

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 2239 Como Ave **FILE #:** 17-224-759
  2. **APPLICANT:** City of Saint Paul **HEARING DATE:** January 18, 2018
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 2239 Como Ave, between Carter and Commonwealth
  5. **LEGAL DESCRIPTION:** That part of Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line described as commencing at the northeast corner of the Southeast Quarter of Section 20, Township 29, Range 23; thence on an assumed bearing of South 0 degrees 18 minutes 33 seconds West, along the east line of said Southeast Quarter of Section 20, a distance of 1312.12 feet; thence North 89 degrees 41 minutes 27 seconds West 1536.28 feet to a cast iron monument on the east line of said Lot 21 and the point of beginning of the line to be described; thence South 53 degrees 03 minutes 45 seconds West 64.76 feet; thence South 44 degrees 36 minutes 45 seconds West 13.29 feet; thence South 57 degrees 47 minutes 15 seconds West 23.72 feet; thence South 53 degrees 03 minutes 45 seconds West 36.40 feet to the west line of said Lot 21 and said line there terminating.
  6. **PLANNING DISTRICT:** 12 **EXISTING ZONING:** T1
  7. **ZONING CODE REFERENCE:** § 66.214; §61.801(b)
  8. **STAFF REPORT DATE:** July 10, 2018 **BY:** Anton Jerve
  9. **DATE RECEIVED:** December 27, 2017 **60-DAY DEADLINE FOR ACTION:** September 1, 2018
- 

- A. **PURPOSE:** Rezone from T1 traditional neighborhood to RT2 townhouse.
- B. **PARCEL SIZE:** 2,986sf
- C. **EXISTING LAND USE:** Side yard.
- D. **SURROUNDING LAND USE:**
  - North: Library (T1)
  - East: Single-family home (R4)
  - South: Single-family home (RT2)
  - West: Office/Clinic (T2)
- E. **ZONING CODE CITATION:** § 66.214 describes the intent of the RT2 townhouse residential zoning district; §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In 2015, the owners of 2239 Como, Richard and Nancy Foss, approached the City to construct a fence between their property and the St. Anthony Park Library at 2245 Como. The City completed a land survey and discovered that a portion of the land (just under 3,000sf) that was assumed to be part of the property at 2239 Como and maintained as a side yard by the homeowners was actually owned by the City. City of Saint Paul Libraries determined this portion of the property was surplus to the libraries needs and agreed to sell it to the homeowners. There were several community meetings including the homeowners and Library, City Council and Real Estate staff to establish a new property line. The property sale was approved by city council resolution (RES PH 18-32) after a public hearing on March 7, 2018. There was an adjustment of common boundary (ZF# 17-224-722) between 2239 Como and 2245 Como approved on July 3, 2018 to reflect the land sale.
- G. **PARKING:** There is no parking requirement for a side yard.

H. **DISTRICT COUNCIL RECOMMENDATION:** District 12 had not commented by the time this report was written.

I. **FINDINGS:**

1. The application requests rezoning of approximately 3,000sf of former City of Saint Paul Library land that was recently sold to the adjacent property owner at 2239 Como. The transfer of land created a split-zoned parcel at 2239 Como, which this rezoning corrects.
2. The proposed zoning is consistent with the way this area has developed. The zoning is being changed to avoid a split zoned property. The property is used as a single-family residence. The RT2 district is "intended to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts." This property is the first single-family residential use south of the St. Anthony Park Village commercial area.
3. The proposed zoning is generally consistent with the following policies from the Comprehensive Plan:
  - 1.1. *Increase housing choices across the city to support economically diverse neighborhoods.*
  - 2.1. *Maintain the vitality and high quality of life in existing stable neighborhoods [...].*
4. The proposed zoning is compatible with the surrounding uses. For all practical purposes the use of this property has been and will be a side yard. There will be no change for surrounding uses.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The rezoning will not create spot zoning.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from T1 traditional neighborhood to RT2 townhouse.

**PETITION TO AMEND THE ZONING CODE**

Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

Zoning Office Use Only

File #: 17-224759

Fee: \_\_\_\_\_

Tentative Hearing Date: 1-18-18

PD=12

#202923420088

**APPLICANT**Property Owner(s) City of Saint PaulAddress 25City St. Paul State MN Zip 55102 Phone \_\_\_\_\_Contact Person Bruce Engelbrekt Phone 651-266-8854Email bruce.engelbrekt@ci.stpaul.mn.us

(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

**PROPERTY LOCATION**Address/Location 2239 Como, 2245 ComoLegal Description See attachedCurrent Zoning see attached

(Attach additional sheet if necessary.)

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, I, BruceEngelbrekt, on behalf of the City of Saint Paul,owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a T-1 zoning district to an RT-2 zoning district, for the purpose of:

(Attach additional sheets if necessary.)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

Date 12-22 2017[Signature]  
Notary PublicBy: [Signature]  
for Fee owner of property - City of St. Paul  
Title: Real Estate Manager

Subscribed and sworn to before me

Date \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary PublicBy: \_\_\_\_\_  
Fee owner of property

Title: \_\_\_\_\_



**CITY OF SAINT PAUL**  
*Melvin Carter, Mayor*

*25 West Fourth Street, Ste. 1400  
Saint Paul, MN 55102*

*Telephone: 651-266-6700  
Facsimile: 651-266-6549*

July 3, 2018

Richard Foss  
Nancy Foss  
2239 Como Avenue  
Saint Paul, Minnesota 55108

Bruce Engelbrekt  
City of Saint Paul – OFS Real Estate  
25 W. 4<sup>th</sup> Street Suite 1000  
Saint Paul, Minnesota 55101

RE: 2239-2245 Como Avenue Adjustment of Common Boundary - Final Approval  
Zoning File # 17-224-722

Dear Mr. Foss, and Ms. Foss, and Mr. Englebrekt:

The proposed adjustment of common boundary between 2239 Como Avenue (PIN 20-29-23-43-0127) and 2245 Como Avenue (PIN 20-29-23-42-0088) is hereby approved for compliance with the city of Saint Paul's subdivision regulations subject to the following conditions:

1. Approval of the rezoning application (Zoning file #17-224-759); and
2. Removal of the existing wire fence that crosses the proposed new property line, or restructuring the fence so that it meets the requirement of St. Paul Legislative § 33.07 that fences and all supporting structures shall be completely within the boundaries of that lot they are on, with no promotion encroaching onto adjacent property.

The enclosed stamped and signed survey as approved by the Planning Administrator is your record of adjustment of common boundary approval by the City of Saint Paul, which is required in order to record an adjustment of common boundary. It is the responsibility of the property owner to record an adjustment of common boundary with Ramsey County.

This approval by the Planning Administrator will expire two years from the date of this letter if you have not yet recorded the proposed adjustment of common boundary, unless the Planning Administrator (at your request) has granted an extension not to exceed one year as provided by Legislative Code § 61.105. Any interested party may appeal this decision by the Planning Administrator to the Planning Commission within ten days as provided in § 61.701.

Call me at (651) 266-6583 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Dubruiel".

Paul Dubruiel, on behalf of the Planning Administrator  
PED Zoning

cc: St. Anthony Park Community Council  
Karen Zacho, James Williamette, DSI  
Jim Brown, Public Works  
Mark Hanson, Surveyor



NE CORNER OF THE  
SE 1/4 OF SEC. 20,  
TWP. 29, RGE. 23  
FOUND GRANITE  
MONUMENT

### EXISTING PROPERTY DESCRIPTIONS

PARCEL A:  
PID: 202923430127

Lot 20, Block 37, St. Anthony Park North and part of Lot 19.  
(Certificate of Title No. 585809 and 601809)

PARCEL B:  
PID: 202923420088

Lot 21, Block 37, St. Anthony Park North, according to the  
recorded plat thereof, Ramsey County, Minnesota.  
(Abstract)

AND

Lot 22, Block 37, St. Anthony Park North  
(Certificate of Title No. 26162)

AND

Lots 23 and 24, Block 37, St. Anthony Park North  
(Certificate of Title No. 19869)

### ADJUSTMENT OF COMMON BOUNDARY DESCRIPTION OF PARCEL A

Lot 20, Block 37, St. Anthony Park North.  
(Certificate of Title No. 585809)

AND

That part of Lot 19, Block 37, St. Anthony Park North, lying North of  
Line A, described as follows:

Commencing at an iron monument at the Southwest corner of Lot 16  
in Block 37, St. Anthony Park North, thence on an assumed bearing  
of North 73 degrees 01 minutes 39 seconds East along the Southerly  
line of said Block 37, a distance of 33.52 feet to the most easterly  
corner of Lot 16; thence North 16 degrees 54 minutes 10 seconds  
West a distance of 168.69 feet to the point of beginning of Line A;  
thence South 67 degrees 03 minutes 06 seconds West a distance of  
59.16 feet to a Judicial Landmark; thence continue South 67 degrees  
03 minutes 06 seconds West a distance of 133.39 feet to a Judicial  
Landmark; thence South 67 degrees 03 minutes 06 seconds West a  
distance of 8 feet, more or less, to an intersection with the Westerly  
line of Block 37 and there terminating.

The boundary line of Line A has been determined pursuant to Court  
File No. 62-CV-07-1547, and is marked by Judicial Landmark.  
(Certificate of Title No. 601809)

AND

That part of Lot 21, Block 37, St. Anthony Park North, according to  
the recorded plat thereof, Ramsey County, Minnesota, lying  
southeasterly of a line described as commencing at the northeast  
corner of the Southeast Quarter of Section 20, Township 29, Range  
23; thence on an assumed bearing of South 0 degrees 18 minutes 33  
seconds West, along the east line of said Southeast Quarter of  
Section 20, a distance of 1312.12 feet; thence North 89 degrees 41  
minutes 27 seconds West 1536.28 feet to a cast iron monument on  
the east line of said Lot 21 and the point of beginning of the line to  
be described; thence South 53 degrees 03 minutes 45 seconds West  
64.76 feet; thence South 44 degrees 36 minutes 45 seconds West  
13.29 feet; thence South 57 degrees 47 minutes 15 seconds West  
23.72 feet; thence South 53 degrees 03 minutes 45 seconds West  
36.40 feet to the west line of said Lot 21 and said line there  
terminating.

Subject to the widening of Como Avenue.  
(Abstract)

### GENERAL NOTE

- Survey coordinate and bearing basis: Ramsey  
County System (North American Datum of 1983)  
Coordinates, final adjustment December 17, 1991)

### ZONING NOTES

- Zoning information obtained from the City of St.  
Paul web site on December 8, 2017.

Parcel A:  
PID: 202923430127 (2239 Como Avenue) is  
zoned RT2 (Townhouse)

Parcel B:  
PID: 202923420088 (2245 Como Avenue) is  
zoned T2 (Traditional Neighborhood)

### AREAS

Areas being added to Parcel A:  
Gross = 3,070 square feet or 0.070 acres  
Net (excludes easement for widening Como Avenue) =  
2,986 square feet or 0.069 acres

Parcel B:  
Gross = 23,875 square feet or 0.548 acres  
Net (excludes easement for widening Como Avenue) =  
22,242 square feet or 0.511 acres

Copy Only  
Not For Recording

### ADJUSTMENT OF COMMON BOUNDARY DESCRIPTION OF PARCEL B

Lot 22, Block 37, St. Anthony Park North  
(Certificate of Title No. 26162)

AND

Lots 23 and 24, Block 37, St. Anthony Park North  
(Certificate of Title No. 19869)

AND

That part of Lot 21, Block 37, St. Anthony Park North,  
according to the recorded plat thereof, Ramsey County,  
Minnesota, lying northwesterly of a line described as  
commencing at the northeast corner of the Southeast  
Quarter of Section 20, Township 29, Range 23; thence on an  
assumed bearing of South 0 degrees 18 minutes 33 seconds  
West, along the east line of said Southeast Quarter of  
Section 20, a distance of 1312.12 feet; thence North 89  
degrees 41 minutes 27 seconds West 1536.28 feet to a cast  
iron monument on the east line of said Lot 21 and the  
point of beginning of the line to be described; thence South  
53 degrees 03 minutes 45 seconds West 64.76 feet; thence  
South 44 degrees 36 minutes 45 seconds West 13.29 feet;  
thence South 57 degrees 47 minutes 15 seconds West 23.72  
feet; thence South 53 degrees 03 minutes 45 seconds West  
36.40 feet to the west line of said Lot 21 and said line  
there terminating.

(Abstract)

### PLAT RECORDING INFORMATION

The plat of St. Anthony Park North was filed of record on  
December 11, 1885, in Book Z of Plats, page 27.

### TITLE COMMITMENT

This survey was prepared without the benefit of current title  
work. Easements, appurtenances, and encumbrances may  
exist in addition to those shown hereon. This survey is  
subject to revision upon receipt of a current title insurance  
commitment or attorney's title opinion.

*see reverse for city approval*

THE PURPOSE OF THIS SURVEY  
IS AN ADJUSTMENT OF  
COMMON BOUNDARY

I hereby certify that this survey, plan, or report was  
prepared by me or under my direct supervision and  
that I am a duly Licensed Land Surveyor under the  
laws of the State of Minnesota.

Dated this 11th day of December, 2017

SUNDE LAND SURVEYING, LLC.

By: Mark S. Hanson  
Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

Per City Surveyor comments	SMT	02/06/2018
Revision	By	Date
	SMT	

Drawing Title:

CERTIFICATE OF SURVEY FOR:  
**SAINT PAUL PUBLIC LIBRARIES**  
Saint Anthony Park Library  
2245 Como Avenue

**SUNDE**  
LAND SURVEYING

9001 East Bloomington Freeway (35W) • Suite 118  
Bloomington, Minnesota 55420-3435  
952-881-2455 (Fax: 952-888-9528)  
www.sunde.com

Project: 2015-153-A	Bk/Pg: 841/21	Date: 12/11/2017
Township: 29	Range: 23	Section: 20
File: 2015153A001R.dwg		Sheet: 1 of 1

SE CORNER OF  
SEC. 20, TWP. 29,  
RGE. 23  
FOUND CONCRETE  
MONUMENT

20 0 20 40  
SCALE IN FEET



# City of Saint Paul

## Signature Copy

### Resolution-Public Hearing: RES PH 18-32

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

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**File Number: RES PH 18-32**

Authorizing the vacation and disposal of city land within the Saint Anthony Park Library property to the adjacent residential property owners.

WHEREAS, the City of Saint Paul ("City") owns the property located at 2245 Como Avenue, which is the site of the Saint Anthony Park Library, as described and depicted in **Exhibit A** attached hereto (the "Library Property"); and

WHEREAS, Richard and Nancy Foss ("Homeowners") own the residential property at 2239 Como Avenue, which lies adjacent to and south of the Library Property, also as described and depicted in **Exhibit A**; and

WHEREAS, in 2015 the Homeowners approached the City to request permission to construct a permanent fence between the Library Property and their residential property, and the City contracted with a private land survey company to clarify the location of the line between the two properties; and

WHEREAS, based on the survey, which included a review of historic survey records, the City determined that the property line was further to the south, and the Homeowners were occupying approximately 3,000 square feet of city property (Lot 21) that included both sloping and flat land, landscaped areas, a yard area, and part of a concrete retaining wall (the "Border Land Area"); and

WHEREAS, the Homeowners have been using, maintaining and improving the Border Land Area since 2011 when they purchased the property, as they believe they own said area; and

WHEREAS, city library staff evaluated the City's need for the Border Land Area for library use, and following neighborhood meetings and communications with members of the Saint Anthony Park community, and with the support of the Ward 4 City Councilmember, concluded that the Border Land Area would not be needed for library expansion; and

WHEREAS, the City and the Homeowners entered into discussions about a potential sale by the City of the Border Land Area and establishment of a mutually-acceptable property line bordering the two properties; and

WHEREAS, while the Homeowners did not consider the Border Land Area to belong to the City, they were agreeable to establishing the property line and obtaining a valuation of the Border Land Area in order to determine a fee to be paid by the Homeowners to resolve the matter; and

WHEREAS, the City and Homeowners reached agreement on a line between the two properties, as depicted in **Exhibit B** attached hereto; and

WHEREAS, the City and Homeowners obtained separate real estate appraisals of the Border Land Area, and the parties negotiated a mutually-acceptable sale/purchase price of \$28,900; and

**Exhibit A**  
**Legal Descriptions of Properties**

2245 Como Avenue (20-29-23-42-0088)

Lots 21 through 24, Block 37, St. Anthony Park North, Ramsey County, Minnesota

2239 Como Avenue (20-29-23-42-0127)

That part of Lot 19, Block 37, St. Anthony Park North lying North of Line A, described as follows:

Commencing at an iron monument at the Southwest corner of Lot 16 in Block 37, St. Anthony Park North, thence on an assumed bearing of North 73 degrees 01 minutes 39 seconds East along the Southerly line of said Block 37, a distance of 33.52 feet to the most easterly corner of Lot 16; thence North 16 degrees 54 minutes 10 seconds West a distance of 168.69 feet to the point of beginning of Line A; thence South 67 degrees 03 minutes 06 seconds West a distance of 59.16 feet to a Judicial Landmark, thence continue South 67 degrees 03 minutes 06 seconds West a distance of 133.39 feet to a Judicial Landmark; thence continue South 67 degrees 03 minutes 06 seconds West a distance of 8 feet, more or less, to an intersection with the Westerly line of Block 37 and there terminating, Ramsey County, Minnesota.

