

**CITY OF TONKA BAY  
ITEM NO. 9A**

# Memo

**To:** Honorable Mayor and City Council  
**From:** Joe Kohlmann, City Administrator  
**Date:** November 13, 2012  
**Re:** Lot Split Request

There are two parcels of land which are a part of the Registered Land Survey No. 592: 1) Parcel 1 (75 Pleasant Avenue) is owned by Pete Seamans; 2) Parcel 2 (26 Lilah Lane), owned by Kevin and Kim Seamans. They are the applicants; 3) Parcel 3 (20 Lilah Lane), which was owned by Kevin and Pete's father, William, who is deceased.

The applicants wish to move the lot line on Parcel 2 30 feet to the north. This is an R-1A, Single Family Residential Zoning District with the following lot requirements:

Lot Area: 20,000 square feet  
 Lot Width: 75 feet

EXISTING AND PROPOSED LOT DIMENTSIONS				
ADDRESS	LOT AREA		LOT WIDTH	
	EXISTING	PROPOSED	EXISTING	PROPOSED
Parcel 1 75 Pleasant Ave	22,306	22,306	150 ft.	150 ft.
Parcel 2 26 Lilah Lane		33,445 sq. ft.		197.18 ft.
Parcel 3 20 Lilah Lane		41,882 sq. ft.		174.19 ft.

**CITY CODE**

City Ordinance 127, Section 1, Subd. F exceptions:

When requesting a subdivision, if the following conditions exist, the City Clerk shall bring the request to the attention of the City Council, Whereupon the said

request shall be reviewed and the City Council may except the subdivider from complying with any procedural requirements of this Ordinance that are deemed appropriate.

**Council Action Requested:**

If the City Council finds that the application for the lot split meets the requirements of the City Code, they should adopt the attached resolution for the proposal.

**RESOLUTION NO. 12-**

**A RESOLUTION APPROVING SIMPLE SUBDIVISION REQUEST –  
LOT SPLIT/COMBINATION  
KEVIN SEAMANS AND KIM SEAMANS, 26 LILAH LANE**

WHEREAS, Kevin Seamans and Kim Seamans have made application for a simple subdivision – lot split/combination for 26 Lilah Lane which is located in an R-1A Single Family Residential Zoning District; and

WHEREAS, the existing parcel is legally described as:

The South 100.00 feet (as measured at right angles) of Tract G, Registered Land Survey No. 592

WHEREAS, Section 1030, Subdivision 5, Exceptions, of the Tonka Bay Subdivision Ordinance states that “when requesting a subdivision, if the following conditions exist, the City Clerk shall bring the request to the attention of the City Council, whereupon the said request shall be reviewed and the City Council may exempt the subdivider from complying with any procedural requirements of the ordinance that are deemed appropriate;” and

WHEREAS, Section 1030, Subd. 5.1, Simple Subdivision, of the Tonka Bay Subdivision Ordinance states that “in the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot or any structure to be in violation with this ordinance or the zoning ordinance;” and

WHEREAS, the request is to move the northerly lot line of 26 Lilah Lane to the north thirty feet; and

WHEREAS, the proposed lot split/combination will not cause any violations of the setback requirements, minimum lot width or lot area requirements for the R-1A Single Family Residential Zoning District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tonka Bay that the above-referenced property be divided as follows:

**A. PARCEL A (26 LILAH LANE)**

The South 130.00 feet (as measured at right angles) of Tract G, Registered Land Survey No. 592

**B. PARCEL B (20 LILAH LANE)**

That part of Tract G lying North of the South 130.00 feet (as measured at right angles), and except the Westerly 148.70 feet of the Northerly 148.70 feet thereof, Registered Land Survey No. 592

PASSED at a regular meeting of the Tonka Bay City Council this 13th day of November, 2012.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_

Roll Call Vote:

Ayes –  
Nays –  
Absent –

\_\_\_\_\_  
William LaBelle, Mayor

ATTEST:

\_\_\_\_\_  
Joseph Kohlmann, Clerk/Administrator

# Certificate of Title

Certificate Number: 1215089

Created by Document Number: 4448047

Transfer From Certificate Number: 862067

Originally registered April 6, 1948 Volume: 418, Certificate No: 128486, District Court No: 8483

State of Minnesota } s.s. Registration  
County of Hennepin }

This is to certify that

Kevin L. Seamans and Kimball R. Seamans, Trustees of the Kevin L. Seamans Trust Agreement dated June 21, 2007, whose address is 26 Lilah Lane, Tonka Bay, Minnesota, 55331

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

The South 100 feet (as measured at right angles) of Tract G, Registered Land Survey No. 592.

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes chapter 508, namely:

1. Liens, claims, or rights arising under the laws of the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

Memorials				
Document Number	Document Type	Date of Filing Month Day, Year Time	Amount (\$)	Running in Favor Of
3488002	Mortgage	Jan 18, 2002 12:00 PM	\$190,000.00	Liberty Savings Bank FSB City of St. Cloud, State of Minnesota
3510494	Assignment of Mortgage	Mar 5, 2002 1:00 PM		Principal Residential Mortgage, Inc., (a IA corp), 699 Walnut, City of Des Moines, State of Iowa Assigns document no(s). 3488002.0
3550662	Mortgage	May 28, 2002 1:00 PM	\$85,700.00	TCF National Bank City of Minneapolis, State of Minnesota

Indexes Verified through 9/27/2012



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office this 20th day of November, 2007.

Michael H. Cunniff  
Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.



October 12, 2012

Mr. and Mrs. Kevin Seamans  
26 Lilah Lane  
Tonka Bay, Minnesota 55331

**Re: Pre-Application Review for a Proposed Lot Subdivision/Lot Combination at 26 Lilah Lane**  
WSB Project No. 01987-130

Dear Mr. and Mrs. Seamans:

Thank you for your pre-application submittal for the lot subdivision/lot combination at 26 Lilah Lane. Your preliminary submittal is fairly complete; however, there are a few items that need to be modified as part of your official application. Please know that we do our best not to miss anything in our preliminary review, but we cannot give you a complete analysis until the actual application is before us.

**1. UPDATED SURVEY REQUIREMENTS**

- Update the survey to correct a typo showing the “North Line of South 150.00 feet of Tract G” to read the “North Line of South 130.00 feet of Tract G”.
- Provide legal descriptions for the existing parcels 2 and 3.

Please feel free to give either of us a call or send us an e-mail with any questions you may have about this review.

Sincerely,

*WSB & Associates, Inc.*

Justin Messner, PE  
City Engineer

Kelsey Johnson, AICP  
City Planner

cc: Joe Kohlmann, City Administrator, City of Tonka Bay  
Jim Penberthy, City Attorney, City of Tonka Bay