

Memorandum

To: David Chanski, City Administrator
City of Breezy Point

From: Paul Sandy, PE

Date: August 28, 2024

Re: WSB Project No. 022038-000
Buschmann Road and Ranchette Drive Reconstruction Project
Right of Way Acquisition and Design Services

At the request of City staff, WSB has prepared this memorandum to update the City Council on the status of right of way acquisition, one-on-one meetings with property owners related to right of way acquisition and provide an update on final design for the Buschmann Road and Ranchette Drive Improvement Project. This memorandum is also being provided to provide some clarity to the right of way being proposed for the Buschmann Road and Ranchette Drive Improvement Project and provide exhibits to the City Council and individual residents, so they understand the impacts of the proposed project construction. I apologize in advance for not being able to attend this meeting, as the Labor Day holiday on Monday has pushed your meeting to Tuesday, in which I have conflicts with my existing City Council meeting in East Gull Lake.

From a point of reference, exhibits of the proposed impacts and right of way acquisition is being prepared by WSB and are not ready for inclusion in the City Council packet. It is WSB's full intent to provide these exhibits prior to the Council meeting. The exhibits being prepared will be on plan sheets that show an aerial photograph, the proposed right of way acquisition for the project, and projected impacts to trees within the temporary and permanent easements on the project.

Right of Way Update

The current existing right of way on Buschmann Road and Ranchette Drive varies significantly based on where you are at on the two roadways. Many portions of these two roadways exist in un-platted areas where the adjacent parcels are legally described by a meets and bounds legal description. Many of the existing parcels today go to the center or Buschmann Road and Ranchette Drive, indicating that Buschmann Road and Ranchette Drive were never dedicated to the public by platting, and the City has been operating and maintaining these roadways under prescriptive property rights to maintain public infrastructure and roadways. There are also small areas along Buschmann Road where adjacent plats have dedicated the 66-foot Buschmann Road right of way to the public for public use during the platting process of those developments. Within these areas, we are not showing additional right of way acquisition, as Buschmann Road already has a full dedicated 66-foot platted right of way.

In platted areas within Breezy Point, most roadways include a dedicated, public right of way of 66-feet in total width (33-feet from the centerline of the roadway). Providing a quick cursory review of the platted areas in Breezy Point, most of the platted areas in Breezy Point services by a publicly maintained roadway include a platted and dedicated 66-feet total right of way width for the roadways.

At the start of the Buschmann Road and Ranchette Drive project, it was well known that the City should obtain, at a minimum, a dedicated 66-foot roadway and drainage easement for the road improvements on Buschmann Road and Ranchette Drive. This formalizes what consists of the prescriptive roadway rights today into a formal easement for roadway and drainage purposes into the future. This formal easement process was recommended by the City Attorney, so that Buschmann Road and Ranchette Drive no longer operate under the prescriptive rights, as seen today.

Buschmann Road and Ranchette Drive are both, for the most part, following the existing horizontal alignment of both roadways. The vertical alignment of both roadways are being adjusted to promote safety and site distance. The exhibits being prepared will show the proposed horizontal and vertical alignment, the proposed permanent and temporary easement boundary, and the specific impacts to each property as it relates to trees.

Upon execution of the agreement with WSB to go into right of way acquisition, WSB was still operating under the preliminary design phase of the project. The City Council, more recently, authorized WSB to move into the final design phase to produce construction documents and final plans for Buschmann Road and Ranchette Drive. As stated at the City Council meeting, we typically like to run right of way acquisition in conjunction with final design, as we can more accurately present to the public the proposed construction limits and impacts to trees and utilities within the proposed 66-foot easement area. WSB has been working diligently on solidifying the construction limits on the project so that, when one on one meetings with residents occur for right of way acquisition, we are able to more accurately present what the impacts of the proposed road project look like to their specific property. The exhibits being prepared (and that will be presented to the Council), will show the anticipated impacts within the right of way and outline the anticipated tree impacts to each property along both corridors. WSB considers their current design at a 60%-70% level. The scheduled completion date of 60% design and plans was scheduled for September 13, so WSB does consider this project to be ahead of schedule from a design standpoint.

WSB right of way staff have been working to have one-on-one meetings with affected residents on the corridor to start correspondence related to the right of way process and will be presented these same exhibits at future one-on-one meetings with each resident.

Many of the one-on-one meetings held with residents have been successful, and a majority of the residents impacted by the construction of these two roads seem supportive of the project but would like to see layouts and plans of the proposed construction to see how the construction specifically impacts their property. From the other one-on-one meetings that have been able to be scheduled, some of the general concerns from residents include:

- Concerns with loss of trees within the right of way and loss of privacy due to the road improvements.
- Non-support of the project in general or the improvements being proposed.
- The intersection of Ranchette Drive and Buschmann Road and what that looks like in the future.

Many of the concerns that were raised during the one-on-one meetings should be able to be worked through when exhibits are prepared and presented to the residents at future meetings and public engagement sessions.

From an appraisal standpoint, WSB has contracted with two separate appraisal firms. The first appraisal firm prepares an appraisal report for each permanent and temporary easement for the project and reviews the project site with each property owner during that process. The second appraisal firm reviews the appraisal report from the first firm to concur or make recommendations for changed appraisal values due to the impacts from construction and the land value. These appraisal values do account for loss of trees and damages thereto. Once appraisal reports are prepared and the one-on-one meetings between the resident and appraiser is completed, a formal offer will be presented to each property owner. From this point, negotiations and more one-on-one meetings with each resident occur to come to an amenable solution for all parties.

As a reminder, this right of way acquisition process is a negotiation, and WSB will do everything in their power to come to an agreement with property owners that will ease the concerns of each individual property owner through changed design and construction limits, replacement of trees or other facilities impacted during construction, or other amenable solutions to both parties. Each final negotiated package will be presented to the City Council once agreement on the terms of the negotiations is reached.

Future Public Engagement and Open Houses

In the proposed schedule for final design, WSB had planned for an open house on September 25, 2024. This open house is meant to be more one-on-one property owner based for those living directly on Buschmann Road and Ranchette Drive to communicate with the project team, review their specific property and impacts thereto, review the proposed temporary and permanent easement boundaries, and plan for more one-on-one meetings with individual residents. The open house will also be open to the general public not living on Buschmann Road for those curious about the project and wanting to know more about the future of these two roadways.

A third and final open house is currently planned for December, 2024. At this open house, a more detailed construction timeline, phasing plan, and anticipated construction duration will be presented to the public. This open house will be open to the entire general public, and will outline the general anticipated construction timeline for the improvements to Buschmann Road and Ranchette Drive and how it will impacts traffic during construction.