The boundary line of Line A has been determined pursuant to Court File No. 62-CV-07-1547, and is marked by Judicial Landmark.

Also;

Lot 20, Block 37, St. Anthony Park North, Ramsey County, Minnesota



[illegible]

# Homeowners' Lingering

Line determined by City

**Homeowners' Line**  
GARDEN WALLS AND  
OTHER FEATURES NOT SHOWN

Survey map showing a proposed 4-foot border between a 'Border Land Area' and an 'ON LINE' area. The map includes bearings (N62°19'08"E), distances (2,986.50, 130.66, 3.74, 13.29, 1.85, 30.78), and a north arrow. A dashed line indicates the 4-foot border, with a solid line labeled 'ON LINE' and another solid line labeled 'LINE'. A shaded area is labeled 'Border Land Area'.

## **Exhibit C**

### **City of Saint Paul**

Saint Paul Public Library

### **DISPOSITION OF CITY PROPERTY – REPORT TO THE CITY COUNCIL**

To the Council of the City of Saint Paul:

As directed under Chapter 51 of the City's Administrative Code, I hereby request that the City Council dispose of the following parcel of land owned by the City of Saint Paul and under the jurisdiction of the Saint Paul Public Library:

That part of Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line described as commencing at the northeast corner of the Southeast Quarter of Section 20, Township 29, Range 23; thence on an assumed bearing of South 0 degrees 18 minutes 33 seconds West, along the east line of said Southeast Quarter of Section 20, a distance of 1312.12 feet; thence North 89 degrees 41 minutes 27 seconds West 1536.28 feet to a cast iron monument on the east line of said Lot 21 and the point of beginning of the line to be described; thence South 53 degrees 03 minutes 45 seconds West 64.76 feet; thence South 44 degrees 36 minutes 45 seconds West 13.29 feet; thence South 57 degrees 47 minutes 15 seconds West 23.72 feet; thence South 53 degrees 03 minutes 45 seconds West 36.40 feet to the west line of said Lot 21 and said line there terminating.

Subject to the widening of Como Avenue.

This property is surplus to the Library's needs. The Saint Paul Public Library believes it is in the best interest of the City to dispose of the property by sale to the adjacent residential homeowners and use the proceeds to purchase materials and provide services at Saint Anthony Park Library.

Catherine Penkert, Director  
Saint Paul Public Library

February 1, 2018

Dear Friends and Neighbors of Saint Anthony Park Library:

With the change in mayoral administration, the Saint Paul Public Library and Mayor's Office were asked by some interested parties in the Saint Anthony Park neighborhood to revisit Jane Eastwood's recommendation to sell a parcel of land to Richard and Nancy Foss, who live at 2239 Como Ave.

Based on our meeting with neighbors and review of past documentation, **we are not proposing any changes to the previous administration's recommendation.** We support the proposal to sell most of the land in question to Richard and Nancy Foss, pending approval by the City Council. The Mayor's Office has reviewed and supports this recommendation as well.

#### **Next Steps and Time Line**

- A public hearing notice will be mailed to interested parties no later than February 9, 2018.
- City Council will hold a public hearing on the proposed sale on March 7, 2018.
- Interested parties who wish to register their opinion on the issue will have the opportunity to testify at that public hearing or submit written testimony in advance of the hearing to [ward4@ci.stpaul.mn.us](mailto:ward4@ci.stpaul.mn.us).
- The City Council will vote on the matter on March 7, after hearing the public comments.
- If the City Council votes to approve the sale, the rezoning of the parcel will be taken up at the Zoning Committee of the Planning Commission.

We have attached a letter that was sent by Jane Eastwood to key stakeholders on October 18, 2017. This letter details the recommendation and community engagement process that led to the parcel proposed for sale, which is smaller than what the Foss's initially wanted in order for the City to retain some of the landscaping and existing pathway used by the gardeners.

Sincerely,

Catherine Penkert  
Library Director

Russ Stark  
Councilmember, Ward 4

Dear Friends and Neighbors of St. Anthony Park:

For more than a year, residents of this neighborhood have been engaged in a discussion about a possible sale of a portion of unused public property, belonging to the St. Anthony Park Library, to the adjacent neighbors, Nancy and Richard Foss.

The sale of any public property requires a thorough and open analysis and conversation by the community, the City and other stakeholders. That process has happened, and the Library is proposing that most of the land in question be sold to Richard and Nancy Foss, pending approval by the City Council. I'd like to outline the process, rationale and timeline for this proposed sale, including the opportunity that will be provided for members of the public to give testimony to the City Council at a public hearing.

### Background

In September, 2015, Richard and Nancy Foss submitted a letter to the Saint Paul Public Library (SPPL) administration asking for a letter to verify the boundary between the St. Anthony Park Library and the Foss's property at 2239 Como Ave.

In October, the Library contracted with Sunde Land Surveying to conduct a survey to determine the boundary between St. Anthony Park Library and 2239 Como Avenue. The results of Sunde's thorough research into historical documents provided evidence that the boundary between the two properties was different from what the Fosses believed.

The sliver of land in question has generally been overgrown with brush for as long as anyone can remember, and the Saint Paul Public Library does not foresee any future need for this land. The Administration began to take steps to explore a possible sale of the sliver parcel to the Foss's. Subsequently, the City Attorney began conversations with the Foss's attorney about disposition of the property.

In spring 2016, St. Anthony Park residents who are members of the Weekly Weeders garden club began to make inquiries about the possible sale of the Library property, requesting information about the Sunde survey. This group of interested residents expressed their opposition to conveying the property to the Foss's and their belief that it should be preserved as public Library property.

We are also aware that the St. Anthony Park Library is listed both locally and nationally as a historic structure, and that status also has some application to the surrounding site. As such, the Foss's have been informed that they would need to work with the City's Heritage Preservation Commission on the design of any fencing along the new proposed property line.

On May 19, 2016, my office held a meeting with members of the St. Anthony Park Community Council land use committee and staff of the Library administration, City Attorney's Office and City real estate office. The purpose of this meeting was to discuss the proceedings thus far around the disputed property line and to hear the participants' concerns.

A community meeting was then held on June 6th, hosted by the Friends of the St. Anthony Park Library, to provide further opportunity for the Library administration, Council President Russ Stark, and other city staff to discuss the possible disposition of the property, answer questions and hear the views of interested neighborhood residents. Mr. Foss and his attorney were also present at the meeting and Mr. Foss provided his perspective on the events. The Foss's have argued that the actual property line is closer to the Library than the City believes and presented some evidence in support of the assertion.

While some community members feel strongly that no public land should ever be sold, one of the things that we heard at that meeting was that some had a desire to create a walking path on the top of the slope as part of the gardens on the library property.

Following further conversations by legal representatives of the City and the Foss's, the Library administration has decided to move forward with a process to sell a portion of Lot 21 (one of four lots on which St. Anthony Park Library is located) to the Foss's, if approval is given by the City Council. The portion that we propose selling is a little smaller than what the Foss's initially wanted, allowing enough space on the top of the slope for a possible walking path on the Library property.

The Library administration offers these reasons for pursuing a possible sale of the property in question:

- This portion of Lot 21 is not considered to be necessary for Library expansion. Further, there is a significant gradient change between the library structure and the Foss's yard. The property would be very difficult to use for further expansion.
- The Library is unaware of any active use of the property by the City historically or in the current era. A garden is now located on the slope leading up to the property that is proposed to be sold to the Foss's.

Based on where the County has drawn the property line between Lot 20 and Lot 21, the County taxation office considers a portion of the property in dispute to belong to the owners of 2239 Como; therefore, the owners have been paying taxes on the land under consideration for sale.

To conduct a sale of public library land, the City undertakes the following process outlined below. The City staff:



- Prepare a legal description of the land to be sold.
- Prepare a City Council resolution that:
  - Identify the land to be sold and reasons why the sale is recommended.
  - Direct disposal of the property to the 2239 Como owners via the City's Housing and Redevelopment Authority (HRA).
- Set a date for the City Council public hearing to consider the resolution.
- Mail required notices to all interested parties in advance of the City Council public hearing (20 days in advance).

