

**RESOLUTION #15-01**

**Phalen Avenue Right-of-Way Parkland Diversion Adjacent to 1444 E. Shore Drive**

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, James W. Waldo, 1444 E. Shore Dr., is requesting a partial street vacation of Phalen Avenue and

WHEREAS, the City of Saint Paul, Department of Parks and Recreation, will own one-half of a partially vacated City street Right-of-Way (ROW), known as Phalen Avenue, between East Shore Drive and English Street, as shown on the attached survey, once formal street ROW vacation is approved; and

WHEREAS, Mr. Waldo has requested parkland diversion of the south half of the vacation that accrues to the Parks and Recreation Department, as shown on the attached maps, for the purpose of lot assemblage so that existing amenities currently in the right of way will then be located on his land; and

WHEREAS, said diversion would be granted as a sale in fee simple ownership, with all the property rights inherent in such ownership; and

WHEREAS, the Department of Parks and Recreation has determined that land is not used for parks and recreation purposes as it is small, undevelopable, and in an undesirable location, and recommends Commission support for the request;

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Parks and Recreation Commission concurs with the request to divert a portion of City street known as Phalen Avenue ROW – north and south sides, between East Shore Drive and English Street, and adjacent to Mr. Waldo’s resident at 1444 East Shore Drive, 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 11, 2015:

Approved:	Yeas	—
	Nays	—
	Absent:	—

Resolution 15-01

Attested to by:

\_\_\_\_\_  
Staff to the Parks and Recreation Commission



An Affirmative Action Equal  
Opportunity Employer



**RESOLUTION #15-01**

**Phalen Avenue Right-of-Way Parkland Diversion Adjacent to 1444 E. Shore Drive**

**DRAFT PROJECT DESCRIPTION:**

The City of Saint Paul, owns city street right-of-way (ROW) land known as Phalen Ave. between E. Shore Dr. and English St., adjacent to 1444 E. Shore Dr. to the north, a private residence, and Arlington Ave. East to the south. The owner of the residence, Mr. James W. Waldo, is requesting a parkland diversion via street vacation of the part of Phalen Ave. mentioned above for the purpose lot assemblage of an area that already contains amenities owned by Mr. Waldo, including a deck, steps leading to the deck, and a driveway. Mr. Waldo already maintains parts of the ROW to the street curb, as is common along streets and parkways.

**STAFF COMMENTS:**

The Department of Parks and Recreation approves of this use of a very small section of Phalen Avenue ROW via the street vacation and parkland diversion processes that is estimated to have no impact to parkland use, programming and value. We have therefore determined that this parkland may be disposed of for the purpose stated and recommend Park and Recreation Commission support for the street vacation and parkland diversion request. Mr. Waldo has said that he has no plans for improvements on the southerly half of vacated Phalen Ave. that accrues to the Parks and Recreation Department following the street vacation and parkland diversion processes.

**COMMISSION REQUEST:**

Staff recommends that the Saint Paul Parks and Recreation Commission concur with the request to dispose of a small portion of City street ROW land known as Phalen Ave., and in accordance with City Charter Section 13.01.1 recommend approval by the Saint Paul City Council.

**COMMUNITY CONCERNS:** None Known

Project Basics	
<b>Project Name</b> <i>Owner(s)</i> <i>Address</i> <i>Contact Information</i>	<b>Phalen Avenue Right-of-Way Parkland Diversion Adjacent to 1444 E. Shore Drive</b> James W. Waldo Residence Parkland Diversion – Lot Assemblage 1444 E. Shore Dr. Saint Paul, MN 55106-1100
<b>Action being requested</b> <i>purchase, donation, encroachment, parkland dedication, diversion, street vacation, swap, other land transfer related</i>	Parkland diversion to vacate a portion of Arlington Ave. E. that is not used as the actual built road veers to the southwest, out of the Right-of-Way (ROW) as platted and dedicated. The north ½ of the ROW would accrue to the ownership of the Waldo parcel, the south ½ would revert to City Parks ownership. Waldo would like to purchase the City Parks ½ from the City at the appraised value of \$5,700.00.
<b>Why is the action being requested?</b>	For more usable yard space, and since some yard amenities are within the ROW, including the driveway, a deck, and steps leading to the deck.
<b>Is the action proposed permanent or temporary?</b>	Permanent.
<b>Property type</b> <i>neighborhood park, regional park, downtown park, plaza, trail, parkway, recreation center, private ownership/public usage, passive open space, bluff preservation</i>	Currently unused street ROW, across E. Shore Dr. from Phalen Regional Park.
<b>Land area</b> <i>square feet &amp; acres</i>	Approximately 2,852 square feet, or about 0.085 acres (south ½ of the ROW that would be purchased). The north ½ that would accrue to the Waldo parcel is calculated at 6,439 Sq. Ft., or about 0.148 acres.
<b>Land value &amp; basis</b> <i>assessed value, appraisals, comps</i>	The estimated value is \$5,700.00 based on an appraisal by Dwight W. Dahlen, MAI SRA, of Dahlen, Dwyer & Foley, Inc., with much relevant experience with appraising remnant parcels, including MNDNR parcels. The analysis of the parcel included 4 comparison parcels in the north east area of the City, plus the unlikelihood of any demand for such a parcel; it is burdened with utilities, a steep slope, and small irregular boundary, and therefore not otherwise developable for any conceivable private purpose. The estimate of value is based on fee ownership of the parcel, i.e., with no or minimal encumbrances that would limit the intended use of the parcel as part of an assemblage to adjacent property.
<b>Land characteristics/special features</b> <i>proximity to significant natural feature, trail</i>	The parcel is generally, a small, grassed and steep site sloping downwards from the Waldo parcel towards the street. It is near Lake Phalen, but not fronting the lake.

