



# Dakota County

## Legislation Text

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**File #:** DC-1808, **Version:** 1

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**DEPARTMENT:** Office of the County Manager

**FILE TYPE:** Regular Action

### TITLE

**Authorization Of Settlement Of Claims By Ginnie Weyerhaeuser Arising From County Project 8-21 In City Of West St. Paul**

### PURPOSE/ACTION REQUESTED

Hold a closed executive session.

### SUMMARY

The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

### RECOMMENDATION

The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of January 24, 2023, to discuss the following:

- the legal strategy of defending against Ginnie Weyerhaeuser, as Trustee of the Revocable Trust of Ginnie Weyerhaeuser.

### EXPLANATION OF FISCAL/FTE IMPACTS

Fiscal impact will be discussed in closed session.

- |  |   |                                |
|--|---|--------------------------------|
| <input checked="" type="checkbox"/> None     | <input type="checkbox"/> Current budget       | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | <input type="checkbox"/> New FTE(s) requested |                                |

### RESOLUTION

WHEREAS, in 2019, Dakota County performed County Project 8-21 (Project) to improve County State Aid Highway (CSAH) 8 from CSAH 63 (Delaware Avenue) to Humboldt Avenue in the City of South St. Paul; and

WHEREAS, to accomplish the Project, the County acquired certain easements from Parcel 1, owned by Ginny Weyerhaeuser, as Trustee of the Revocable Trust of Ginnie Weyerhaeuser (Landowner); and

WHEREAS, after completion of the Project, the Landowner alleged certain claims against the County

concerning encroachment and design of the pedestrian trail installed as part of the Project; and

WHEREAS, Dakota County and the Landowner have negotiated a proposed settlement of all claims; and

WHEREAS, having examined the facts and the law, and taking into consideration the uncertain outcome of litigation and potential liability in this matter as weighed against the desirability of achieving finality, a settlement is appropriate; and

WHEREAS, settlement of claims involving the encumbrance of real estate require authorization by the Dakota County Board of Commissioners; and

WHEREAS, the Dakota County Attorney's Office recommends approval of the settlement as a fair and equitable resolution of the potential claims against the County in view of the time, additional expense and risk involved in litigating the claims as in the best interest of the County; and

WHEREAS, under the terms of the proposed settlement, in exchange for a general and complete release of any and all claims against the County, the County will pay Ginnie Weyerhaeuser and the Ginnie Weyerhaeuser Revocable Trust \$16,000.00, inclusive of all attorney fees and costs, for a total settlement amount of \$16,000.00; and

WHEREAS, under the terms of the proposed settlement, and in additional consideration for payment described above, the Landowner will grant the County a permanent easement for trail right-of-way purposes over Parcel 1, as described below:

**A permanent easement for trail purposes over, under and across that part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 28, Range 22, Dakota County, Minnesota, described as follows:**

**Commencing at the southwest corner of said Northwest Quarter, thence East 456.3 feet; thence North 234.21 feet; thence West 456.3 feet to the west line of said Northwest Quarter, thence South 234.51 feet to the place of beginning, except 30 feet taken for Delaware Avenue and 30 feet taken for Wentworth Avenue.**

**Said easement described as follows:**

**Commencing at the southwest corner of said Southwest Quarter of the Northwest Quarter, thence North 00 degrees 08 minutes 21 seconds West along the west line of said Southwest Quarter of the Northwest Quarter a distance of 30.00 feet; thence North 89 degrees 55 minutes 40 seconds East a distance of 30.00 feet to the point of beginning of the easement to be described; thence North 00 degrees 08 minutes 21 seconds West along the east right of way line of Delaware Avenue per Dakota County Road Right of Way Map No. 477 a distance of 11.86 feet; thence South 43 degrees 21 minutes 57 seconds East a distance of 11.41 feet; thence South 88 degrees 03 minutes 35 seconds East a distance of 46.40 feet; thence South 00 degrees 08 minutes 21 seconds East to the north right of way line of Wentworth Avenue per Dakota County Road Right of Way Map No. 477 a distance of 1.93 feet; thence South 89 degrees 55 minutes 40 seconds West a distance of 54.18 feet along said north right of way line of**

**Wentworth Avenue to the point of beginning.**

**Said Easement containing approximately 188 square feet.**

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the full and final settlement with Ginnie Weyerhaeuser and the Ginnie Weyerhaeuser Revocable Trust, inclusive of all costs and attorney fees, for the payment of \$16,000.00; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners further authorizes the County Attorney and County Transportation Department to execute all of the necessary documents, including those necessary to effectuate the acquisition of the above-described trail easement, to settle the matter on behalf of Dakota County.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

- |   |  |
|---|--|
| <input type="checkbox"/> A Great Place to Live                    | <input type="checkbox"/> A Healthy Environment                   |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

**PUBLIC ENGAGEMENT LEVEL**

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

**CONTACT**

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