

## REQUEST FOR COUNCIL ACTION

**DATE:** 23 November, 2015

**ITEM NO:** 11

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<b>Department Approval:</b>	<b>Administrator Reviewed:</b>	<b>Agenda Section:</b>
<b>Name</b> Jeremy Barnhart		Planning Department Report
<b>Title</b> Community Development Director		

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**Item Description:** Consider disposal of Tax Forfeited Property (PID 05-117-23-24-0117 and 0118)

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### List of Exhibits

- A. Aerial photo
- B. Letter of request
- C. Deed acquiring the land
- D. Comprehensive Plan Appendix 4E-1
- E. Analysis of the lake access, dated September 13, 2010

**Purpose.** Provide direction regarding the disposal of city property.

**Background.** Jacob Barkley owns 3640 Bayside Road on the north side of Bayside Road as well as two small parcels south of Bayside, north of Stubbs Bay (the parcels in red in the attached aerial photo). The western most parcel includes easements that allow docks for the 4 lots within the Reidel Stubbs Bay addition, of which Mr. Barkley owns one lot.

Owner	PID	Size (sqft)
Barkley	05-117-23-24-0023	1
Barkley	05-117-23-24-0122	617
City	05-117-23-24-0118	615
City	05-117-23-24-0117	3,598

The city owns two parcels south of Bayside Road, outlined in yellow. These two parcels were acquired through the tax forfeiture process in April of 1979. Mr. Barkley has requested the city dispose of these parcels. Should he be successful in acquiring the property, ownership would be consolidated with his two parcels. Mr. Barkley is also expected to request a vacation of Park Street should the Council agree to dispose of the property.

It appears the parcels were acquired in 1979 for park and recreation uses, primarily to maintain public access to the lake. The subject parcel is listed in the Comprehensive Plan as a Lake Minnetonka access point, not opened for public use. Public access in this area is provided through the southern extension of Stubbs Bay Road South, about 115 feet to the east. The Comprehensive plan does not suggest further use for the parcels.

Staff supports the disposal request as access is provided via Stubbs Bay Road, and the remaining benefit to the city is negligible. It seems as though the city would benefit more for the parcels being privately owned.

The Council should direct staff to pursue disposal of the property if it finds that the parcels are not nor anticipated to be needed by the city. Formal disposal will require action by the City Council.

**COUNCIL ACTION REQUESTED:**

Staff requests direction as to whether or not to pursue disposal of two city owned parcels (05-117-23-24-0017 and 0118)



Legend

Railroad

City Limits

Parcels (6-1-2015)



Council  
Exhibit A



**Disclaimer:**  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and is not a source affecting the area shown, and it is to be used for reference purposes only. The City of Onondaga is not responsible for any discrepancies herein contained.



0 75 Feet



Melanie -

Thank you for your time on the phone this morning.

As requested, please accept this email as a formal application to purchase two parcels of land that are owned by the city and are adjacent to two parcels of land that I currently own.

Our residence is located at PID 05-117-23-21-0011; and the two parcels that I own are 05-117-23-24-0122 and 05-117-23-24-0023. The two parcels that we would like to purchase from the city are 05-117-23-24-0118 and 05-117-23-24-0117.

Please see attached screen shots that identify the parcels with an aerial view and PID #.

We have researched the deed documents for 0118 (LOT 2 BLOCK 3 Bay View Park) and 0117 (LOT 15 BLOCK 1 Bay View Park) and the statute regarding re-sale of properties, and believe that it would be legal for the city to sell these parcels. Please see the deed and an image of an excerpt from the state statute attached.

I believe that this purchase of these parcels would clear up some issues regarding lake usage and dock-age in regards to existing easements and historical usage. Also, of course we could continue to maintain the property that the former owner took care of for over 40 years.

Please let me know if there is an application fee or escrow for the city's attorney to consider this matter and when we can look forward to a decision.

We would like to be considered the only viable buyer for these two parcels since we are the only adjacent landowner. We would like to pursue this purchase as the only possible buyer for these parcels since we are looking to untangle an already complicated situation. If this is not going to be the case, please let me know so I can retract this request. If that is the case, I would like to pursue other avenues such as an easement to clarify the situation.