<i>connections, water resources, natural areas, buildings, fields, play equipment, courts, other significant uses on/near property</i>	
<b>Adjacent land uses</b> <i>commercial, industrial, residential, etc.</i>	Land uses adjacent to the parcel in that area include residential, park and trail, in addition to private and public utilities, and roads.
<b>Applicable laws, codes, policies, guidelines</b> <i>City, state, county, watershed districts, etc.</i>	City park, parkway, and parkland diversion related ordinances, laws and codes regarding development over utilities / utility easements.
<b>Other department, agency involvement</b>	Attorney, Real Estate (OFS)
<b>Processes</b> <i>parkland dedication, parkland diversion, community engagement</i>	Parkland diversion application process.
<b>Legal issues</b> (if any) <i>judgments, liens, deed restrictions, grant agreements</i>	None known.

<b>Public Purpose</b>	
<b>How does the proposed action impact the affected park property and Saint Paul's park system?</b>	There are no foreseen impacts on park property, system or programs. This is a small, steeply sloped, unprogrammed and unused piece of the park. The parcel is maintained by the owner of the 1444 E. Shore Dr. parcel, and appears visually to be a part of his parcel.
<b>How does the proposed action fit with adopted plans/policies?</b> <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.
<b>Does the proposed action impact any other City initiatives/actions?</b> <i>redevelopment, plan implementation</i>	None known.
<b>How has the community been engaged?</b> <i>communications, public notices, meetings, District Councils, special interest groups, elected and appointed officials, web posting, outstanding issues, support</i>	There are no known concerns from the community. The Parkland Diversion process will take the diversion through the Parks and Recreation Commission and a City Council public hearing for public oversight and consideration.
<b>Are there any precedents for the proposed action, and does the proposed action set any</b>	Yes, other small pieces of park property have been diverted for utility use, access, maintenance and hardship cases (i.e., no other feasible option).

<b>precedents for future decisions?</b>	
<b>What are the budgetary impacts of the proposed action?</b>	Any funds received will be deposited in the parkland replacement fund.
<b>Are there any other issues or concerns?</b>	None known.
<b>STAFF RECOMMENDATION</b> <i>Include key points of recommendations</i>	<u>Approval.</u> This small parkway parkland diversion projects will not jeopardize parklands, and will nor interfere with operations and maintenance. The diversion will result in slightly less land to maintained by Parks Operations.
<b>Attachments</b> <i>timeline, plans, designs, correspondence, purchase agreements, maps, appraisals, sketches, photos, codes, laws, policies</i>	Parks and Recreation Commission Resolution, Project Description, Park Land Transaction form, photos and map of area, appraisal summary, survey, Park parcel legal description, copy of Parkland Diversion application.

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



## 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:

Greenspace within the south half of platted Phalen Avenue located immediate south of 1444 East Shore Drive and northerly of Arlington Avenue between East Shore Drive and English Street on the East Side of Saint Paul.

Please see the attached survey drawing and legal description.

(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).

I would like to own the greenspace, which includes the park parcel identified above, between my property and Arlington Avenue. The greenspace currently looks like my side yard and I maintain it as if it were part of the lawn on my own property. A portion of my driveway from Arlington to my property crosses the park parcel. I do not plan to build a structure on the park parcel, nor could I since the parcel is encumbered with sewer and water easements. My intention is to continue to use as a landscaped grassy area.

