

**City of Columbus**  
**Public Hearing – Chapter 8 Section 8-100, Lot Line Amendment**  
**(PC-15-115)**  
**December 2, 2015**

The December 2, 2015 Public Hearing to receive testimony regarding amending Chapter 8 – Subdivision Regulations in the Columbus City Code, Section 8-100, Lot Line Adjustments. was called to order at 7:12 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, and Recording Secretary Karen Boland.

Also in attendance were City Council member Bill Krebs, Sue Mulvihill, Pat Preiner, and Mary Preiner.

**Sternberg:** Now we're going to have a Public Hearing and discussion on Chapter 8, Section 8-100, Lot Line Adjustment Zoning Code Amendment, pages 24 -26. And, at this time, I'd like to ask the secretary to please read the notice as published.

Notice was read at this time by the recording secretary.

**Sternberg:** Thank you. And, again, Elizabeth?

**Mursko:** Planning Commission members, what you have before you is an ordinance amending Chapter 8, which is the subdivision regulations in the City Code. Currently the City Code allows me, along with State statute, to, um, do lot line adjustments administratively, which means that a property owner that wants to adjust the property line—not creating a new lot, but just moving a property line—within 20 feet, I can simply stamp the survey, as long as it has a legal description, and then appropriate deeds with the new legal descriptions. And then they go to Anoka County and they record it, and then, and then those legal description are, um, they could then, say they sell the land or it becomes legal at that point, once they record the deeds. It's come to my attention that in several occasions there are some subdivisions that were done in the '50s, and, I'm at least aware of one, which is Will's Addition on Lake Drive. And, it just seems that, for whatever reason, um, I don't know whether it was the technology today, we're better with markers and points and such, but those property lines can be up to 40 feet off. And we found that with, um, MUE, which is Minnesota Utilities and Excavating, those lines were 40 feet off, and the holding pond was actually on the next door neighbor's yard. I mean it was—it didn't create problems at that time, because the neighbors came to agreement that that was okay. But, you know, normally you would think well it's only ten feet or you would think that it was just a small distance, but in this particular case, that's what we're seeing there. And, at that time, um, you know, they were re-platting anyway, so it really was not a problem from them, but now I'm finding that there are other areas that we're having the same issue. And so we felt that it was time that it was put in the ordinance to allow me to stamp deeds that change the property line—and, again, not creating a new lot, but just simply moving the lot line—up to 50 feet, administratively. And we would use the same process of me stamping the deeds, and checking legal descriptions. And they would not be allowed to do it without a, um, survey. And that's what this ordinance represents.

**Sternberg:** Well, I have a, I have a question. Going back to last week's meeting with the DuFresnes, less—you know, forget about the five acre subdivision—but would, in the other part of the meeting they wanted to move, adjust the lot line, that would've allowed you to do something like that?

**Mursko:** You know, in that particular case, it was way more than 50 feet, in that regard. And they changed the shape of the lot, and they went from three lots to two lots in that forty. So that would not have met that criteria at all. And that was really a whole reconfiguration; that was just not simply moving one line, you know what I mean, to create a lot line adjustment. So, in that case, it really needed to be platted, which is why I encouraged them to come in with a plat including it, because then, once they did that, there was, there was no more legal descriptions to worry about. It was the most efficient way of doing it. So this would not have helped them.

**Sternberg:** Okay.

**Preiner:** Mr. Chair? Elizabeth, then what, what other issues would—besides a pond on the neighbor's property that you thought was yours—would you use this for?

**Mursko:** This is for, um, when you and your neighbor, 'Where is the property line?' 'Oh, it's this tree line.' And then somebody new comes in and realizes it's really not the tree line and you just put your pole building there. I mean, I can't tell you how many times—even on Kettle River—where, um, they, they don't know where their lot line is. And, so they just go by on what people said or they ask their neighbor, and it's not the line, and then they build something and they think it's 30 feet away, and it's really not. Um, I know there was an instance on Kettle River, there's an instance on Furman Street, where their septic are—'cause your septic, you need to move 10 feet away from the property line—and it's not the tanks, it's the drain field. On Coon Lake it was the well cap, where they actually had to buy an easement. Because, there, it's two non-conforming lots. So they actually had to buy an easement for the well head, you know, the right to use the well head, which I think still creates legal problems for that, but, regardless, they didn't want to drill a new well. It just gives me the ability to work with, you know, property owners in a manner that's—I won't say it's not expensive, because buying a survey is expensive, you know, having a survey done. And you'd have to have a survey of the line, so you need both lots on the survey, because you need the legal descriptions. But I just think it's another tool to help people move along through the process when it's only one lot line.

**Preiner:** So then both neighbors—so one neighbor has to buy, buy a strip of land from the next neighbor, because his building's actually on the other neighbor's property, and then he comes in to you for an adjustment?

**Mursko:** Mm-hmm.

**Preiner:** So then you just give 'em a . . .

**Mursko:** And then what happens is they have a, a survey that shows a new legal description. Then the quit claim deed. They now record two more, uh, two quit claim deeds to create those legals—or that show that those are the new legals for the property.

**Preiner:** Okay.

**Wolowski:** Mr. Chair? So it sounds like you've been doing this on kind of a level already. So, any, anything sketchy or loopholes you've come across, that, you know, where people could work around you on this? Just, you, you're pretty confident in that?

**Mursko:** You know the only the ones I've been able to do so far is 20 feet or less, and that's, these really have not come up too often. It's just an easy way of trying to right a property line. And this just gives me a little bit more flexibility in order, you know, in order to make something right.

**Wolowski:** Thanks.

**Krebs:** Mr. Chair, one more question. Is 50 feet, is that allotted by statute or is that something that you're just drawn to that number for this ordinance?

**Mursko:** The statute gives me no authority, uh, there is no more authority—the statute only gives me 20—statutorily, any City can do it for, you know, within 20 feet. Anything beyond that would be our own ordinance. Which is why this is an ordinance amendment.

**Krebs:** So is 50 enough?

**Mursko:** you know, I think, at this point, I'd like to see how that works. One-hundred feet is, you know, when we only require 220 feet worth of road frontage. Now you're starting to, there's a little bit more change to that, but 50 feet is, you know, to me was a mid-range that I can work with. If it doesn't work I would come back to the Council and say, 'It's not working, for this reason.'

**Krebs:** Okay.

**Watson:** So under any . . . I'm sorry, Mr. Chair?

**Sternberg:** Go ahead.

**Watson:** Under any condition that you're not comfortable with, you can just put a stop to it and bring it back to the Council, even though it may be under that 50 foot?

**Mursko:** Yeah, if there was more, you know, if it wasn't a straight line or if it wasn't consistent, pretty straightforward, I'd bring it to the Council for clarification, because this really doesn't give me a whole lot more of latitude. And when they get more complicated, there's more things that could, that impact it. It's usually when people are making crazy lines and different things, there's usually more to it than a simple lot line adjustment or a legal description. Um, whether the legal description was written incorrectly or applied incorrectly—we have a lot more technology now, and, you know, based up high is what we're able to see from the sky.

**Krebs:** And will this help residents who do want to subdivide their properties?

**Mursko:** The only thing that this will help is if, um, let's just say they have nine acres, and their neighbor has eight acres. And, I don't even know whether, depending on the depth of the property, it may give them that opportunity if one wants to subdivide and they want to buy, you know, a little bit more. But I don't know . . . it would depend on how deep the lot is, whether that would give them an acre or not. And that's the only thing I can think of. Because there are some people that have 9.5 acres, and they've been here, and they've said to me, 'Really, I can't subdivide, even with a variance?' And I'm like, 'Okay, there's no hardship here. There's no hardship except, you know, there's a financial opportunity at this point.' So, that's where I can see—it's the people that have that just under 10 acres that might look at it and say, 'I might want to do this for that ability.'

**Sternberg:** I'm going to open the hearing to the public at this time. Is there anyone here from the public to speak on the matter? Okay, and if you could, please just state your name and address for the record.

**Mulvihill:** Sure. I'm Sue Mulvihill. I own the property at 9141 Lake Drive. My mom and dad built the house on there in the early '60s, and this lot line adjustment thing would help me immensely, 'cause we've sold that property, with the house on it, and when we went to—the title company for the lender was looking at the property, and he looked at the GIS base map from Anoka County and, lo and behold, it showed the property line goes through our house, and it goes through the neighbor's house, so we own like, their kitchen, which we knew to be untrue, because we knew where the actual corner markers are for the house. My mom and dad had it surveyed in 1970, but, for whatever reason, that legal description was not recorded at Anoka County. So the one that they've had there for years and years for our one-acre piece has been wrong. So, uh, we had a certificate of survey done and I, I have it here. And it's not cheap to get surveys done when there's a problem. It's like \$3000 so far, I think. But, uh, we need to adjust the lot line slightly over to where the actual monuments are in the ground, that they found in the survey process. And so this ordinance change would really help us do that. I think we've got to adjust them 28 feet on one corner and 30 feet on another. It, essentially, just moves our whole lot over a little bit to the west, corrects the legal description at the County level, corrects the neighbors—Tuominens—and, uh, and then we can go from there. So, just saying that this would be a benefit to those kinds of situations where Elizabeth would be able to administratively change those lines for you. Okay?

**Sternberg:** Thank you very much.

**Mulvihill:** Thanks. I appreciate any help you can give me.

**Sternberg:** Anyone else here from the public? Okay, at this time I'm going to close the hearing with the right to reopen if it becomes necessary.

Hearing closed at 7:26 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary