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AUG 13 2020

City of Columbus

16319 Kettle River Blvd. • Columbus, MN 55025  
phone: (651) 464-3120  
website: ColumbusMN.us

APPLICATION FOR CONSIDERATION OF CONDITIONAL USE PERMIT, INTERIM USE PERMIT  
RE-ZONING, SITE PLAN REVIEW, VARIANCE

APPLICANT:

Name: Brad and Jennifer Waletzko Phone: 763-245-1625 (Alt.): \_\_\_\_\_

Address: 5348 182nd Lane NE Email: aura0016@yahoo.com

City: Columbus State: MN Zip: 55092

OWNER: (If other than applicant)

Name: \_\_\_\_\_ Phone (work) \_\_\_\_\_ (Alt.) \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Legal description of property: See Attached

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Additions(s) \_\_\_\_\_

Existing use of property: Homestead Present zoning: Residential

Action Requested: Please check (✓) Re-zoning \_\_\_\_\_ Site Plan Review \_\_\_\_\_ Variance \_\_\_\_\_

Conditional Use Permit \_\_\_\_\_ Interim Use Permit \_\_\_\_\_ SSTS Administrative Variance \_\_\_\_\_

Other (fill in) X \_\_\_\_\_

Description of and reason for request (attach additional information and requirements if necessary)

See attached Petition to Vacate Easement

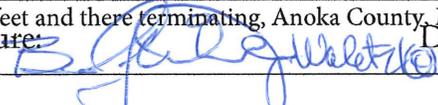
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

SIGNATURE OF APPLICANT: Brad and Jennifer Waletzko DATE: 8-12-20  
SIGNATURE OF OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of Applicant: Brad and Jennifer Waletzko		
Address of Applicant: 5348 182nd Lane NE		
City: Columbus	State: MN	Zip: 55092
Street Address of Subject Property: 5348 182nd Lane NE, Columbus		
Legal Description of Subject Property: That part of the East half of the Southeast quarter of the Southwest quarter (E 1/2 of SE 1/4 of SW 1/4) of Section 31, Township 33, Range 22, Anoka County, Minnesota, lying Southerly of the following described line: Beginning at the point of intersection of the center line of 182nd Lane, as dedicated on the recorded plat of Hanke's Addition, Anoka County, Minnesota, with the West line of said E 1/2 of SE 1/4 of SW 1/4 (said point to be hereinafter known as point "A"); thence Easterly, parallel with the South line of said E 1/2 of SE 1/4 of SW 1/4, a distance of 657.9 feet to the East line of said E 1/2 of SE 1/4 of SW 1/4, and there terminating. Subject to and reserving a 33-foot nonexclusive easement for ingress and egress and roadway purposes over and across part of the above-described parcel. The North line of said easement is described as follows: Beginning at the above-described point 'A'; thence Easterly, parallel with the South line of said E 1/2 of SE 1/4 of SW 1/4, a distance of 560 feet and there terminating. Also subject to and reserving a 66-foot nonexclusive easement for roadway turnaround purposes over and across the above-described parcel. The West line of said easement is described as follows: Beginning at the above-described point "A"; thence Southerly, along the West line of said E 1/2 of SE 1/4 of SW 1/4, a distance of 55 feet and there terminating, Anoka County, Minnesota.		
Signature: 		Date: 8-12-20

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

*This affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to final action by the City Council.*

**City of Columbus**

**Vacation Petition**

**Date: August 10, 2020**

Re: Petition to Vacate Easements at end of 182<sup>nd</sup> Lane NE on 31-33-22-34-0008 and 31-33-22-34-0007.

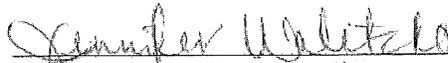
We, the undersigned, having ownership interest, respectfully request that the Columbus City Council seek to vacate the roadway easement located at the end of 182<sup>nd</sup> Lane that encompasses the north 33' of 5348 182<sup>nd</sup> Lane NE, Columbus, Minnesota, for 560' and the south 33' of 5317 182<sup>nd</sup> Lane NE, Columbus, Minnesota for 560'; then - properly establish and convey the 55' turnaround for the development of a partial cul-de-sac that would satisfy 5348's necessary road frontage; and establish and convey a new 66' right of way for 440' or 560' that has it's south line as 5317's south line for their road frontage. In the event that the Council does not wish to address the portion of the easement on 5317, then just to vacate the 33' portion on 5348 in exchange for conveying of the 55' turnaround to the City. This petition is supported by the application, and attachments submitted by the Waletzko's.

Dated: August 10, 2020



Brad Waletzko - Applicant  
5348 182<sup>nd</sup> Lane NE

Dated: August 10, 2020



Jennifer Waletzko - Applicant  
5348 182<sup>nd</sup> Lane NE

## DESCRIPTION OF AND REASON FOR REQUEST

DESCRIPTION OF REQUEST– Vacate the 66’ right of way centered on the shared property line for 5348 and 5317 182<sup>nd</sup> Lane, contingent upon establishing new easements that satisfy the needs of the property owners, while preserving the City and Public’s interests relative to the comprehensive plan. Alternatively, vacating the 33’ easement on 5348’s north property line in exchange for conveyance of the 55’ turnaround to the City, which preserves the City and Public’s interests.

The owners of 5317 (the Herzogs) were provided a copy of this on 7/3/20, 8/3/20, 8/7/20 and 8/9/20. We approached them to discuss it on four occasions.

There are 2 easements identified on the legal description for 5348:

- 1) a 33’ easement for 560’ that has been QCD to the City; and
- 2) a 55’ easement for turnaround purposes that has been conveyed to no one.

1) The right of way easement centered on the shared property line for 5348 and 5317 182<sup>nd</sup> Lane is different than others in the area that were intended to allow for an extension of a road because it does not go the entire width of the parcel and would not allow for the extension of the road to access other parcels for any subdivision purpose. 5348 parcel's width is 657.9' so the 33' easement was never intended to achieve an extension of 182<sup>nd</sup> Lane, but rather serve as an access point/private driveway for 5348. 5317 has established a driveway at the end of 182<sup>nd</sup> Lane at point A. The driveway for 5348 that is partially in the easement is not used by the owners of 5317, nor could they feasibly use it as a method to access their property because the easement cuts off before the clearing to the North and is surrounded by swamp that is untravellable/undevelopable.

2) The 55’ easement was never conveyed to anyone so while the City has created a hammerhead turnaround, they had no permission by any landowner to do so.

The City started plans this year to create a cul-de-sac at the end of 182<sup>nd</sup> in the 55’ easement for emergency vehicles, buses, garbage trucks, etc. The creation of the cul-de-sac will establish the 220’ of necessary roadway frontage for 5348 to have a legal, conforming lot, leaving no need for any easement along its north property line. The owners of 5348 have a vested interest in not allowing the general public to travel their unimproved driveway. For liability, safety and privacy reasons, they wish to install a gate of other permanent fixture that identifies their access point as a private drive versus a public roadway extension. The proposal is to eliminate/vacate the 33’ easement from 5348 entirely, properly establish and convey the 55’ easement to the City to allow for the cul-de-sac, and leave 5348 as a legal, conforming lot with only 1 easement at its NW corner.

In the short 7 months of living here we have already had two non-hunter trespassing episodes. The most recent involved criminals having stolen plates and dumping trash. We want to put up a gate on our driveway to deter unwanted people from trespassing.

5348 consists of 13.5 acres, which could arguably be sub dividable except for the swamp, wetland, pond and lack of high ground that deem it impossible to establish another buildable lot under the Code such that the council should not factor that into consideration.

Moving on to 5317. In eliminating the 33' foot easement that runs its south property line and 5348's north property line, they would still need "road frontage" to have a legal, conforming lot. The proposal is to either create a new 440' or 560' easement entirely on their property at their south line or simply keep the current 560' easement at their south property line and not have it extend onto 5348. These two parcels (5317 and 5348) have a lot of wetlands that need to be acknowledged as it relates to the practicality of them ever being sub dividable. We do not want to affect 5317's possibility of subdividing so that is why we are proposers to reestablish a 66' rights of way entirely on their property.

The proposal could include a provision that 5317 would have exclusive use of their new easement until such time as the City provides Notice of their intent, plans and timeline for installing material in the easement to create a visible, travelable roadway.

I believe all the work on carrying this out has been completed. A costly survey has been attached and paid for, the new proposed legal descriptions are enclosed, and the Quit Claim Deeds establishing and conveying the new easements are enclosed.

**5348 182<sup>nd</sup> Lane NE - New Legal Description**

That part of the East half of the Southeast quarter of the Southwest quarter (E 1/2 of SE 1/4 of SW 1/4) of Section 31, Township 33, Range 22, Anoka County, Minnesota, lying Southerly of the following described line:

Beginning at the point of intersection of the center line of 182nd Lane, as dedicated on the recorded plat of Hanke's Addition, Anoka County, Minnesota, with the West line of said E 1/2 of SE 1/4 of SW 1/4 (said point to be hereinafter known as point "A"); thence Easterly, parallel with the South line of said E 1/2 of SE 1/4 of SW 1/4, a distance of 657.9 feet to the East line of said E 1/2 of SE 1/4 of SW 1/4, and there terminating. Subject to and reserving a 66-foot nonexclusive easement for roadway turnaround purposes over and across the above-described parcel. The West line of said easement is described as follows:

Beginning at the above-described point "A"; thence Southerly, along the West line of said E 1/2 of SE 1/4 of SW 1/4, a distance of 55 feet and there terminating, Anoka County, Minnesota.

Abstract title.

**5317 182<sup>nd</sup> Lane NE – New Legal Description**

That part of the East half of the Northeast quarter of the Southwest quarter of Section 31, Township 33, Range 22, Anoka County, Minnesota, lying southerly of the following described line:

Commencing at the southeast corner of the E ½ of NE ¼ of SW ¼ of Section 31; thence northerly, along the east line of said E ½ of the NE ¼ of SW ¼ a distance of 410.00 feet to the point of beginning of the line to be herein described; thence westerly, in a straight line, a distance of 672.1 feet to a point on the west line of said E ½ of NE ¼ of SW ¼ distant 238.00 feet north of the southwest corner of said E ½ of NE ¼ of SW ¼ as measured along said west line of the E ½ of NE ¼ of SW ¼, and there terminating.

ALSO: That part of the East half of the Southeast quarter of the Southwest quarter of Section 31, Township 33, Range 22, Anoka County, Minnesota, lying northerly of the following described line:

Beginning at the point of intersection of the center line of 182nd Lane, as dedicated on the recorded plat of Hanke's Addition, Anoka County, Minnesota, with the West line of said E ½ of SE ¼ of SW ¼ (said point to be hereinafter known as point "A"); thence easterly, parallel with the south line of said E ½ of SE ¼ of SW ¼, a distance of 657.9 feet to the east line of said E ½ of SE ¼ of SW ¼, and there terminating.

***PICK ONE***

\*Subject to and reserving a 66-foot right of way easement for roadway purposes over and across the East half of the Southeast quarter of the Southwest quarter of Section 31, Township 33, Range 22, Anoka County, Minnesota. The south line of said easement is described as follows:

Beginning at the point of intersection of the center line of 182nd Lane, as dedicated on the recorded plat of Hanke's Addition, Anoka County, Minnesota, with the West line of said E ½ of SE ¼ of SW ¼ (said point to be hereinafter known as point "A"); thence easterly, parallel with the south line of said E ½ of SE ¼ of SW ¼, a distance of 560.00 feet to the east line of said E ½ of SE ¼ of SW ¼, and there terminating.

OR

\*Subject to and reserving a 66-foot right of way easement for roadway purposes over and across the East half of the Southeast quarter of the Southwest quarter of Section 31, Township 33, Range 22, Anoka County, Minnesota. The south line of said easement is described as follows:

Beginning at the point of intersection of the center line of 182nd Lane, as dedicated on the recorded plat of Hanke's Addition, Anoka County, Minnesota, with the West line of said E ½ of SE ¼ of SW ¼ (said point to be hereinafter known as point "A"); thence easterly, parallel

with the south line of said E ½ of SE ¼ of SW ¼, a distance of 440.00 feet to the east line of said E ½ of SE ¼ of SW ¼, and there terminating.

OR

\*Subject to and reserving a 33-foot right of way easement for roadway purposes over and across the East half of the Southeast quarter of the Southwest quarter of Section 31, Township 33, Range 22, Anoka County, Minnesota. The south line of said easement is described as follows:

Beginning at the point of intersection of the center line of 182nd Lane, as dedicated on the recorded plat of Hanke's Addition, Anoka County, Minnesota, with the West line of said E ½ of SE ¼ of SW ¼ (said point to be hereinafter known as point "A"); thence easterly, parallel with the south line of said E ½ of SE ¼ of SW ¼, a distance of 560.00 feet to the east line of said E ½ of SE ¼ of SW ¼, and there terminating.

\*Landowner shall have exclusive usage rights until such time as the City provides Notice of their intent, plans and timeline for installing material in the easement to create a visible, travelable roadway and shall retain exclusive usage rights until the City puts in the material.

**RESOLUTION NO. 20-XX**

**CITY OF COLUMBUS  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**A RESOLUTION SETTING A PUBLIC HEARING FOR A STREET VACATION**

WHEREAS, the City Council of the City of Columbus (the “City Council”) has authority under Minnesota Statutes, Section 412.851, to vacate any street, alley, public grounds, public way, or any part thereof by resolution on its own motion; and

WHEREAS, the City of Columbus received a petition on 08.13.2020 from Brad & Jennifer Waletzko to vacate a portion of 182<sup>nd</sup> Lane (the “Easement”) as shown on survey dated 03.19.2020; and

WHEREAS, ; and

WHEREAS, ; and

(Legal Description)

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, MINNESOTA AS FOLLOWS:

The City Council will consider the vacation of such street and a public hearing shall be held on such proposed vacation on the 14th day of October 2020, before the City Council in the City Hall located at 16319 Kettle River Blvd NE, Columbus, MN 55025 at 7:00 p.m.; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

Passed and adopted by the City Council of the City of Columbus, Minnesota, this 9th day of September, 2020.

By: \_\_\_\_\_  
Jesse H. Preiner  
Its: Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Mursko, City Administrator