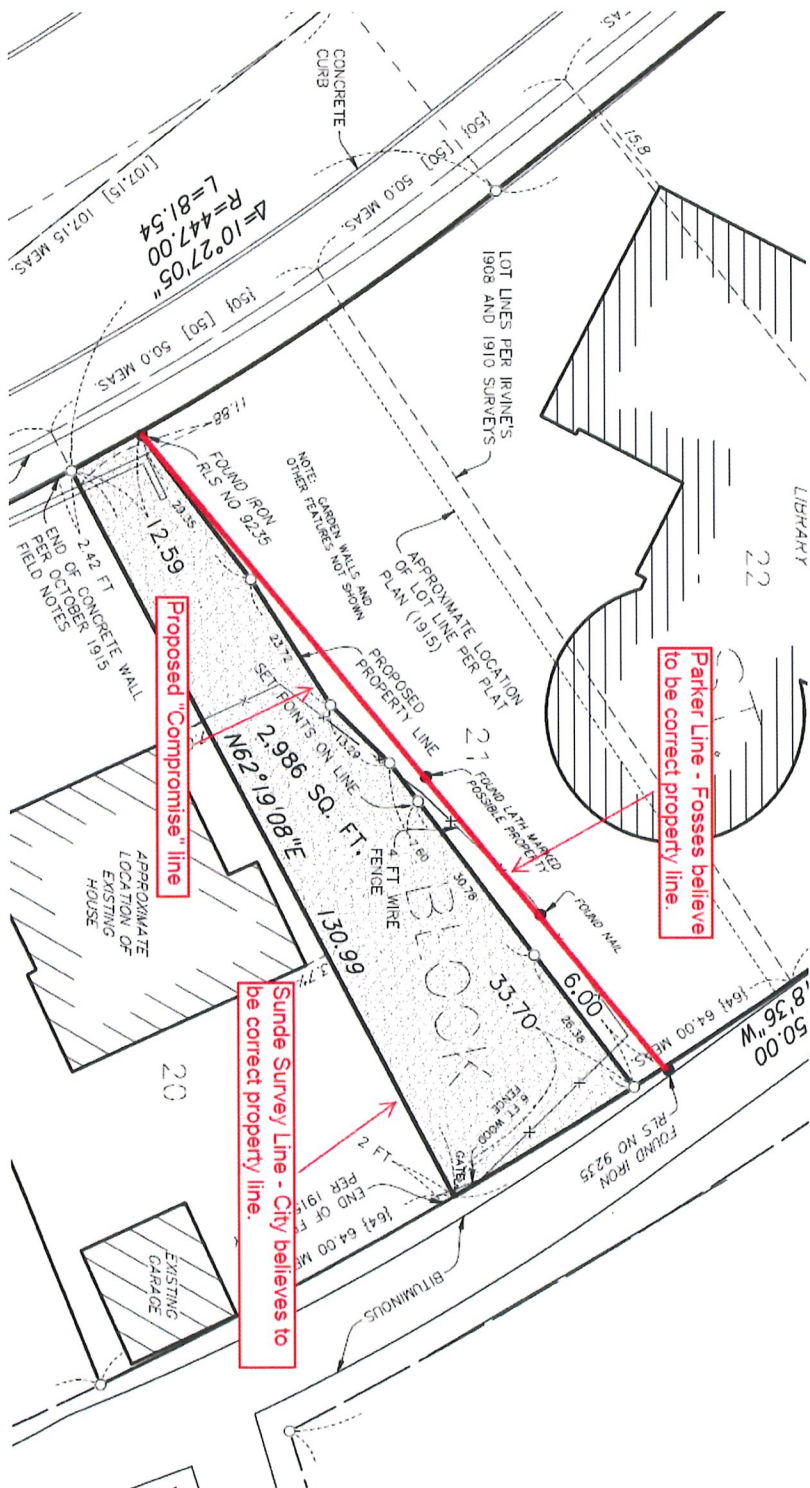
If the Council approves the resolution, then staff would:

- Prepare a sale/purchase agreement.
- Apply for and receive approval of an "adjustment of common boundary" through the PED Zoning Section.
- Prepare, execute and deliver sale/purchase agreement and deed to HRA.
- Closes on sale of property to 2239 Como owners.
- Provides the sale proceeds (less city fees) to SPPL.

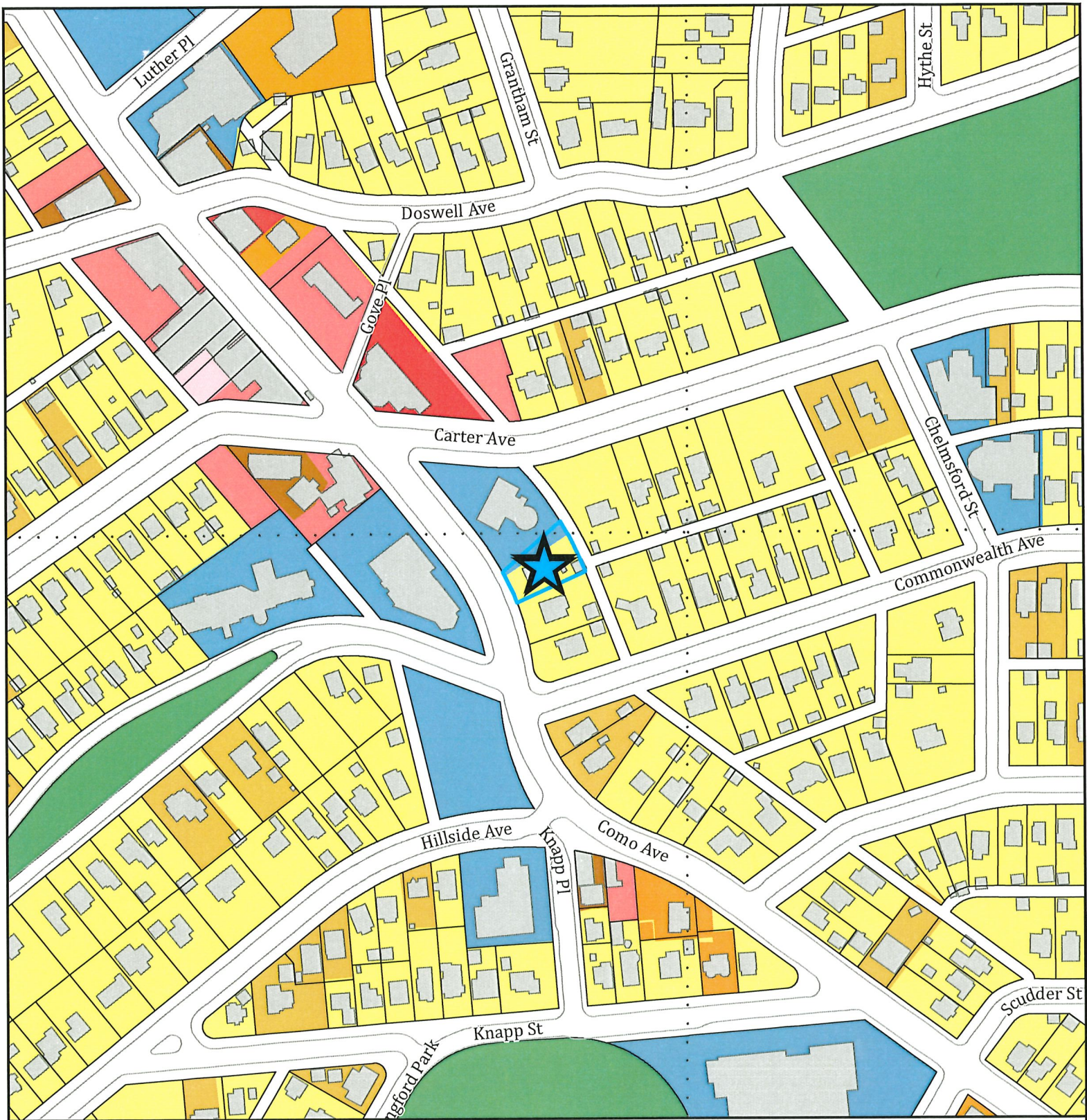
In all cases, the City Council has the final decision whether City property can be sold. If you have further questions about the process or rationale, you may contact the Ward 4 offices at [ward4@ci.stpaul.mn.us](mailto:ward4@ci.stpaul.mn.us) or 651-266-8640 or my office at [jane.eastwood@ci.stpaul.mn.us](mailto:jane.eastwood@ci.stpaul.mn.us) or 651-266-7070.

Sincerely,

Jane Eastwood  
Director







FILE NAME: 2239 Como

APPLICATION TYPE: Rezone

FILE #: 17-224759 DATE: 12/29/2017

PLANNING DISTRICT: 12

ZONING PANEL: 1

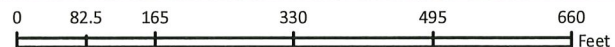
#### Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential

- Institutional
- Park, Recreational or Preserve
- Subject Parcels
- Section Lines







FILE NAME: 2239 Como

APPLICATION TYPE: Rezone

FILE #: 17-224759 DATE: 12/29/2017

PLANNING DISTRICT: 12

ZONING PANEL: 1

#### Zoning

- Subject Parcels
- · Section Lines