(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.

Not applicable

### Petitioner(s)

Name: James Waldo  
Address: 1444 East Shore Drive  
Cy/St/Zp: Saint Paul, MN 55106  
Phone: 612-309-9620

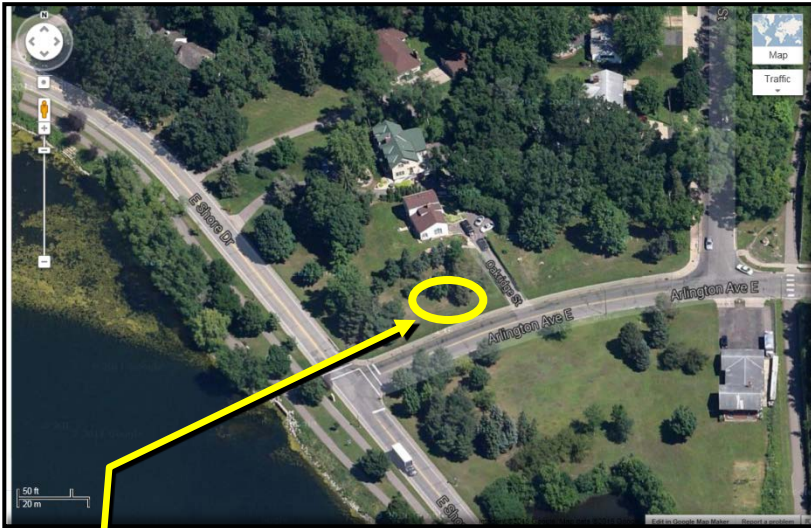
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Cy/St/Zp: \_\_\_\_\_  
Phone: \_\_\_\_\_

Please return the completed petition to:

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

# 1444 East Shore Drive – Waldo Residence

**DRAFT** Existing Conditions Photos & Maps

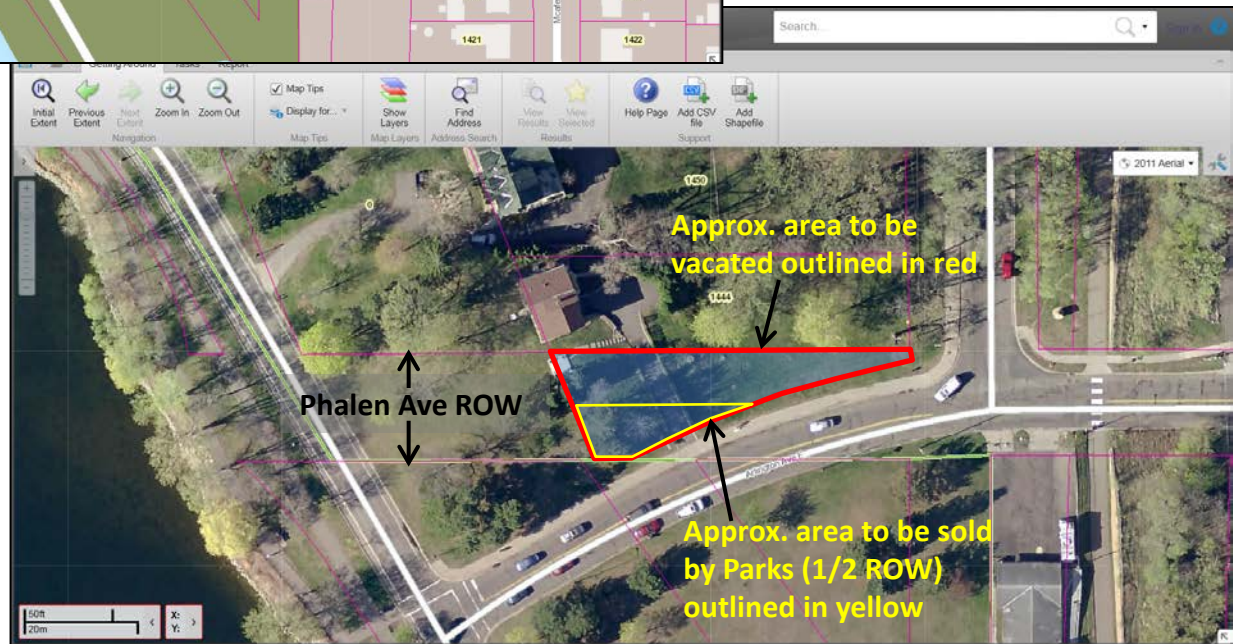
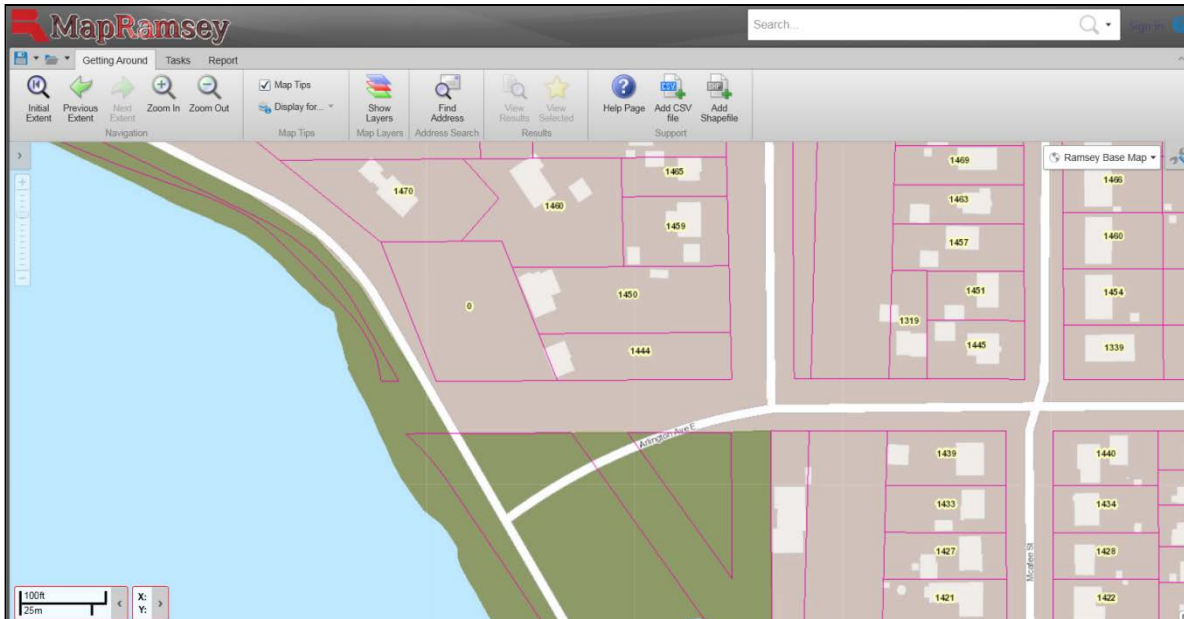


