
**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◦STEPHEN H. FOCHLER
△JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
□*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
*BRIDGET McCAULEY NASON
TONA T. DOVE
AARON S. PRICE
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
ROGER C. MILLER
1924-2009

*ALSO ADMITTED IN WISCONSIN
△ALSO ADMITTED IN NORTH DAKOTA
◦ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA
△ALSO ADMITTED IN ARIZONA

MEMO

TO: Sunfish Lake Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: December 28, 2017
RE: Charlton Road Street Reconstruction Project Status Update
January 2, 2018 Council Meeting; Agenda Item 9(d)

Section 1. Background. The City seeks to obtain permanent easement rights for street, drainage and utility purposes along a portion of parcels adjoining Charlton Road in connection with the Charlton Road Reconstruction Project. There are 15 affected parcels where the City is seeking to obtain easement rights. A letter enclosing the Permanent Drainage and Utility Easement document was sent to the 15 affected landowners on November 9, 2017. The letter asked for the signed Easement to be returned to the City Attorney by December 15, 2017. If the landowner was unwilling to sign the Easement, the letter asked that the landowner provide the landowner's position to the City.

Section 2. Update. A chart containing the current status of the 15 affected parcels is attached to this memo. The City has received signed Easements from three of the 15 affected parcels. The City received responses from four of the 15 affected landowners that they are unwilling to sign the Easement.

Section 3. Previous Project Schedule. The previous Project schedule is set forth below. We need to discuss whether the schedule should be extended to allow more opportunity for contact with the landowners.

Tuesday, February 6, 2018:

- Council passes resolution calling for public hearing to order project on April 3, 2018

Tuesday, April 3, 2018:

- Council conducts public hearing to order project
- Council orders project
- Council approves engineering plans and specifications
- Council authorizes bids

Friday, May 11, 2018:

- City opens bids

June 4, 2018:

- City awards construction contract

June 25, 2018:

- Contractor begins construction

Friday, July 27, 2018:

- Construction substantially completed

Section 4. Council Action. The next step is for the Council to provide direction with respect to the easement acquisition process. We need to discuss whether the schedule should be extended in order to grant the City more time to obtain the easements voluntarily from the landowners.

Attachment

Parcel No.	Fee Owner	Status of Easement
Parcel 1	Saint Anne's Episcopal Church, a Minnesota non-profit corporation	Willing to sign, if the Easement is revised. Don Sterna is working on revising the Easement.
Parcel 2	Michael A. Hovey and Margaret M. Hovey, as joint tenants	In favor of Project and will sign.
Parcel 3	Mary J. Malachway, a single person	Told Don Sterna she would sign.
Parcel 4	John Gary Gustafson, a single person	Nonresponsive.
Parcel 5	Violet Dobrantz, Elroy R.E. Dobrantz, Donna Dobrantz, Gladys Dobrantz and Raymond Dobrantz, as tenants in common	Will not grant Easement.
Parcel 6	Aydin Moradian and Rebecca Lynn Reich Moradian, as joint tenants	Has signed the Easement.
Parcel 13	Michael Silverman and Joanne Silverman, as joint tenants	In favor of Project; however wants more information about driveway before signing Easement.
Parcel 15	David L. Smith and Wendy Smith, as tenants in common	Told Don Sterna they would sign.
Parcel 21	Shannon Michael Werb and Margaret Ann Gehrig, as Trustees of the Shannon Michael Werb Revocable Trust U/A June 28, 2017, a one-half interest and Margaret Ann Gehrig and Shannon Michael Werb, as Trustees of the Margaret Ann Gehrig Revocable Trust U/A June 28, 2017, a one-half interest	Willing to sign, if the Easement is revised. Don Sterna is working on revising the Easement. This may affect the Easement agreements for Parcel 28 and 29.
Parcel 22	Martha H. Norton, a single person	Will not grant Easement.
Parcel 23	Elizabeth Ann Hammett and Katherine Carol Ginkel, as joint tenants	Will not grant Easement.
Parcel 24	John Hutchinson and Sharon Hutchinson, as joint tenants	Don Sterna thought they were in favor of the Project; however, we have not received the Easement yet.
Parcel 28	Brent J. Brooks and Rebecca A. Brooks, as joint tenants	Will not grant Easement.
Parcel 29	Rebecca Ann Debertin, a single person	Has signed the Easement.
Parcel 26	J. Edward Corn, Jr. and Jane Wu Corn, as joint tenants	Has signed the Easement.