

To: HONORABLE MAYOR AND CITY COUNCIL.

FROM: Dave Maroney, Director of Economic Development and Planning.

SUBJECT: Carolee Stock Summons.

DATE: January 31, 2014.

BACKGROUND.

The City of Cannon Falls has been served with a Summons pertaining to an application submitted by Carolee Stock to Goodhue County to establish Torrens Title for property that she owns at 1014 River Road. The Summons has been served to clear up various problems that affect title to the Stock property. Staff and the City Attorney have reviewed the application and recommend that the City of Cannon Falls not take action to object to the Summons.

REQUESTED COUNCIL ACTION.

The City Council is asked to approve the Resolution Regarding Title Registration in the form as drafted by the City Attorney.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2058

RESOLUTION REGARDING TITLE REGISTRATION

WHEREAS, the City has been served with a Summons In the Matter of the Application of Carolee A. Stock (“Owner”) to register the title to property (“Summons”) located in the City of Cannon Falls legally described in Exhibit A and depicted in Exhibit B attached hereto (“Property”);

WHEREAS, the Property is in an area of the City that was developed over a hundred years ago and has numerous title issues from erroneous legal descriptions which inhibit the sale and issuance of title insurance for the Property;

WHEREAS, the Owner is attempting to clear title to the Property and to reflect a legal description to the Property that is consistent with the long-term use of the Property;

WHEREAS, the City purchased a portion of the Property in connection with its acquisition of the larger Minnesota Malting Company property site; however, based on a review of the historical use of the Property, the Owner appears to have a legitimate claim to ownership of that portion through adverse possession;

WHEREAS, the City has an interest in portions of the Property that include the platted right of ways for Ohio Street and Seventh Street (“Platted ROWs”);

WHEREAS, the City has no plan to use the Platted ROWs in the future;

WHEREAS, the City Council believes it is in the best interest of the City for the Owner to establish clear title to the Property and to establish a proper legal description for the Property consistent with its historical use;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that the City will take no action to answer or object to the Summons in the title registration proceeding for the Property.

Adopted by the City Council of Cannon Falls this 6th day of February, 2014.

City of Cannon Falls

Lyman M. Robinson, Mayor

Attest: _____
Lanell Endres, Interim City Administrator

EXHIBIT "A"

Proposed Legal Description for Property in the title registration process:

That part of Government Lot 11, Section 7, Township 112, Range 17, Goodhue County, Minnesota, described as follows:

Commencing at the southeast corner of Block 3, GOODHUE ADDITION TO CANNON FALLS; thence South 0 degrees 05 minutes 03 seconds West (assumed bearing) along the west line of Seventh Street as platted in said addition a distance of 161.34 feet to a found iron pipe at the northeast corner of the property described in Torrens Document No. 17578, Goodhue County Recorders office and the point of beginning of the land to be described; thence South 88 degrees 03 minutes 50 seconds West along the north line of said Torrens Doc. No. 17578 and its westerly extension 115.10 feet; thence North 3 degrees 24 minutes 11 seconds West 85.66 feet; thence North 40 degrees 10 minutes 47 seconds East 77.26 feet; thence South 55 degrees 46 minutes 08 seconds East 34.00 feet; thence South 89 degrees 44 minutes 41 seconds East 20.34 feet; thence South 16 degrees 03 minutes 06 seconds East 125.91 feet to the easterly extension of said north line of Torrens Doc. No. 17578; thence South 88 degrees 03 minutes 50 seconds West along said easterly extension 13.00 feet to the point of beginning.

Subject to easements of record.

EXHIBIT "B"

Certificate of Survey for:
Carolee Stock

SHEET 2 OF 2 SHEETS

Web: samuelsonsurveying.com FAX: (507) 263-5114 EMAIL: rsurvey@frontiernet.net

S1378

SAMUELSON SURVEYING INC.

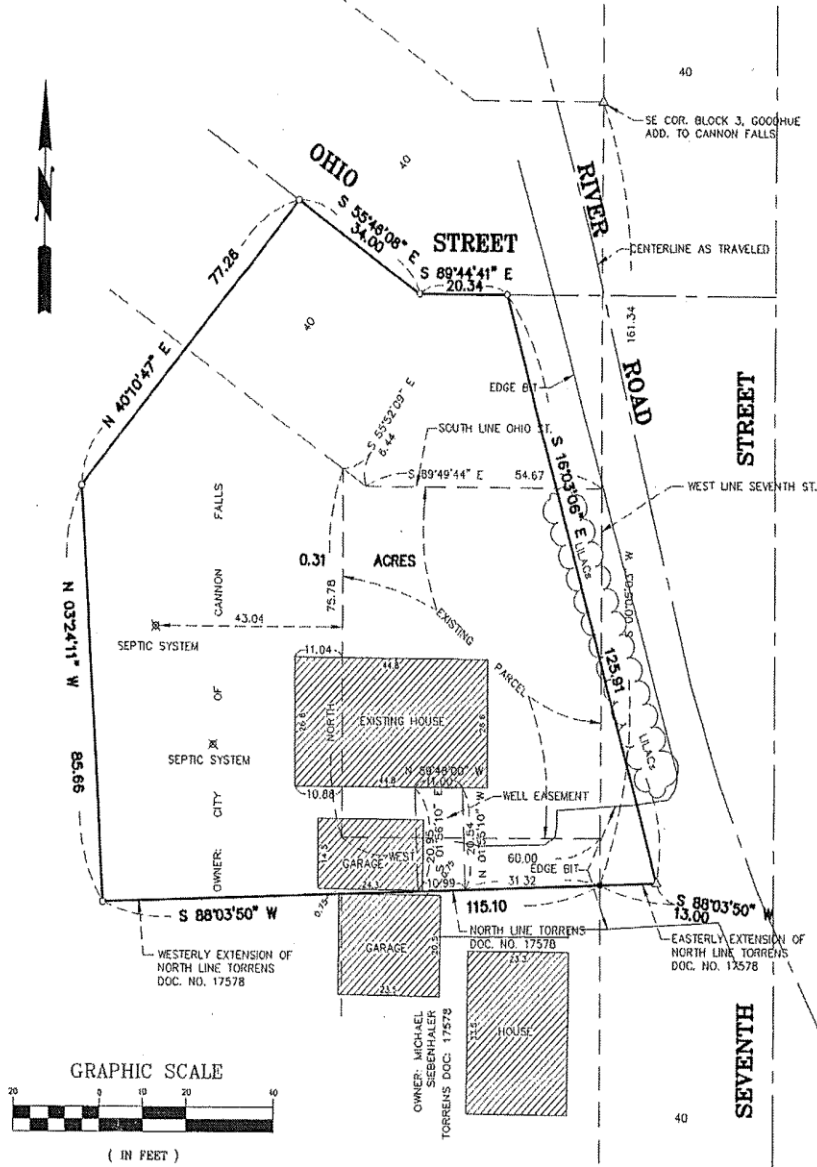
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1103 West Main Street
Cannon Falls, MN. 55009
Phone (507) 263-3274

Formington Office
401 Oak Street Suite A
Formington, MN. 55024
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SURVEYORS CERTIFICATE



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft

- DENOTES SET IRON PIPE WITH PLASTIC CAP MARKED RLS 16998
- DENOTES FOUND IRON
- △ DENOTES SET MAG NAIL

PLEASE NOTE: THE EAVES OF BOTH GARAGES OVERLAP THE SOUTH PROPERTY LINE.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: October 21, 2013

V. Richard Samuelson
V. Richard Samuelson Minnesota Reg. No. 19998