Approximate area of parkland diversion sale of 1/2 of vacated Phalen Ave. ROW to 1444 E. Shore Dr.

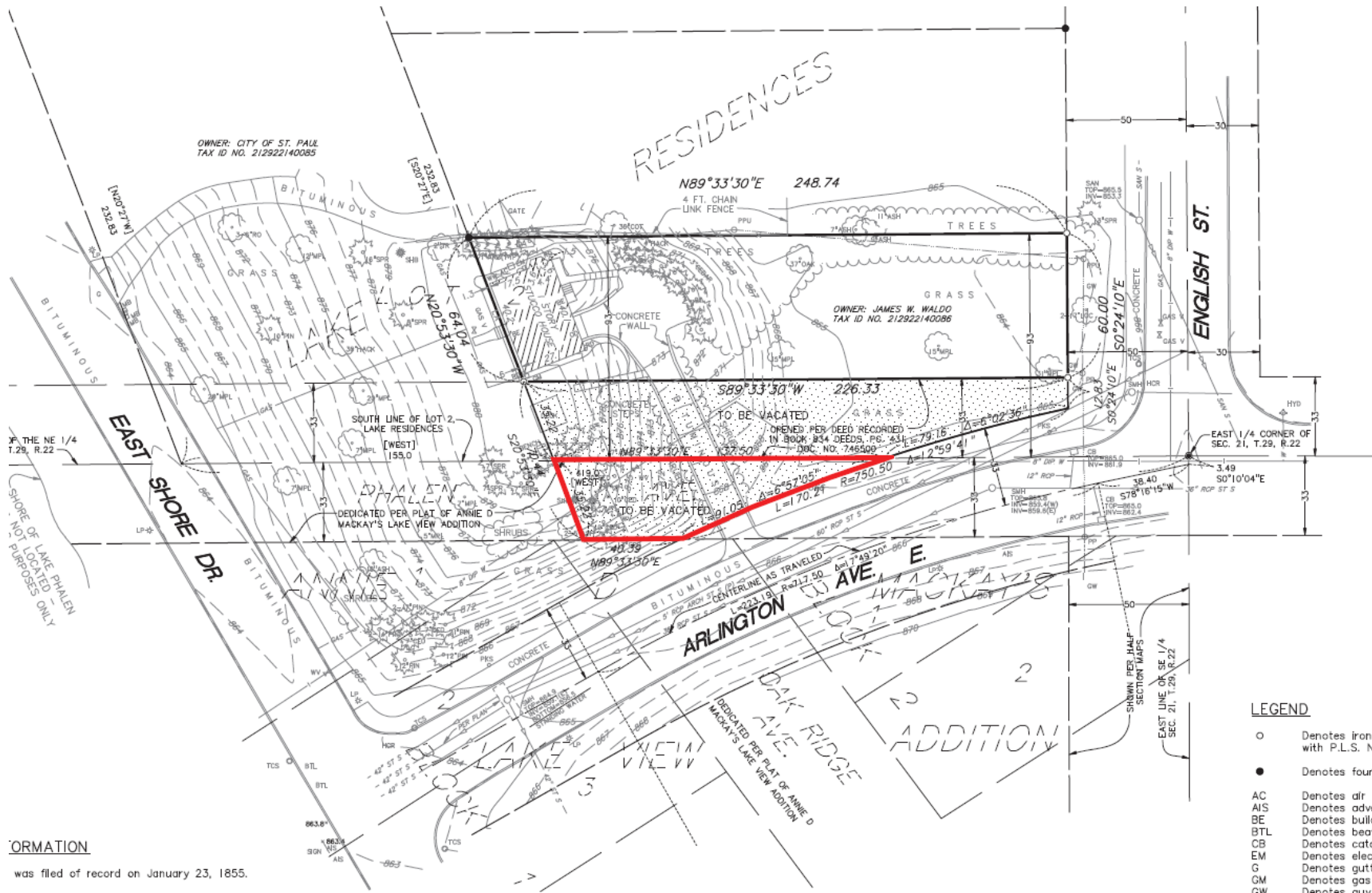


# 1444 East Shore Drive – Waldo Residence

Property Boundary Map from Ramsey Co. Geographic Information Services







OWNER: CITY OF ST. PAUL  
TAX ID NO. 212922140085

RESIDENCES  
N89°33'30"E 248.74  
4 FT. CHAIN LINK FENCE

OWNER: JAMES W. WALDO  
TAX ID NO. 212922140086

SOUTH LINE OF LOT 2, LAKE RESIDENCES [WEST] 155.0

TO BE VACATED  
OPENED PER DEED RECORDED IN BOOK 834 DEEDS, PG. 431  
TAX ID NO. 246509

ARLINGTON AVE. E.  
Dedicated per Plat of Annie D Mackay's Lake View Addition

**LEGEND**

- Denotes iron monu with P.L.S. No. 154
- Denotes found iron
- AC Denotes air conditi
- AIS Denotes advertisin
- BE Denotes building ei
- BTL Denotes beaver tai
- CB Denotes catch bas
- EM Denotes electric m
- G Denotes gutter
- GM Denotes gas meter
- GW Denotes guy wire

**FORMATION**  
was filed of record on January 23, 1855.  
's Lake View Addition was filed of record

### **Legal Description of Park Parcel**

That part of Phalen Avenue as dedicated in the plat of Annie D. Mackay's Lake View Addition, according to the recorded plat thereof, Ramsey County, Minnesota, described as commencing at the east quarter corner of Section 21, Township 29, Range 22; thence on an assumed bearing of South 89 degrees 33 minutes 30 seconds West along the south line of the Northeast Quarter of said Section 21 a distance of 264.00 feet to the point of beginning, said point being the southeast corner of the parcel described in Book 624 of Deeds, Page 39; thence South 20 degrees 53 minutes 30 seconds East along the southerly extension of the easterly line of said parcel described in Book 624 of Deeds, Page 39 a distance of 35.22 feet to the south line of said Phalen Avenue; thence North 89 degrees 33 minutes 30 seconds East along said south line of Phalen Avenue 40.39 feet to the northerly line of Arlington Avenue as traveled; thence northeasterly 91.05 feet along said northerly line of Arlington Avenue as traveled being a non-tangential curve concave to the southeast having a radius of 750.50 feet, a central angle of 6 degrees 57 minutes 05 seconds and a chord bearing of North 68 degrees 17 minutes 44 seconds East to said south line of the Northeast Quarter of said Section 21; thence South 89 degrees 33 minutes 30 seconds West along said south line of the Northeast Quarter of Section 21 a distance of 137.50 feet to the point of beginning.

