
Sponsor: Public Works

Meeting Date: 11/12/2024

Title: Disclaim and Extinguish Interest in Unused Right-of-Way

File Number: 2024-507

Background and Rationale:

A recent construction project revealed that the land included an interest in favor of the County of Ramsey as road right-of-way that is not currently being used and does not appear to be necessary for current or planned needs.

The unused county road right-of-way is located west of Centerville Road and north of Koehler Road in Vadnais Heights in the Southeast Quarter of Section 29, Township 30, Range 22 in Ramsey County, Minnesota. The portion of county right-of-way to be vacated is shown on Attachment A and is more particularly described as follows: VACATE part of KOEHLER ROAD, formerly Kohler Road, as established in STOCKDALE FARMS lying westerly of the Westerly Right Of Way of CENTERVILLE ROAD, as is established and is a northerly extension of the Southeasterly Line of OUTLOT A of BONSELL ADDITION, and northerly and easterly of the following line and its extensions:

Commencing at the Southeast Corner of Section 29, Township 30 North, Range 22 West; thence South 89 degrees 49 minutes 24 seconds West, along the southerly line of said Section 29, for 527.62 feet; thence North 58 degrees 19 minutes 23 seconds West for 238.26 feet to the southeasterly line of OUTLOT A, BONSELL ADDITION and the POINT OF BEGINNING; Thence continue North 58 degrees 19 minutes 23 seconds West for 271.19 feet; thence North 37 degrees 02 minutes 13 seconds East, parallel to and 270.00 feet perpendicularly from the southeasterly line of said OUTLOT A, for 108.10 feet to the northerly line of the Right Of Way for Koehler Road, formerly Kohler Road, established in STOCKDALE FARMS and there terminating.

The area to be vacated is shown on the attached Attachment A.

Review of the history of the right-of-way demonstrates that the right-of-way was created and dedicated in the Plat of STOCKDALE FARMS in 1917.

The current alignment of Koehler Road has remained the same for over 40 years; it was located to its current alignment to provide for a safer roadway.

The extinguishment of unused rights-of-way that are not recorded against the property and are not currently used or needed for foreseeable public uses, would return the property to unencumbered use by the property owner, would help clear the title to the property, would remove land that requires county maintenance, and eliminates risk and potential liabilities associated with the historic property interests. Therefore, the County Engineer recommends extinguishing all interest in the unused rights-of-way. The county may extinguish its interest in the county highway pursuant to Minnesota Statute Section 163.11, subdivision 7 if:

- (1) the interest is not a fee interest;
- (2) the interest was established more than 40 years earlier;

- (3) the interest is not recorded with the county recorder;
- (4) no highway improvement has been constructed on a right-of-way affected by the interest; and
- (5) no highway maintenance on a right-of-way affected by the interest has occurred within the last 40 years.

The county's interest in the county highway right-of-way was acquired by road order, prescription, or dedication. As such, the interest is equivalent to an easement and is not a fee title interest.

The county's unused right-of-way was acquired over 40 years ago.

A review of the records of the County Recorder indicates that the unused rights-of-way are not recorded.

No highway currently exists on the unused rights-of-way, and no improvement or maintenance has been performed in over 40 years.

Therefore, Ramsey County may extinguish the interest in the highway by adopting a resolution disclaiming and extinguishing any interest in the rights-of-way and filing and recording the resolution with the County Auditor and County Recorder.

Recommendation:

The Ramsey County Board of Commissioners resolved to:

1. Approve the disclamation and extinguishment of the county's interest in the unused county road right-of-way located west of Centerville Road and north of Koehler Road in Vadnais Heights in the Southeast Quarter of Section 29, Township 30, Range 22 in Ramsey County, Minnesota.
2. Request that a copy of this resolution be filed with the County Auditor and County Registrar.

A motion to approve was made by Commissioner Ortega, seconded by Commissioner Frethem. Motion passed.

Aye: - 4: Frethem, Ortega, Reinhardt, and Xiong

Absent: - 2: McGuire, and Moran

By: 

Jason Yang, Interim Chief Clerk - County Board