



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Mark DuChene, City Engineer
MEETING DATE: April 23, 2019
SUBJECT: Authorize Request for Release of Trunk Highway
Right-of-Way Easement from Minnesota
Department of Transportation at 1410 Hwy. 60 W

Background:

On or about September 1988, the City of Faribault, the developer of Kentucky Fried Chicken (KFC), the owner of the billboard site along the east side of TH 21 (Lyndale Avenue), and MnDOT entered into a memorandum of understanding (MOU) for the redevelopment of the northeast corner of the intersection of TH's 21 & 60 for the construction of a KFC. The MOU contained the agreement that, in exchange for the City constructing Hulett Avenue to TH 60 (as it exists today) and vacating the extension of George L Street west of present day Hulett Avenue, MnDOT would turn-back a portion of old frontage road right-of-way that connected George L Street to TH 60 to the City and the City would then vacate said right-of-way to the Developer.

The current owner of the KFC is trying to sell the property and when they tried to get clean title to the property, it was discovered that there are issues with the title to the real estate, including that the frontage road right-of-way described above was never turned-back by MnDOT to the City and therefore never vacated by the City to the property owner. The property owner is in the process of completing a quiet title action on the subject parcel to gain clean title of which the City will likely be named a defendant and asked to sign off on.

In order to help facilitate the resolution to the title issues of the KFC property, Staff is requesting City Council authorization to request MnDOT turn-back the portion of right-of-way in question to the City so that in turn the City and landowner can move forward with the vacation process (through the vacation process the City will retain easement rights over existing public utilities). This is the easiest and preferred process from MnDOT to complete the turn-back process.

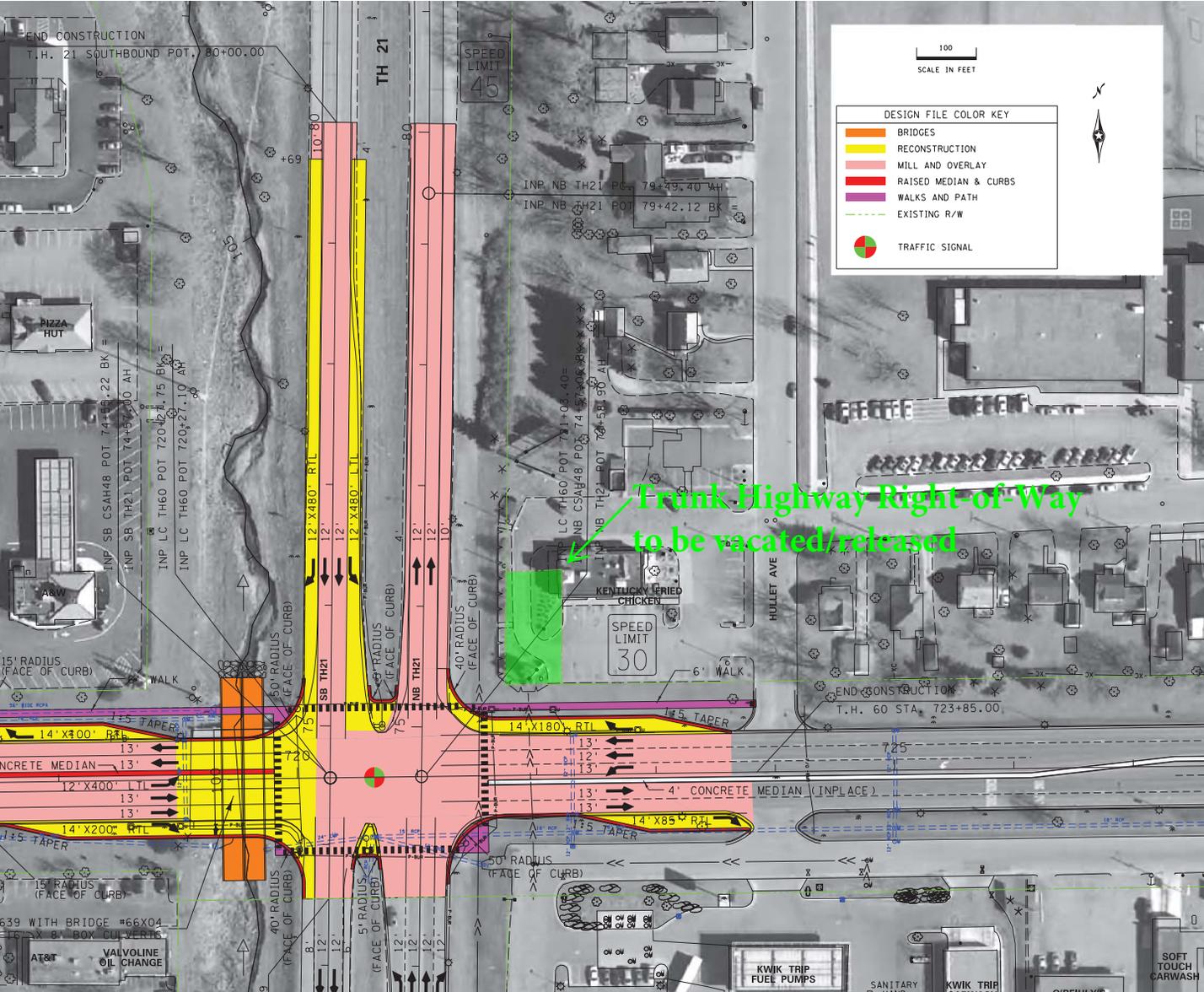
This process is similar to one completed by the City in 2003 for the development of the current Auto Zone property at 905 4th Street NW.

