



**Council Agenda Item 25-0724R**

**MEETING DATE:** September 22, 2025

**SUBJECT/TITLE:** RESOLUTION AUTHORIZING A FIRST AMENDMENT TO EASEMENT AGREEMENT AND ACCEPTING A PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM LAUREL ANN SANDERS AND JOHN DONAHUE OVER, UNDER AND ACROSS CERTAIN REAL PROPERTY IN THE FOND DU LAC NEIGHBORHOOD, AT NO COST TO THE CITY.

**SUBMITTED BY:** Danielle Erjavec, Senior Property Services Specialist

**RECOMMENDATION:** Approve

**BOARD/COMMISSION/COMMITTEE RECOMMENDATION:** N/A

**PREVIOUS COUNCIL ACTION:** N/A

**BACKGROUND:** This resolution authorizes a first amendment to easement agreement and accepts an easement from Laurel Ann Sanders and John Donahue ("Grantors") for roadway and utility purposes over, under, and across certain property in the Fond du Lac neighborhood, at no cost to the City.

The Grantors granted an easement for roadway and utility purposes over a portion of its property to the City in 2004. The City had been working with the Grantors on the potential acquisition of their property, including the easement area. During this process, it was discovered that the City's existing easement for Cass St. was inadequate and did not sufficiently include all of the existing road and utilities. Although the City is not moving forward with the acquisition of Grantors' property, Grantors are willing to enter into this first amendment to easement agreement to grant the City the proper rights to operate and maintain the infrastructure, as well as ensure the continued public use of the street.

The City's acquisition of Grantors' property was to be funded through a grant from the State of Minnesota, Department of Public Safety, Homeland Security and Emergency Management (the "Grant"). The Grant funded 75% of the acquisition and demolition costs and the remaining 25% of costs were to be matched by the City and Grantors, largely through a reduction to the sales price. Grantors have now found a buyer to purchase the property without a reduction in the sales price, so the City will not acquire Grantors' property. However, the parties desire to clean up the existing easement to allow for the continuation of public services.

**BUDGET/FISCAL IMPACT:** No

**OPTIONS:** Approve resolution so that the City and public have the proper rights for continued use and maintenance of the street and utilities

**NECESSARY ACTION:** Authorize first amendment to easement agreement and accept easement

**ATTACHMENTS:** Exhibit 1, First Amendment to Easement Agreement; Exhibit 2, Map