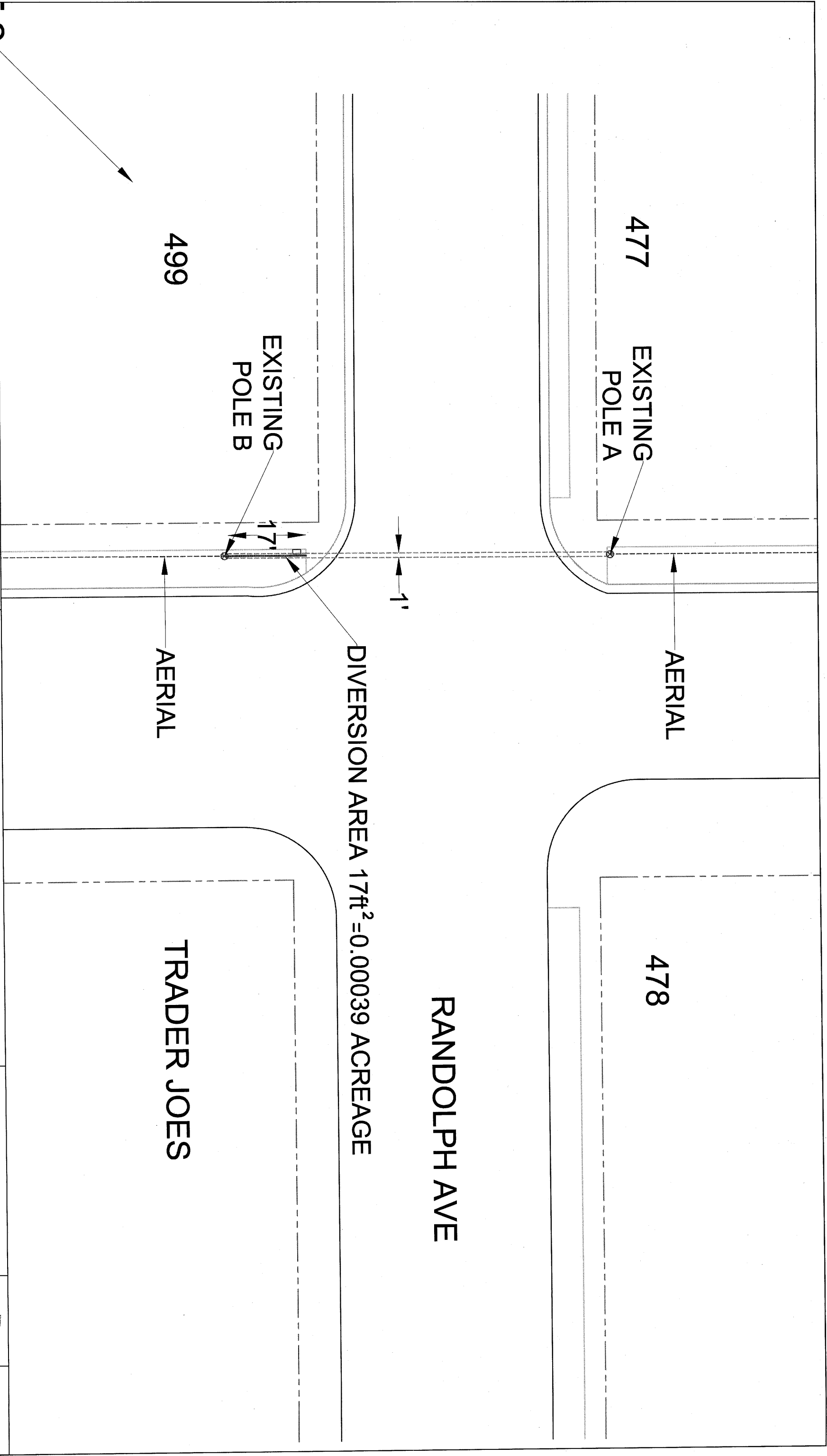
SHEET: 01 OF: 04

LAYOUT VIEW

SEE SHEET 2

SEE SHEET 3





CenturyLink

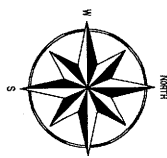
301 WEST 65TH STREET
RICHFIELD, MN 55423

