

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 21, 2014 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Chair Hark called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Armando Lissarrague  
Joan Robertson  
Annette Maggi  
Paul Hark  
Pat Simon  
Tony Scales

Commissioners Absent: Harold Gooch  
Bill Klein (excused)  
Dennis Wippermann (excused)

Others Present: Allan Hunting, City Planner

### **CITY OF INVER GROVE HEIGHTS – CASE NO. 14-45VAC**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a vacation of part of East 47<sup>th</sup> Street, originally dedicated as Franklin Street, and certain ditch easements in the Scheffknecht Addition, and any variances related thereto. 8 notices were mailed.

#### **Presentation of Request**

David Gates, Assistant City Attorney, LeVander, Gillen & Miller, 633 South Concord Street, South St. Paul, explained the request as detailed in the report. The City purchased the subject property by contract for deed, but never received the deed from the sellers as they passed away before it could be obtained. The contract was paid in full and the City is entitled to full legal title of the property. The City began a Torrens action in district court to register its title to the Groveland Park property. To proceed with the registration process, the Examiner of Titles requires the City to vacate the unused portion of East 47<sup>th</sup> Street that runs through the park, as dedicated by the original plat of Scheffknecht Addition, as well as an unused drainage easement that also appears on the plat. The portion of street proposed to be vacated has never been built. Part of the reason for vacating this right-of-way is because several areas of it are actively being used for park purposes, including a playground, park shelter building, and hockey rink. The other proposed vacation is of a drainage easement. The current course of drainage running through the park does not follow the drainage easement shown, and the City does not need an easement to have water flow across its own property. The City Attorney's Office recommends that the Planning Commission approve the proposed vacation request.

Chair Hark asked if the drainage easement vacation would affect title.

Mr. Gates replied it would be somewhat of an imposition on title, but because it is for the public and the City owns the land, there is no need for that easement.

Chair Hark asked when the contract for deed was paid off.

Mr. Gates replied that he believed it was paid in full in 1971. He added that notice of the public hearing was published in the Southwest Review and was mailed to neighboring property owners as well. The Planning Commission should base their recommendation on whether the vacation would

be in the public interest.

**Opening of Public Hearing**

Mike Dalglish, 4740 Babcock Trail, asked if the City would continue to maintain the drainage flow coming through the park back to his property.

Mr. Hunting replied that the vacation would not change the way the City was maintaining the drainage.

Mr. Gates advised that the property to be vacated was within the boundaries of the park property.

Chair Hark closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Maggi, to approve the request for a vacation of part of East 47<sup>th</sup> Street, originally dedicated as Franklin Street, and certain ditch easements in the Scheffknecht Addition.

Motion carried (6/0). This item goes to the City Council on November 10, 2014.

**OTHER BUSINESS**

Chair Hark reminded Commissioners that the next Planning Commission meeting would be held on Wednesday, November 5 due to Tuesday being Election Day.

Mr. Dalglish asked if approval of the vacations would ensure the park would always remain.

Commissioner Maggi replied it was only a recommendation to vacate the easements.

Mr. Dalglish asked if the vacation would make it more difficult to develop the property.

Chair Hark stated this action may make the park a little more secure.

The meeting was adjourned by unanimous vote at 7:15 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary