

TO: Cannon Falls City Council
FROM: Zach Logelin, License and Permit Technician
SUBJECT: Vacation Application-PID 52.140.0440-Zoned R-3
DATE: May 21st, 2024

BACKGROUND

William Marsh owns the lot (PID 52.140.0440) and is hoping to build a new home on the parcel. The proposed home would straddle his property line and encroach on City Right of Way.

Mr. Marsh is requesting a Vacation of City ROW to build a home that meets code and allow himself additional space.

The Vacation will be the rectangle on exhibit 3 outlined in black. The triangle to the south (outlined in blue) is a City parcel and would be bought by Mr. Marsh, not vacated. The City is awaiting a building permit with house setbacks on a survey. The house may not meet rear setbacks, so this will determine if the southerly triangle will need to be bought.

Additionally, the northern triangle (outlined in red) is part of lot 1 block 53 of the originally platted Cannon Falls. While not reflected on GIS, this small portion of land cannot be Vacated. If Mr. Marsh needs to obtain it in order to meet front setbacks, or if he decides he wants it, a quiet title claim may be executed.

In the resolution (exhibit 7), the City will not certify the Vacation with the County until we receive a building permit with site plans on a survey showing setbacks and property lines AND until Mr. Marsh pays the new home construction fees. This will make sure the land will be Vacated for a home and the new owner will not sell the land.

Floodplain:

16 feet of Mr. Marsh's front yard falls in the Floodplain. The front setbacks are 25 feet in the R-3, so this should not be a problem. The City will make sure no structure is built in this front portion of property. Additionally, all structure setbacks are 50 feet from the *curb*. Planning Commission recommended approval at their May 13th meeting.

The following exhibits are enclosed to further describe the proposal:

1. Vacation Application
2. Aerial Map
3. GIS Map of property showing proposed Vacation
4. Proposed house
5. Survey (Parcel A and B)
6. Legal Description of Vacated land
7. Resolution 2758

REQUESTED CITY COUNCIL ACTION: Please consider and make a motion to approve Resolution 2758, allowing the Vacation of City right of way to William Marsh, the land east of PID 52.140.0440, referred to in exhibit 6.



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9312

SUBJECT TO STAFF REVIEW

Street Location of Property: 319 Stoughton St. E.

Legal Description of Property: 521400 440

Owner of Record: Name: William J. Marsh

Daytime Phone: 651-558-8186

Address: 100 9th St. S. #207

Cannon Falls, Mn. 55009

Applicant (if other than owner) Name: _____

Notary Stamp

Daytime Phone: _____

Address: _____

E-Mail Address: fbilljmarsh@gmail.com

Nature of Legal or Equitable Interest of Applicant (Documentation must be attached :)

- | | | | | |
|----------|-------------------------------------|------------------------|--------------------------|-----------------------------------|
| Request: | <input type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Rezoning/Ordinance Text Amendment |
| | <input type="checkbox"/> | Subdivision | <input type="checkbox"/> | Variance |
| | <input type="checkbox"/> | Concept | <input type="checkbox"/> | Interim Use Permit |
| | <input type="checkbox"/> | Preliminary Plat | <input type="checkbox"/> | Amendment |
| | <input type="checkbox"/> | Final Plat | <input type="checkbox"/> | CUP/PUD |
| | <input type="checkbox"/> | Administrative | <input type="checkbox"/> | Site Plan Review |
| | <input type="checkbox"/> | Administrative Permit | <input type="checkbox"/> | Special Home Occupation |
| | <input checked="" type="checkbox"/> | Vacation | <input type="checkbox"/> | Annexation Petition |
| | <input type="checkbox"/> | Comp Plan Amendment | <input type="checkbox"/> | Appeal |
| | <input type="checkbox"/> | Other | | |

Note: Each requested approval may require a separate fee and/or escrow amount, even where they apply to the same project.

Date Application Received: 4/10/24 PAID 4/10/24

Date Submission Deemed to be Complete: _____

Give detailed description of project and reason for conditional use or variance, if applicable:

I'm trying to extend my property (521400440)
to the east to have enough room to put in
a house and garage

SUPPORTING DOCUMENTATION: Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined that an application is complete will it be placed on a Planning Commission agenda for consideration. Applications that do not include the proper plans and/or documentation may be delayed from formal review. **FAILURE ON THE PART OF THE APPLICANT TO SUPPLY ALL NECESSARY SUPPORTIVE INFORMATION MAY BE GROUNDS FOR DENIAL OF THE REQUEST.**

APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION: Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the city and that, if additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional escrow amounts and payment. These fees include all actual costs including, but not limited to, planning, engineering, public notification and legal costs. All processing of an application will be halted if payments are not made within 30 days of receipt of a monthly statement from the City, in the event any escrow account established is insufficient to cover the costs.

SIGNED:

William J. Marsh
Property Owner

Date: 4-10-2024

Applicant (if not the Property Owner)

Date: _____

FOR CITY USE ONLY

Date Application Filed: 4/15/24

Basic Fees: 450.00

Received By: 38

Escrow Deposit: _____

Evidence of Ownership Submitted: Yes No Required
Certified Lot Survey: Yes No Required
Legal Description Adequate: Yes No Required

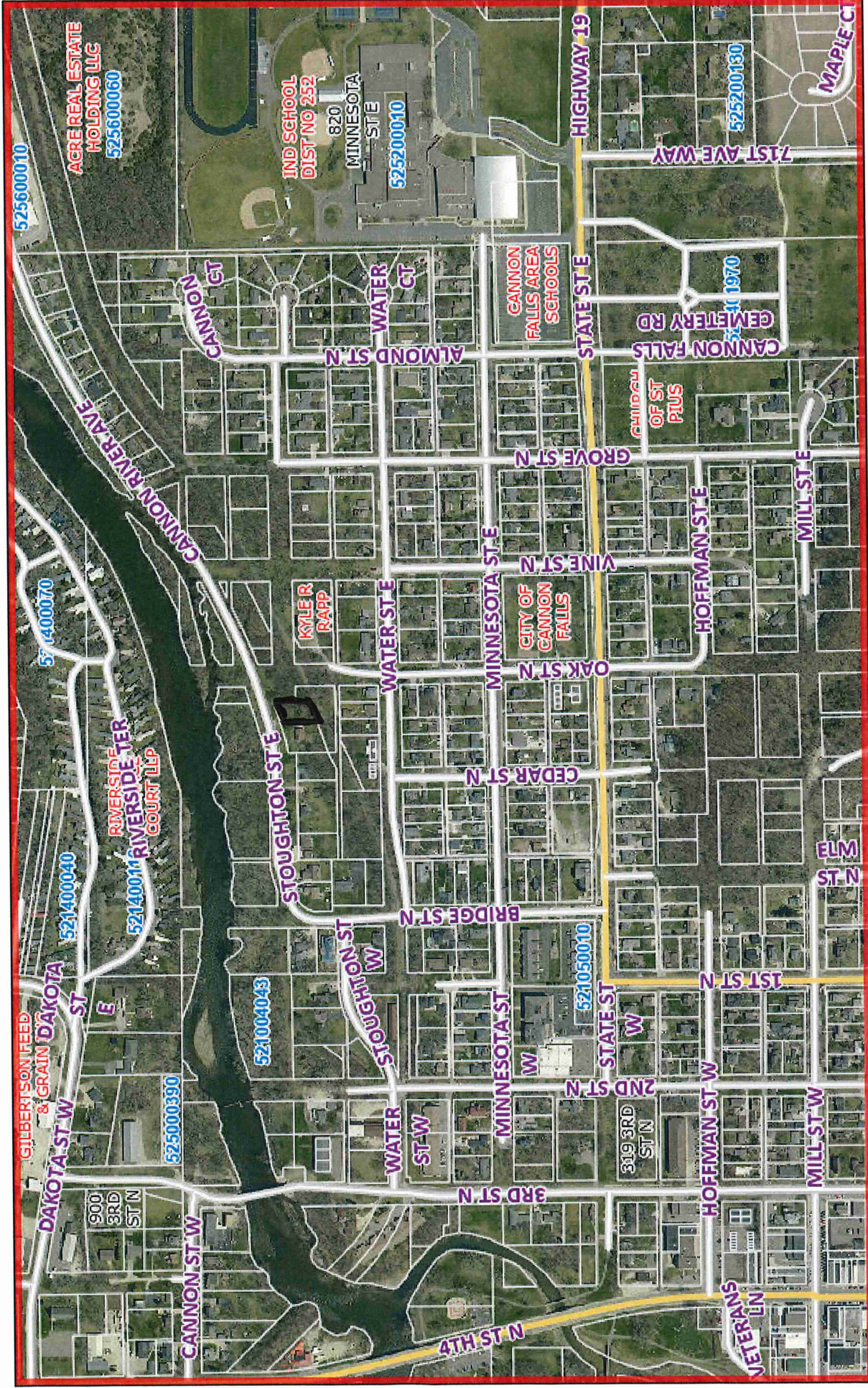
Date of Planning Commission Meeting: May 13th, 2024

Recommendation of Planning Commission on: _____ Approve Deny

Recommendation of City Council on: _____ Approve Deny

Subject to following conditions: R-3 Zone

Marsh Vacation



May 10, 2024

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

SHWY

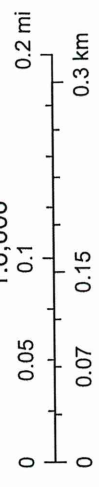
Full Address

PIN

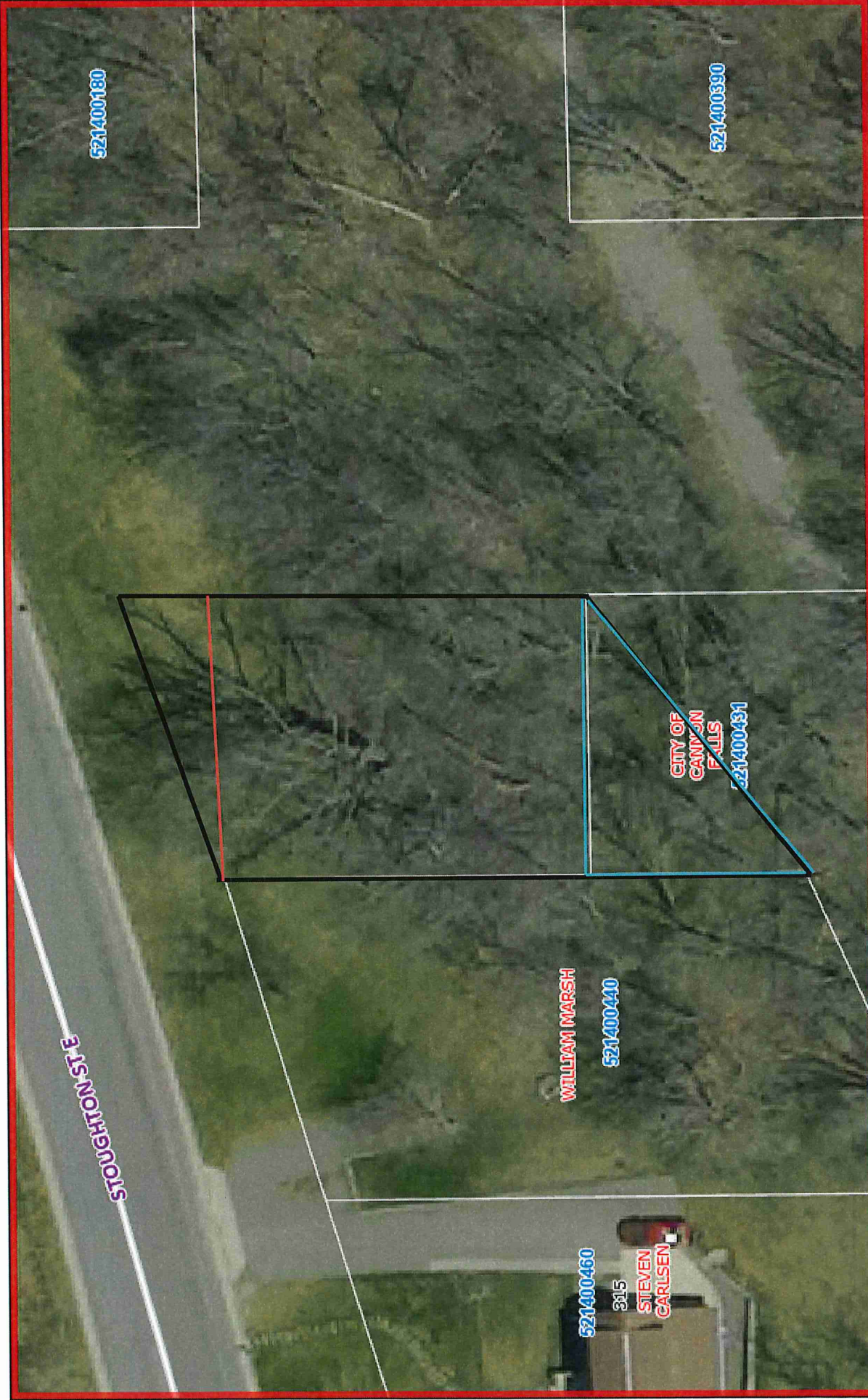
Full Name

Parcels

1:6,000



Marsh Vacation



May 9, 2024

Goodhue County Roads

PIN

CEM; ; OCTY; OCRLN; CTRLN

Full Name

House Number

Parcels

EX 3

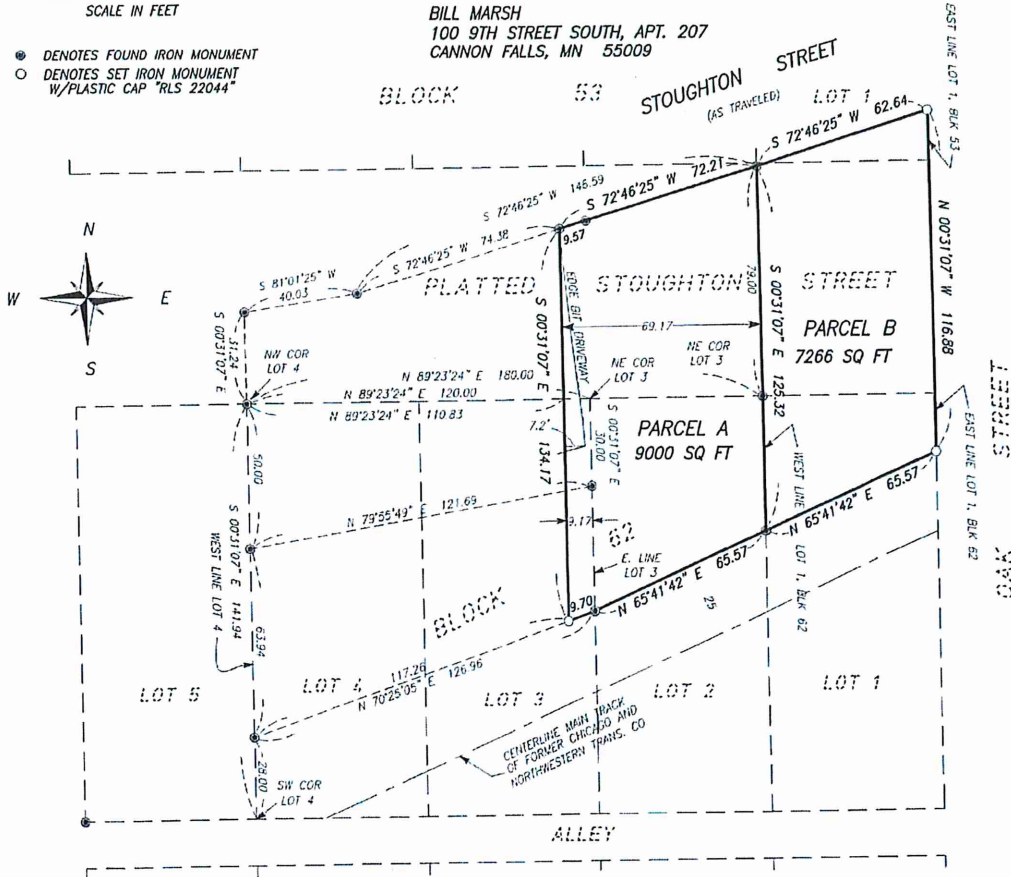


images may show optio



CERTIFICATE FOR:
 BILL MARSH
 100 9TH STREET SOUTH, APT. 207
 CANNON FALLS, MN 55009

- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT W/PLASTIC CAP "RLS 22044"



LEGAL DESCRIPTIONS

Parcel A (Existing Parcel)

That part of Lot 2 in Block 62 of Cannon Falls City Addition, according to the recorded plat thereof, lying Northwesterly of a line parallel with and distant 25 feet Northwesterly, measured at right angles, from the centerline of the main track of the Chicago and North Western Transportation Company as main track is now located.

And

The East 9.17 feet of the following described property: Part of Lots 3 and 4 in Block 62 of Cannon Falls City Addition, according to the recorded plat thereof, described as follows: Commencing 50.00 feet South of the Northwest corner of said Lot 4; running thence North 50.00 feet; thence East 120.00 feet to the Northeast corner of said Lot 3; thence South on the East line of Lot 3 a distance of 30.00 feet; thence Southwesterly 121.65 feet to the point of beginning.

And

The East 69.17 feet of the following described property: That part of Stoughton Street lying between Block 53 and Block 62, Cannon Falls City Addition, according to the recorded plat thereof, Goodhue County, Minnesota, described as follows: Beginning at the Northwest corner of Lot 4, Block 62; thence North 89 degrees 23 minutes 24 seconds East, bearing assumed, along the North lines of Lots 4, 3 and 2, said Block 62, a distance of 180.00 feet to the Northeast corner of said Lot 2; thence North 00 degrees 31 minutes 07 seconds West a distance of 79.00 feet; thence South 72 degrees 46 minutes 25 seconds West a distance of 146.59 feet; thence South 81 degrees 01 minute 25 seconds West a distance of 40.03 feet; thence South 00 degrees 31 minutes 07 seconds East a distance of 31.24 feet to the point of beginning.

And

The East 9.17 feet of the following described property: That part of Lots 3 and 4, Block 62, Cannon Falls City Addition, according to the recorded plat thereof, Goodhue County, Minnesota, lying southerly of a line beginning on the west line of said Lot 4, distant 50.00 feet south of the northwest corner of said Lot 4; thence easterly to a point on the east line of said Lot 3, distant 30.00 feet south of the northeast corner of said Lot 3, and lying northerly of a line, beginning at a point on the west line of said Lot 4 distant 28.00 feet north of the southwest corner of said Lot 4; thence northeasterly to a point on the east line of said Lot 3 distant 25.00 feet northwesterly, measured at right angles, from the centerline of the main track of the former Chicago North Western Transportation Company.

Containing 9000 square feet, more or less.

Parcel B (Proposed parcel)

That part of Lot 1, Block 62, Stoughton Street, and Lot 1, Block 53, Cannon Falls City Addition, according to the recorded plat thereof, Goodhue County, Minnesota, described as follows: Beginning at the intersection of the west line of said Lot 1, Block 62 with a line parallel with and 25.00 feet northwesterly, measured at right angles, from the centerline of the main track of the former Chicago North Western Transportation Company; thence North 65 degrees 41 minutes 42 seconds East (assumed bearing), along said parallel line, a distance of 65.57 feet to the east line of said Lot 1, Block 62; thence North 00 degrees 31 minutes 07 seconds West, along said east line of Lot 1, Block 62 and the east line of said Lot 1, Block 53, a distance of 116.68 feet; thence South 72 degrees 46 minutes 25 seconds West 62.64 feet to the northerly extension of the west line of said Lot 1, Block 62; thence South 00 degrees 31 minutes 07 seconds East along said West line of Lot 1, Block 62, and its northerly extension, a distance of 125.32 feet to the point of beginning.

Containing 7266 square feet, more or less.

Subject to all easements and restrictions of record, if any.

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.

OCTOBER 13, 2023

Date:

David G. Rapp

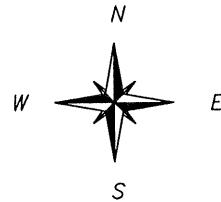
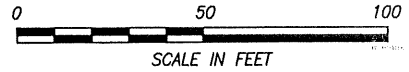
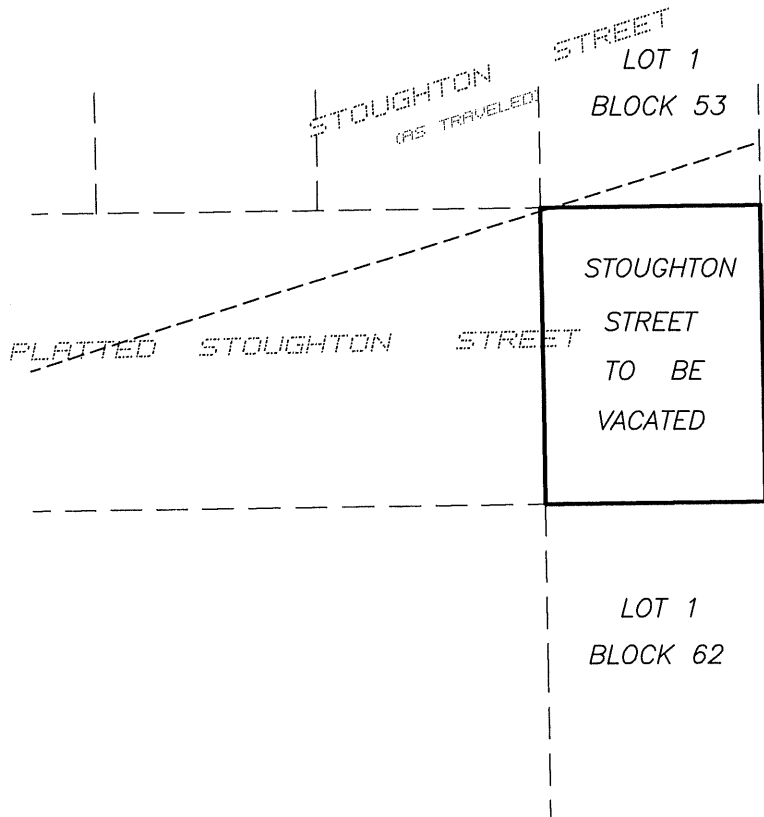
David G. Rapp
 Minnesota Registration No. 22044



RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
 KENYON, MN 55946
 612-532-1263

DRAWN BY: DGR	DATE: 10-13-23	PROJECT NO. D1806
SCALE: 1"=40'	SHEET 1 of 1 sheet	BOOK/PAGE 58/22



LEGAL DESCRIPTION OF STOUGHTON STREET TO BE VACATED:

That part of Stoughton Street in Cannon Falls City Addition, according to the recorded plat thereof, Goodhue County, Minnesota, lying northerly of Lot 1, Block 62, which lies southerly of Lot 1, Block 53, said Cannon Falls City Addition.

CERTIFICATE FOR:
CITY OF CANNON FALLS
ATTN: ZACH LOGELIN

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.

MAY 14, 2024

Dated:

David G. Rapp
 David G. Rapp
 Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
 KENYON, MN 55946
 612-532-1263

DRAWN BY: DGR	DATE: 5-14-24	PROJECT NO. D23269V
SCALE: 1"=50'	SHEET 1 of 1 sheet	BOOK/PAGE 58/22

**CITY OF CANNON FALLS
GOODHUE COUNTY MINNESOTA**

RESOLUTION NUMBER 2758

VACATION FOR WILLIAM MARSH

WHEREAS, William Marsh has made an application for a Vacation to be able to build a home that meets all the lot requirements in the R-3 zone; and

WHEREAS, the City of Cannon Falls is Vacating a portion of right of way east of PID 52.140.0440, legally described as That part of Stoughton Street in Cannon Falls City Addition, according to the recorded plat thereof, Goodhue County, Minnesota, lying northerly of Lot 1, Block 62, which lies southerly of Lot 1, Block 53, said Cannon Falls City Addition; and

WHEREAS, the Planning Commission conducted a public hearing on May 13, 2024 to accept public testimony relating to the application; and

WHEREAS, the Planning Commission finds that: the allowance of the requested Vacation reasonable; and

WHEREAS, the Planning Commission recommends to the Cannon Falls City Council that the application for the Vacation be conditionally approved.

NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that based on the findings of the Planning Commission which are hereby adopted by the City Council that the application for a Vacation by William Marsh to Vacate the portion of land east of his house legally described as That part of Stoughton Street in Cannon Falls City Addition, according to the recorded plat thereof, Goodhue County, Minnesota, lying northerly of Lot 1, Block 62, which lies southerly of Lot 1, Block 53, said Cannon Falls City Addition and to be attached to parcel 52.140.0440, be approved subject to compliance with all remaining requirements of the City of Cannon Falls Zoning Code Chapter 152 and State of Minnesota Building Code requirements.

ADOPTED by the City Council of Cannon Falls this 21st day of May, 2024.

CITY OF CANNON FALLS

Matt Montgomery, Mayor

ATTEST: _____

Neil L. Jensen, City Administrator