Recommendation:

Authorize Request for Release of Trunk Highway Right-of-Way Easement from Minnesota Department of Transportation at 1410 Hwy. 60 W

Attachments:

- Location Map
- Copy of 1988 MOU



END CONSTRUCTION
T.H. 21 SOUTHBOUND POT. 80+00.00

TH 21

SPEED LIMIT
45

100
SCALE IN FEET

DESIGN FILE COLOR KEY

- BRIDGES
- RECONSTRUCTION
- MILL AND OVERLAY
- RAISED MEDIAN & CURBS
- WALKS AND PATH
- EXISTING R/W
- TRAFFIC SIGNAL



Trunk Highway Right-of-Way
to be vacated/released

INP SB CSA448 POT 74+48.22 BK =
INP SB TH21 POT 74+52.40 AH
INP LC TH60 POT 720+16.75 BK =
INP LC TH60 POT 720+27.10 AH

INP NB TH21 PC 79+39.40 AH
INP NB TH21 POT 79+42.12 BK =

LC TH60 POT 721+05.40 =
NB CSA448 POT 74+52.40 BK =
INP NB TH21 POT 76+58.90 AH

SPEED LIMIT
30

END CONSTRUCTION
T.H. 60 STA. 723+85.00

15' RADIUS (FACE OF CURB)
14' X 400' RTL
1:5 TAPER

CONCRETE MEDIAN
12' X 400' LTL
13' TAPER

14' X 200' RTL
1:5 TAPER

15' RADIUS (FACE OF CURB)

639 WITH BRIDGE #66X04
15' X 8' BOX CULVERTS
AT&T
VALVOLINE OIL CHANGE

15' RADIUS (FACE OF CURB)

40' RADIUS (FACE OF CURB)

50' RADIUS (FACE OF CURB)

5' RADIUS (FACE OF CURB)

14' X 180' RTL
1:5 TAPER

14' X 85' RTL
1:5 TAPER

HULLET AVE

KWIK TRIP FUEL PUMPS

KWIK TRIP

SOFT TOUCH CARWASH

MEMORANDUM OF UNDERSTANDING

PREFACE

The following represents a statement of the understanding, intentions and interests of the parties with a direct involvement in the redevelopment of the former Whiting property, located at the northeast quadrant of the CSAH 48/TH 60 intersection.

City of Faribault

1. The City has facilitated the redevelopment of the blighted property through a partial vacation of George L. Street and a dedication of a new Hulett Avenue extension to replace the George L. Street access to Highway 60.
2. The City has required the developer to acquire residences on the north and east of the site, the former as a prerequisite to street vacation and the latter for roadway extension purposes.
3. The City views the project as the means to eliminate a long-standing blighted situation, to relocate an acknowledged hazardous intersection further to the east where better vision distance and vehicle stacking is available, and to remove a rapidly deteriorating low volume street section from the municipal system.
4. The City has been assured by the developer and has required as part of the vacation, a maintenance easement substantially in the location of the vacated street, which is proposed for parking and traffic access by the developer.
5. The City promises to record an access easement across the northern thirty feet of the vacated street section on a parcel owned by Charles Prestidge, abutting the vacated street on the north side. The easement shall afford perpetual access by maintenance and other vehicles to four billboards located on the Prestidge property.

Developer

1. The developer, Gary Hopfenspirger, agrees to grant a maintenance easement to the City of Faribault to cover municipal water and sewer lines located within the former street right-of-way. In the event a service line requires repair, the developer shall bear the burden of repair to the parking area.
2. The developer agrees to grant an easement to a parcel now owned by Charles Prestidge which abuts the development site on the north, for purposes of perpetual access related to maintenance and repair of four billboards located thereon. The easement shall be thirty feet in width, hardsurfaced, maintained and provided with a curb access on the south end of the Prestidge property.

Memorandum of Understanding
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Charles Prestidge

1. Mr. Prestidge agrees to accept a perpetual access easement to his parcel, provided it is recorded properly on the property, maintained at all times and capable of affording easy access to the property in the same or better manner as the now vacated street right-of-way.
2. Mr. Prestidge agrees, in return for an acceptable easement and guaranteed improved access to his property, to provide a quit claim deed to the section of right-of-way recently vacated by the City of Faribault. The entire section shall be contained within the above mentioned easement.

State of Minnesota

1. The State of Minnesota agrees to turn back a section of frontage road connecting TH 60 with the vacated portion of George L. Street, provided Hulett Avenue is extended to effectively replace the function of the frontage road.
2. The State of Minnesota (MnDOT) views the vacation, turnback and new roadway extension as a significant improvement in terms of public safety, convenience and access, and therefore firmly supports the redevelopment project.

CC: Dan Behrens, City of Faribault
Warren Chamberlain, City of Faribault
John Jensvold, City of Faribault
Charles Prestidge
Gary Hopfenspirger
Allen Paulson, MnDOT
Scott Thiem, Vogel Outdoor Advertising

JKJ:bam