

TO: Cannon Falls City Council
FROM: Zach Logelin, License and Permit Technician
SUBJECT: James Hernke-Vacation
DATE: September 3rd, 2024

BACKGROUND

James Hernke has applied for a Vacation of City right-of-way to Vacate the 16-foot alley between Ohio Street and Washington Street (see exhibit 3).

This alley is the site of future stormwater project. If vacated, the City will need to have an easement on the vacated portion. I have attached a statement from our City Engineer regarding the future project. The alley acts as a drainage easement. If approved, our City Engineer advised putting a condition on the approval stating nothing can be built on the easement.

Since not all of the property owners signed the petition for a vacation, please see exhibit 4 of what specifically will be vacated.

Planning Commission voted in favor of this application.

The following are attached to further describe the proposal:

1. Vacation application
2. Vacation signatures
3. Aerial Map
4. Specific Vacation
5. Statement from City Engineer
6. Resolution 2779

REQUESTED COUNCIL ACTION

I respectfully request a motion approving Resolution 2779, Approving the Vacation for James Hernke.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on Monday, August 19th, 2024 beginning at 6:30 p.m. (or as soon thereafter as the matter may be heard) in the City Council Chambers at City Hall, 918 River Road, to conduct a public hearing to consider an application requesting a Vacation of City right of way. The applicant is applying to vacate the alley between Ohio and Washington street.

More detailed information relating to the application is available for public inspection at the office of the City Administrator, 918 River Road, Cannon Falls, MN 55099.

Anyone interested in offering comments with regard to the application for the Vacation will be given an opportunity to do so at this hearing.

Zach Logelin

507-263-9308

(Aug. 8, 2024) 243180



DEVELOPMENT APPLICATION

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

SUBJECT TO STAFF REVIEW

Street Location of Property: 404 Ohio St. W.

Legal Description of Property: St. Clair Terrace Haute N/S Alley

Block 37 ALL OR PART OF ALLEY

Owner of Record: Name: James V. Hernke

Daytime Phone: 612 309 7338

Address: 404 Ohio St. W.
Cannon Falls MN 55009

Applicant (if other than owner)

Name:

Notary Stamp

Daytime Phone:

Address:

E-Mail Address:

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

- Request: [] Conditional Use Permit [] Rezoning/Ordinance Text Amendment
[] Subdivision [] Variance
[] Concept [] Interim Use Permit
[] Preliminary Plat [] Amendment
[] Final Plat [] CUP/PUD
[] Administrative [] Site Plan Review
[] Administrative Permit [] Special Home Occupation
[X] Vacation [] Annexation Petition
[] Comp Plan Amendment [] Appeal
[] 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: 6/10/24

Date Submission Deemed to be Complete: 8/11/24 (PAID 8/11)

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

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:



Property Owner

Date: 5/28/24

Applicant (if not the Property Owner)

Date: _____

FOR CITY USE ONLY

Date Application Filed: _____

Basic Fees: \$ 450.00

Received By: [Signature]

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: August 19th, 2024

Recommendation of Planning Commission on: _____ Approve Deny

Recommendation of City Council on: _____ Approve Deny

Subject to following conditions: _____

Attachment A1
 CITY OF CANNON FALLS
 ZONING AND SUBDIVISION FEE SCHEDULE
 2024

	Base Fee/Recording	Escrow Deposit*	Total
Zoning:			
Comprehensive Plan Amendment	\$450	\$0	\$450
Variance	\$450	\$0	\$450
Appeal	\$450	\$0	\$450
Rezoning and Ordinance Text Amendment	\$450	\$0	\$450
Amendment	\$450	\$0	\$450
Conditional Use Permit	\$450	\$0	\$450
Planned Unit Development / Conditional Use Permit	\$450	\$0	\$450
Site Plan Review	\$0	\$0	\$0
Interim Use Permit	\$450	\$0	\$450
Administrative Permit	\$150	\$0	\$150
Home Occupation	\$150	\$0	\$150
Annexation Petition	\$450	\$0	\$450
Vacation	\$450	\$0	\$450
Renewal Permit	\$150	\$0	\$150
Other	\$250	\$0	\$250
Subdivision:			
Administrative Subdivision	\$250	\$0	\$250
Concept Plan	\$250	\$0	\$250
Preliminary Plat	\$500	\$2,500	\$3,000
Final Plat	\$500	\$500	\$1,000
Park Dedication:			
All Residential Units	Fees set by City Council Resolution	NA	10% land \$1,390.00/unit
Commercial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre
Industrial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre

**Whether or not an Escrow Deposit is required, if a consultant is engaged by the City to review the application and a cost is incurred for services rendered the applicant is responsible for payment of any and all professional service expenses. The final determination by the City Council will not be recorded unless and until any and all fees due have been paid by the applicant.*

5/28/2024

Jim Hernke
404 Ohio St. W.
Cannon Falls Mn
55009
612-309-7338
Block 32 Lot 4 & 5

Petition for Vacation:

I am applying to the city of Cannon Falls to vacate the alley between Ohio St. and St. Clair St. or CO. RD. 17.

Name on adjoining property:

Jim Hernke

Address:

404 Ohio St. W.

Phone number

612-309-7338

5/28/2024

Jim Hernke
404 Ohio St. W.
Cannon Falls Mn
55009
612-309-7338
Block 32 Lot 4 & 5

Petition for Vacation:

I am applying to the city of Cannon Falls to vacate the alley between Ohio St. and St. Clair St. or CO. RD. 17.

Name on adjoining property:

Jeffrey J. Zeitler
1422 Ashland Ave. St. Paul MN 55104

Address:

Vacant lot N. 5th St.

Phone number

(651) 235-2726

5/28/2024

Jim Hernke
404 Ohio St. W.
Cannon Falls Mn
55009
612-309-7338
Block 32 Lot 4 & 5

Petition for Vacation:

I am applying to the city of Cannon Falls to vacate the alley between Ohio St. and St. Clair St. or CO. RD. 17.

Name on adjoining property:

Jane Kade

Address:

1101 5th St. N

Phone number

507-581-3360

5/28/2024

Jim Hernke
404 Ohio St. W.
Cannon Falls Mn
55009
612-309-7338
Block 32 Lot 4 & 5

Petition for Vacation:

I am applying to the city of Cannon Falls to vacate the alley between Ohio St. and St. Clair St. or CO. RD. 17.

Name on adjoining property:

Lynn Schaefer

Address:

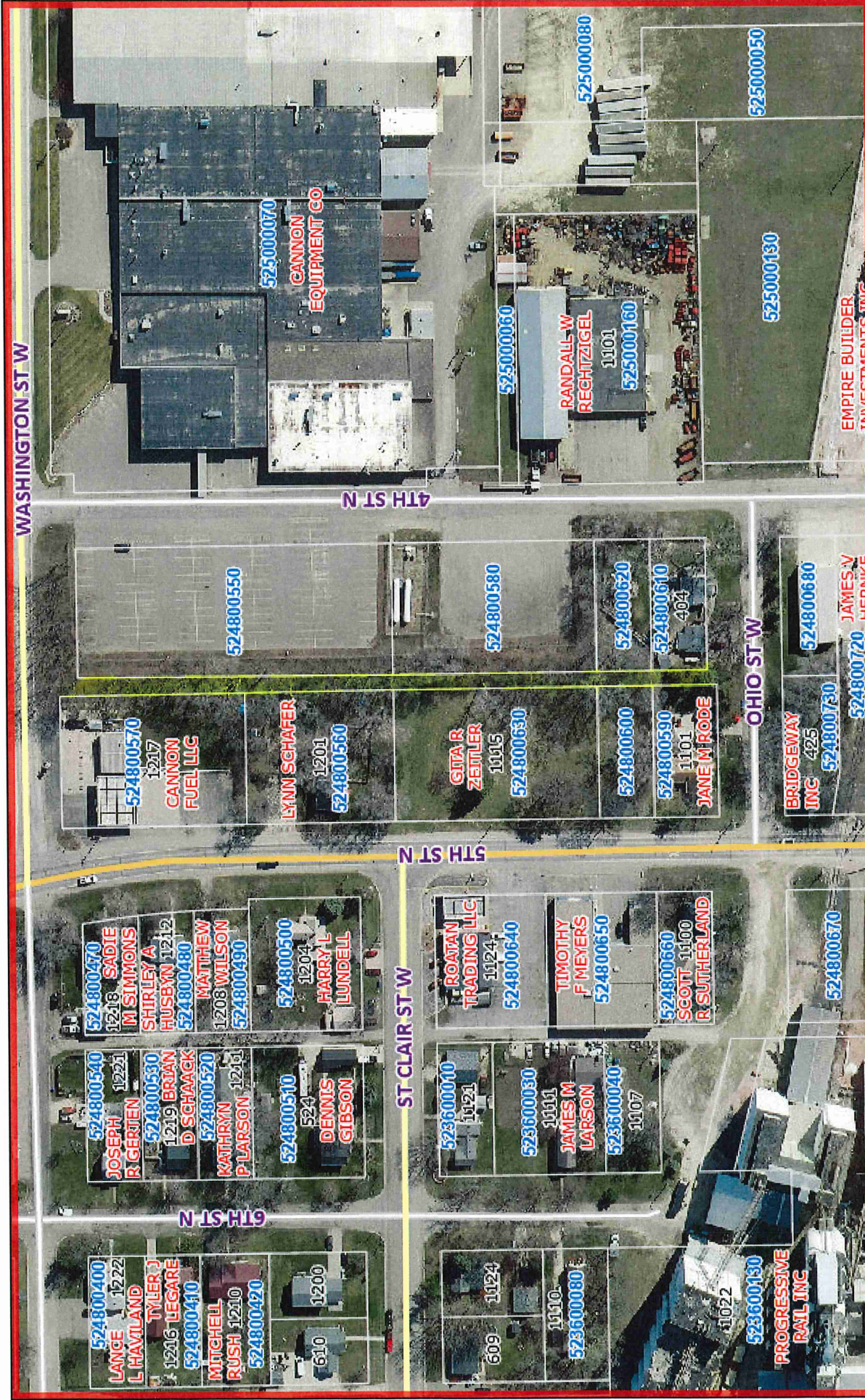
1201 5th St N Cannon Falls, MN 55009

Phone number

651.334.1707

Hernke Vacation

EX 3



August 14, 2024

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

CSAHP; CRP

SHWY

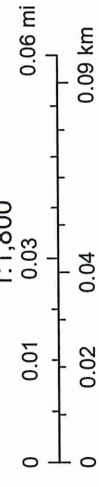
House Number

PIN

Full Name

Parcels

1:1,800



EX 5

zoning admin

From: Bill Angerman <bangerman@whks.com>
Sent: Wednesday, August 14, 2024 8:32 AM
To: zoning admin
Cc: Neil Jensen; Daren Sikkink
Subject: RE: [EXTERNAL] Future Stormwater Project--Planning Commission Question

Zach – Currently this alley acts as the drainage easement for the abutting lots. Our intent is to redirect some of this drainage (during a future street project) to the south into a new storm sewer on Ohio but this alley will still convey drainage to the north. I don't see an issue vacating it but the City will want to retain a drainage easement over it. A drainage easement **would still restrict what could be done in the area**. Do you know what the requesters plans are? I think we would still want to maintain a drainage easement, guessing ~~30~~ feet, through here. ~16

Thanks
Bill

William Angerman, P.E. | Executive Vice President, COO
Voice: 507.288.3923 | www.whks.com

whks



Click [here](#) to subscribe to our newsletter.

From: zoning admin <zoningadmin@cannonfallsmn.gov>
Sent: Tuesday, August 13, 2024 12:07 PM
To: Bill Angerman <bangerman@whks.com>
Cc: Neil Jensen <njensen@cannonfallsmn.gov>
Subject: [EXTERNAL] Future Stormwater Project--Planning Commission Question

Bill,
I have received an application for a Vacation to vacate a portion of city right of way (see attached) between Washington and Ohio street. I was told this may be the site of a future project, so I was wondering if you could provide me with any information you may have regarding this project so Planning Commission knows some details before/if they agree to vacate this alley.
Let me know if you need any more information.

Thank you for your time,
Zach Logelin
Permit and License Technician

City of Cannon Falls
918 River Road
Cannon Falls, MN 55009

507-263-9308

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

RESOLUTION NUMBER 2779

JAMES HERNKE-VACATION

WHEREAS, James Hernke (“Applicant”) is the applicant for a Vacation of City right-of-way located in the City of Cannon Falls and described on the attached Exhibit A (the “Vacation”);

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council;

WHEREAS, on August 19th, 2024 the Planning Commission held public hearings and considered the Applicant’s Vacation application, recommending approval;

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

WHEREAS, the City of Cannon Falls will retain a 16-foot drainage easement throughout the alley; and

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

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 a James Hernke to Vacate the portion of land between Ohio and Washington Street to the north and south as well as 5th and 4th street to the east and west (Exhibit A) 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 3rd day of September, 2024.

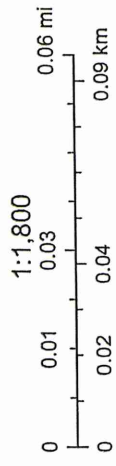
CITY OF CANNON FALLS

Matt Montgomery, Mayor

ATTEST: _____
Neil L. Jensen, City Administrator

ArcGIS WebMap

Exhibit A.



August 14, 2024

Goodhue County Roads

- CEM; ; OCTY; OCRLN; CTRLN
- CSAHP; CRP

Full Name

House Number

Parcels