Area = 2,852 square feet or 0.065 acres

# Dahlen, Dwyer & Foley, Inc.

55 EAST 5<sup>TH</sup> STREET · SUITE 1350 · ST. PAUL, MINNESOTA 55101 · (651) 224-1381 · FAX (651) 223-5736

Dwight W. Dahlen, MAI SRA  
Daniel E. Dwyer  
Sean M. Foley  
Jeffrey A. Dahlen, MAI  
Michael T. Tinker, MAI  
Jane E. Hammes

Real Estate Appraisals  
Consultation  
Expert Witness  
Market Research

December 5, 2014

Mr. Bruce Engelbrekt  
Real Estate Manager  
Office of Financial Services-Real Estate Section  
City of St. Paul  
25 W. 4<sup>th</sup> Street, Rm 1000  
St. Paul, MN 55102

RE: Park Land Diversion Project  
1444 East Shore Drive  
St. Paul, MN 55106

Dear Mr. Engelbrekt:

In accordance with your request, I have prepared an "Appraisal" relative to the above referenced project to develop an opinion of market value of a strip of park land containing 2,852 SF owned by the city that Mr. Waldo would like to acquire. The parcel is adjacent to Mr. Waldo's residence identified above and currently platted as Phalen Ave. Since the parcel is owned by the city, the proposed acquisition is considered a "park land conversion" under the City Charter. The appraisal is being developed in compliance with professionally recognized standards.

The purpose of this appraisal is to develop an opinion of market value to facilitate the acquisition. Recent land sales in the immediate area have been analyzed to ascertain the value of the property. The opinion of value (damages) as expressed is predicated on the definition of market value presented herein. This appraisal contains the appropriate "Scope of Work" deemed necessary to produce credible assignment results relevant to the "intended use." The city of St. Paul is the "intended user."

Based upon my analysis of the physical characteristics of the land to be acquired, I have developed the following opinion of market value for the requested property rights.

**FIVE THOUSAND SEVEN HUNDRED DOLLARS  
(\$5,700)**

## EXECUTIVE SUMMARY

Project: Parkland Diversion Appraisal: James Waldo Property Lake Phalen

Acquiring Property: 1444 East Shore Blvd., St. Paul, 55106

Fee Owner: City of St. Paul

PID # - Impacted Parcels: 21.29.22.14.0086

Legal Waldo Residence: The North 60' of the South 93' of Lot 2, Lake Residences and that part of Phalen Ave to be vacated; except the part deeded to the city

Legal Subject Property: The Sly 2,852 SF portion of Phalen Ave., to be vacated

Land Size: 2,852 SF

Zoning R3 Single Family 6,000 SF minimum 60' of frontage

Highest and Best Use; Assemblage with adjacent property

Opinion of Market Value: \$5,700

Date of Appraisal: November 18, 2014

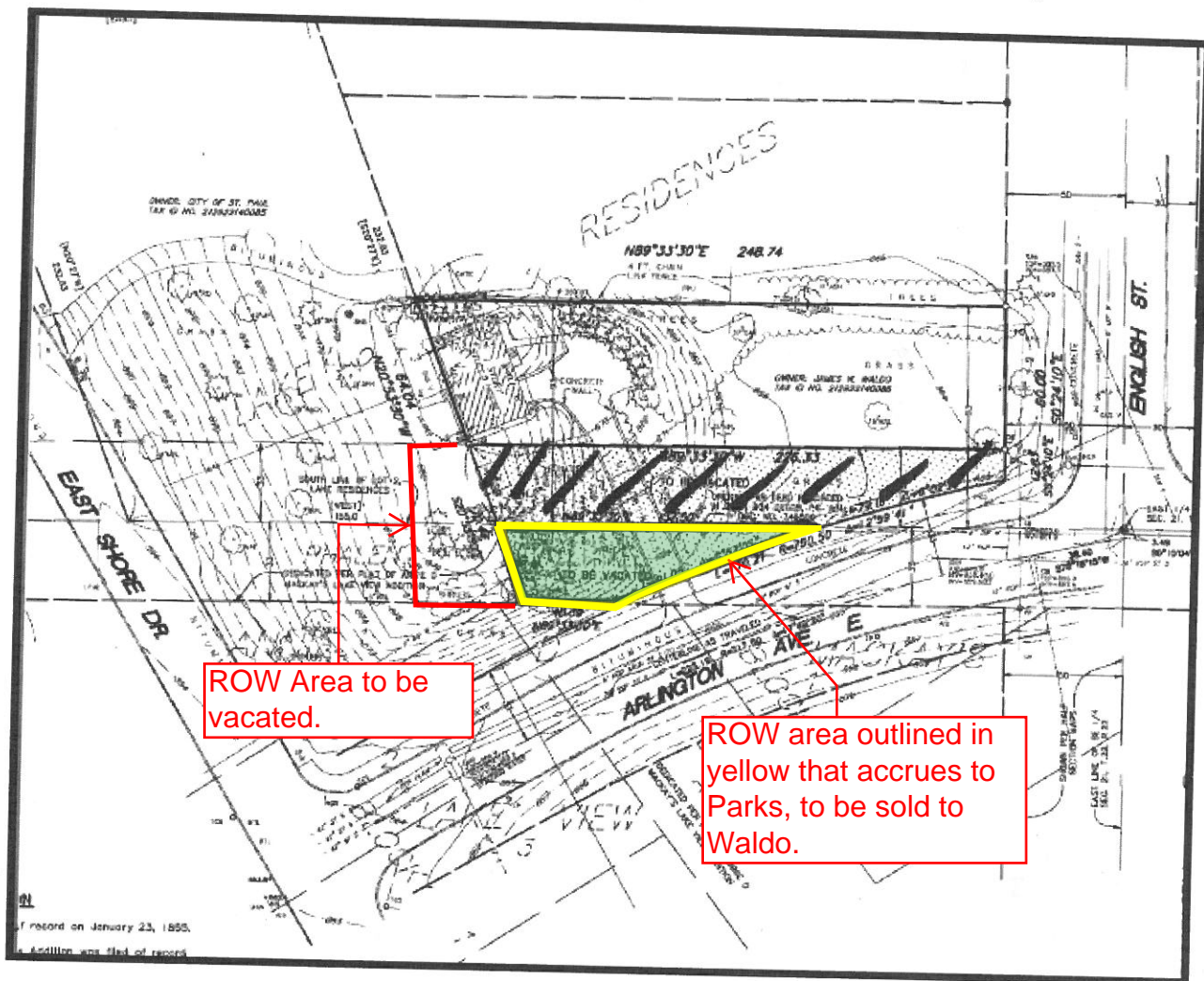
Report Content: "Appraisal

Methodology: Across the Fence (ATF)

Appraiser: Dwight W. Dahlen, MAI SRA  
DAHLEN, DWYER & FOLEY, INC.  
Alliance Bank Center Suite 1350  
St. Paul, MN 55101  
(651-224-1381)

## Brief Property Description

As of the effective date of the appraisal the subject property is unimproved comprised of a moderately steep slope which appears to be part of Mr. Waldo's side yard. The area is grassy and appears to be part of Mr. Waldo's residential site. The subject is triangular. The following Exhibit identifies the shape and location of the subject.



## LEGEND

- ////// Vacated RW Accruing
- Bold Line** Subject Property

**LAND SALES: SUMMARY AND ANALYSIS**

**SUBJECT PROPERTY: WALDO CONVERSION**  
**ADDRESS: 1444 EAST SHORE DRIVE**  
**DATE OF ANALYSIS: 18-Nov-14**

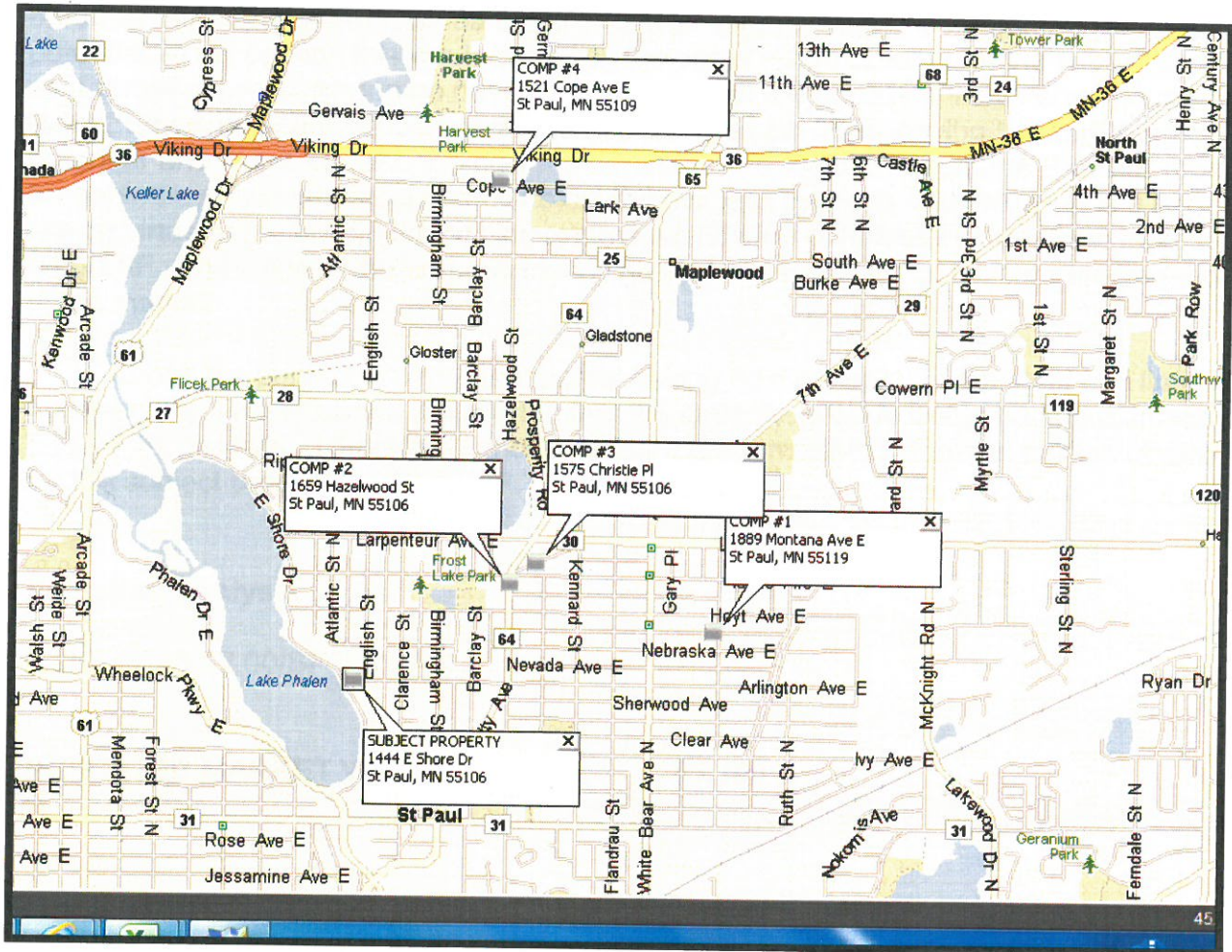
DESCRIPTIVE	SUBJECT	COMP # 1	COMP # 2	COMP # 3	COMP # 4
		1889 E Montana	1659 Hazelwood St	1575 Christie Place	1521 E Cope Ave
Sales Price	TBD	\$10,150	\$25,000	\$20,000	\$39,000
Date of Sale	Current	Jun-13	Nov-13	May-13	Sep-13
Property Type	R/W remnant	SF site	SF Site	SF Site	SF Site
Land Size / SF	2,852	7,605	5,940	6,000	9,500
Zoning	R3	Res	Res	Res	Res
Shape	Irregular	Rect	Rect	Rect	Rect
Topography	Sloped	Level	Level	Level	Level
Soil Condition	Good	Good	Good	Good	Good
Location	East Side	East Side	East Side	East Side	Maplewood
Sales Price/SF	NA	\$1.33	\$4.21	\$3.33	\$4.11

**Correlation**

The subject property is comprised of a public right-of-way, proposed to be vacated, an irregularly shaped parcel containing 2,823SF that is relatively steep and encumbered with utilities. The property is located in a single family residential area adjacent to Lake Phalen. The property is adjacent to single-family homes zoned R3 which requires a minimum lot size of only 6,000 SF. My research indicates that the highest and best use is assemblage with an adjacent residential property. Market research clearly indicates that the most probable buyer for a property having no development potential is generally acquired by an adjacent property owner.

The appraiser has made a search of recent sales of residential land parcels on St. Paul's East side to develop an opinion of what someone might pay to acquire the subject for assemblage purposes. The above sales are all located on St. Paul's East side in areas considered to be slightly inferior since they do not have the amenity of Lake Phalen.

## COMPARABLE SALES MAP



Market research indicates that generally speaking residential land values range 20 to 30% of total property value. Currently the Waldo property is assessed at \$86,100 or \$5.81/SF of land area which represents 38% of total property value. Waldo recently acquired the adjacent property at 1444 East Shore Dr. for \$250,000.

Assuming the same ratio of 38% would indicate a land value of \$95,000 or \$6.41/SF. My research indicates that the most recent residential land sales on St. Paul's East side average a \$25,000. MLS statistics indicate the median sales price in the market area for 2014 is \$135,000. Typical land sales of \$25,000 represent 18% of total property value.