Please let me know if I can be of further assistance.

Best Regards,  
Jake Barkley

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Jake Barkley  
612.598.9895



1335/103

4481343

STATE OF MINNESOTA  
DEPARTMENT OF REVENUE  
CONVEYANCE OF FORFEITED LANDS

Issued pursuant to Minnesota Statutes, Section 292.01, Subdivision 1.

THIS INDENTURE, made this 13th day of April, 1979, between the State of Minnesota as party of the first part, and The City of Orono, a Governmental Subdivision, as party of the second part, WITNESSETH:

WHEREAS, the land hereinafter described was duly forfeited to the State of Minnesota for the nonpayment of taxes, and,

WHEREAS, Pursuant to Minnesota Statutes, Section 292.01, Subdivision 1, the party of the second part has applied to the Commissioner of Revenue for the conveyance of lands hereinafter described to be used by it exclusively for park and recreation, and,

WHEREAS, the Board of County Commissioners of the County of Hennepin, State of Minnesota has recommended to the Commissioner of Revenue by resolution adopted on the 6th day of February, 1979, that such conveyance be made, subject to the conditions hereinafter made,

NOW, THEREFORE, The State of Minnesota, pursuant to said laws and in consideration of the premises, does hereby grant, bargain, sell and convey unto the party of the second part, forever, all the tracts or parcels of land lying and being in the County of Hennepin, State of Minnesota, described as follows, to-wit:

- |   |  |
|---|--|
| Block 4<br>Baldur Park<br>38-41860-5800                                 | Lot 4, Block 7<br>Crystal Bay View<br>38-42180-3850  |
| Lots 1 to 15 incl.<br>Block 1<br>Bay View Park<br>38-41920-100 to 1500  | Lot 5, Block 7<br>Crystal Bay View<br>38-42180-3900  |
| Lots 1 to 15 incl.<br>Block 2<br>Bay View Park<br>38-41920-1700 to 3100 | Lot 3, Block 5<br>Forest Lake Park<br>38-42260-4800  |
| Lots 2 to 15 incl.<br>Block 3<br>Bay View Park<br>38-41920-3300 to 4600 | Lot 4, Block 5<br>Forest Lake Park<br>38-42260-5000  |
| Lots 1 to 15 incl.<br>Block 4<br>Bay View Park<br>38-41920-4800 to 6200 | Lot 5, Block 5<br>Forest Lake Park<br>38-42260-5200  |
| Lots 3 to 13 incl.<br>Block 5<br>Bay View Park<br>38-41920-6500 to 7500 | Lot 67<br>Highwood, Lake Minnetonka<br>38-42300-6600 |
| Lots 1 to 15 incl.<br>Block 6<br>Bay View Park<br>38-41920-7900 to 9300 |  |

C. W. FILED ☒ NOT REQ. ☒

JUN 29 1979  
BY *L. H. H. H.*

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part so long as it shall continue to use said land for the purposes aforesaid, and upon condition that if such use shall cease said land shall revert to the party of the first part as provided by law. No Deed Tax will be payable on this conveyance.

IN TESTIMONY WHEREOF, the State of Minnesota, party of the first part, has caused this deed to be executed in its name in the City of St. Paul, Ramsey County, Minnesota, the day and year first above written.

In Presence of:

*Carolyn Crawford*  
*Patricia Zentis*

STATE OF MINNESOTA  
CLYDE E. ALLEN, JR.  
Commissioner of Revenue

By: *Dennis J. Amos*

STATE OF MINNESOTA } ss.  
County of Ramsey }

On this 13th day of April, 1979, before me personally appeared DENNIS J. ERNO, Assistant Commissioner of Revenue of the State of Minnesota, to me known to be the person who executed the foregoing conveyance in behalf of the State of Minnesota, and acknowledged that he executed the same as the free act and deed of said state pursuant to the statutes in such case made and provided.

THIS INSTRUMENT WAS DRAFTED BY  
THE COMMISSIONER OF REVENUE  
STATE OF MINNESOTA  
DEPARTMENT OF REVENUE  
ST. PAUL, MINNESOTA 55145

*Patricia Zentis*



Tax Statements for Real Property  
described herein shall be sent to:

NAME OF GRANTEE \_\_\_\_\_  
ADDRESS OF GRANTEE \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
TAXPAYER'S NAME \_\_\_\_\_  
TAXPAYER'S ADDRESS \_\_\_\_\_  
NAME OF MFG. CO. - IF ESCROW \_\_\_\_\_  
LOAN NUMBER \_\_\_\_\_

No delinquent taxes  
and transfer entered  
FINANCE DIVISION  
HENNEPIN COUNTY, MINN.

JUN 22 1979

*James A. Boyle*

FINANCE DIVISION DIRECTOR  
BY *P. P. Kharan* DEPUTY

This certificate does not relate to taxes  
for the current year 1979, which may  
or may not be paid.

STATE DEED TAX DUE  
HEREON \$ EXEMPT



RETURN TO  
TORRENS DEPT.  
4481343 156753

Tax statements for the real  
property described in this  
instrument should be sent to:

Name: The City of Orono

Address: c/o Walter G. Benson,  
City Administrator  
Orono, Minnesota  
5.25-64

RETURN TO  
TORRENS DEPT.

OFFICE OF COUNTY RECORDER  
HENNEPIN COUNTY, MINNESOTA  
CERTIFIED FILED AND OR  
RECORDED ON

1979 JUN 25 AM 8:03

AS DOCUMENT 4481343  
CO. RECORDER  
DEPUTY

THIS DOCUMENT IS RECORDED  
ON BOTH ABSTRACT  
AND TORRENS PROPERTY

REC FEE 3  
COPY FEE 25

RETURN TO  
TORRENS DEPT.

RETURN TO  
TORRENS DEPT.

1335103

REGISTERED VOL. 187, PAGE 59112  
 59112-187  
 119417-328  
 487505-1615  
 REGISTERED VOL. 187, PAGE 119417  
 REGISTERED VOL. 187, PAGE 487505

OFFICE OF THE REGISTRAR  
 OF TITLES  
 HENNEPIN COUNTY, MINNESOTA  
 CERTIFIED FILED ON

JUN 22 1979

*[Signature]*  
 REGISTRAR OF TITLES  
 BY *[Signature]* DEPUTY

925 c



**Appendix 4E-1: City of Orono Lake Minnetonka Access Points - Designated Use and Current Status**

9	Gibbs Landing - Fox St.	4-S	Adj to 3125	Pedestrian year-round, vehicles winter only	Tax records show access as Outlot A, owned by owner of 3125, City has easement over Outlot, City maintains access
<b>Stubbbs Bay</b>					
10	Eastlake Street	5-N	3424/3465	Winter Only	30' platted road gated March 1 - Dec. 1
11	Bayside Rd. at Stubbbs Bay Rd.	5-N	3580/3640	Fishing Dock	33' platted road ("Oak Street" in plat of "Bay View Park") Also used for winter access by snowmobiles off Luce Line
12	Bayside Rd	5-N	Across from 3640, 3700, 3750 Bayside	NA	Two 60' platted roads and one 65' platted road to the Lake (Park, Spring, and Maple Streets in plat of Bay View Park; and Theresa St. in plat of Ottoville on Lake Minnetonka). These potential access points are not opened for public use.
13	Bayside Rd.	5-N	West side of 3775 Bayside	NA	30' realigned platted road (Realigned "Lake Street" in the plat of Ottoville on Lake Minnetonka)(See street file 3775 Bayside). Not opened for public use.
14	Westlake Street	5-N	372/389		30' platted road right-of-way extending to lakeshore; walking access only.
<b>North Arm Bay</b>					
15	Park Lane	6-S	607/649	Fishing Dock	60' wide platted road, paved to shoreline - usable for boat launch but there is no parking available
16	Oak Street	6-S	Adj to 4119		30' wide platted road, not developed, steep slopes and ravine limit use
17	Baldur Park Road	8-S	Across from 1384/1392		NW end of platted developed road as it extends to shoreline
18	Oak Place (Platted road in plat of "Crystal Bay View")	8-S	3768/3818 North Shore Dr		40' wide platted undeveloped road extending from North Shore Drive across platted Cherry Ave to shoreline; mostly wetland or under water
19	Sandy Beach (Extension of Maple Place)	8-S	3898/3908 Cherry Ave	Swimming Beach	60' wide platted roadway used for City beach
20	Grant Street	8-S	1310 Spruce/ 1330 Cherry Pl		50' wide platted road, undeveloped
21	Spruce Place	8-S	1250/1260		40' wide (remaining after partial vacation) platted roadway, undeveloped
22	Loma Linda Avenue	8-N	1098/1130	Fishing Dock	40' wide platted road; also useful for vehicular access