ENGINEER: RON BOZICH
PHONE: (612) 861-8162
FAX: (612) 861-8173
EMAIL: RONALD.BOZICH@CENTURYLINK.COM

WC: STPLMNM
JOB: E.360961
ISSUE DATE: 1-23-2014

DRAWING SYMBOLS

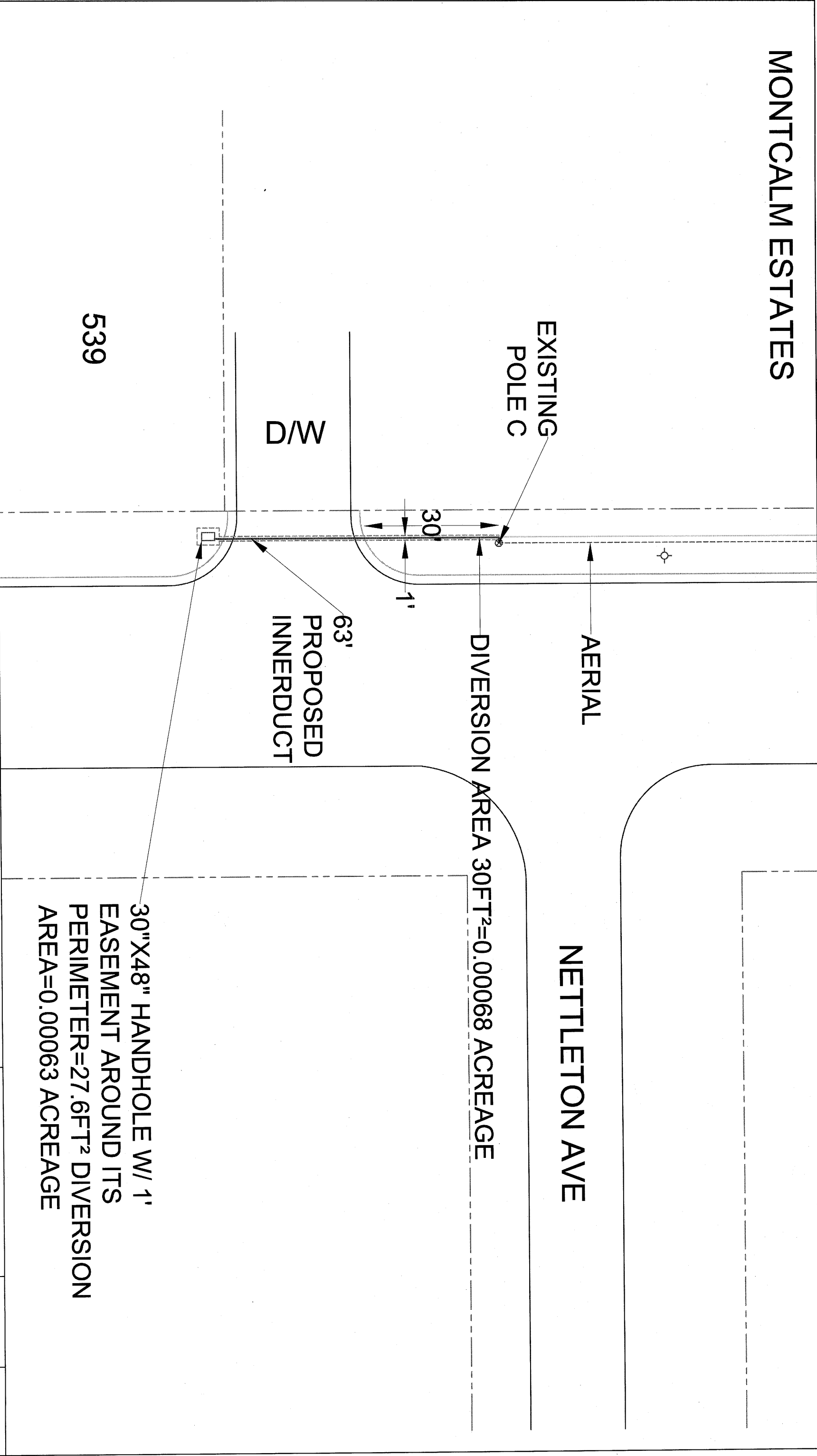
CALL BEFORE DIGGING
1-800-252-1166



SCALE: 1"=20'

SHEET: 02 OF: 04

MONTCALM ESTATES



CenturyLink

301 WEST 65TH STREET
RICHFIELD, MN 55423

ENGINEER: RON BOZICH
PHONE: (612) 861-8162
FAX: (612) 861-8173
EMAIL: RONALD.BOZICH@CENTURYLINK.COM

WC: STPLNEM
JOB: E.360961
ISSUE DATE: 1-23-2014

DRAWING SYMBOLS

30"X48" HANDHOLE W/ 1'
EASEMENT AROUND ITS
PERIMETER=27.6FT² DIVERSION
AREA=0.00063 ACREAGE

NETTLETON AVE

EXISTING
POLE C

AERIAL

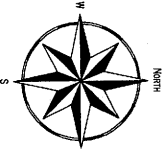
DIVERSION AREA 30FT²=0.00068 ACREAGE

D/W

63'
PROPOSED
INNERDUCT

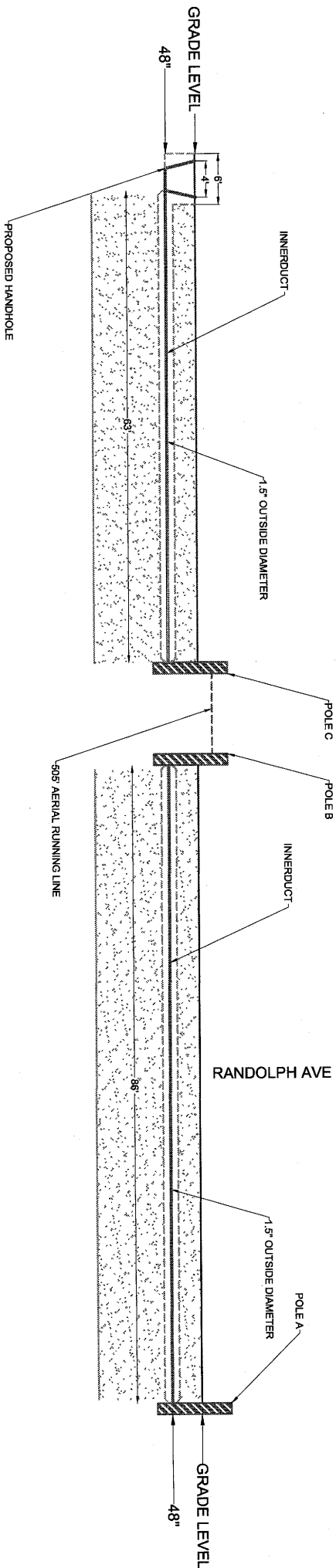
SCALE: 1"=20'

SHEET: 03 OF: 04



CALL BEFORE DIGGING
1-800-252-1166

CROSS SECTION

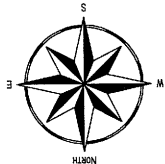


LEXINGTON PKWY

RANDOLPH AVE

DRAWING SYMBOLS

CALL BEFORE DIGGING
1-800-252-1166



SCALE: 1"=20'

SHEET: 04 OF: 04



CenturyLink

301 WEST 65TH STREET
RICHFIELD, MN 55423

ENGINEER: RON BOZICH
PHONE: (612) 861-8162
FAX: (612) 861-8173
EMAIL: RONALD.BOZICH@CENTURYLINK.COM

WC: STPLNEM
JOB: E.360961
ISSUE DATE: 1-23-2014