**To:** Street Files: 3620 Eileen Street (Lot 4, Bl. 1, Reidel Stubbs Bay Addition)  
3625 Eileen Street (Lot 2, Bl. 1, Reidel Stubbs Bay Addition)  
3630 Eileen Street (Lot 3, Bl. 1, Reidel Stubbs Bay Addition)  
3640 Bayside Road (Lot 1, Bl. 1, Reidel Stubbs Bay Addition)

**From:** Mike Gaffron, Asst. City Administrator

**Date:** September 13, 2010

**Subject:** Status of Lake Access for the Above Properties

A number of questions have been raised recently regarding the status of lake access and the ability to construct individual docks to serve the above four properties. These questions initially surfaced with regards to the Pidgeon property at 3625 Eileen Street, and have risen again regarding the potential sale of 3620 Eileen Street.

Four building lots were created with the Reidel Stubbs Bay Addition in 1975. None of those lots abut the lakeshore - they are entirely north of Bayside Road. The subdivider also owned some small strips of land abutting the lakeshore on the south side of Bayside Road. The subdivider gained City approval in 1975 to allow each of the 4 building lots to have a small individual dock on four defined portions of the lakeshore strips, subject to granting a Scenic Easement to the City over those strips (Doc. #s 1144483 and 1144484) that *"limits the improvements on said premises to the erection of two small, inconspicuous, private (not multiple) docks to be used for the usual and normal fishing, swimming(sic) and docking purposes and for the exclusive benefit of the owners of Lots (1-2-3-4) Block 1, Riedel Company's Stubbs Bay Addition. No vehicular parking shall be allowed on said premises, no signs or billboards except small signs not exceeding in dimensions 2 feet by 3 feet indicating said docks and premises to be private property. The erection of said docks to be subject to and in compliance with any requirements of the City of Orono."* (Text is from #1144484; text of #1144483 is assumed to be similar or identical)

The lakeshore strip in question contains the portions of Lot 16, Block 1, Bayview Park and Lots 1 and 16, Block 3, Bayview Park, that are south of the Hennepin County plat of Bayside Road.

Lot 16 Bl. 1 (05-117-23 24 0023) and Lot 1 Bl. 3 (05-117-23 24 0122) are owned by Jane Olson of 3640 Bayside Road. Lot 16, Bl. 3 (05-117-23 24 0123) is owned by Magdalen M. Pidgeon Trustee of 3625 Eileen Street.

Doc. #1154647 grants an easement in favor of 3620 Eileen Street (Lot 4, Riedel Addition) over the west 1/2 of Lot 1, Block 3, Bayview Park, for *"ingress to and egress from Stubbs Bay and the erection and maintenance of one small, private dock"*. It also states that grantee agrees to pay 1/2 of the yearly real estate taxes on said Lot 1, Block 3.

Doc. #1155208 grants an identical easement in favor of 3630 Eileen Street (Lot 3, Riedel Addition) over the west 1/2 of Lot 16, Block 3, Bayview Park; but does not address who pays the taxes.

Based on the above, it would be reasonable to conclude that at least from the City of Orono perspective, each of the four homestead lots within the Riedel Addition has the right to have a small dock extending from their defined portions of the lakeshore south of Bayside Road. However, these dock rights are also subject to compliance with Lake Minnetonka Conservation District (LMCD) rules and regulations, and if LMCD regulations do not allow docks, the LMCD regulations must be adhered to.

