



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Details (With Text)

File #:	MO 22-019	Version:	1	Name:	Settlement Agreement
Type:	Motion	Status:		Status:	Agenda Ready
File created:	1/19/2022	In control:		In control:	City Council
On agenda:	1/19/2022	Final action:		Final action:	
Title:	Consider Approval of a Settlement Agreement Reached in the Larson Properties, LLC and Citi-Cargo & Storage Company, Inc. v. City of Blaine Civil Litigation				
Sponsors:	Erik Thorvig				
Indexes:					
Code sections:					
Attachments:	1. Final Settlement Agreement				

Date	Ver.	Action By	Action	Result
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Consent - Erik Thorvig, Community Development Director

Title

Consider Approval of a Settlement Agreement Reached in the Larson Properties, LLC and Citi-Cargo & Storage Company, Inc. v. City of Blaine Civil Litigation

Executive Summary

The Council is asked to consider approval of a settlement agreement reached in the Larson Properties, LLC and Citi-Cargo & Storage Company, Inc. v. City of Blaine civil litigation. City staff recommends approval of the settlement agreement.

Background

In early 2020, the City alerted Larson Properties, LLC (“Larson”), owner of 1801 Radisson Road (the “Property”), to ongoing unlawful outdoor storage occurring on the Property. Larson, its tenant Citi-Cargo & Storage Company, Inc. (“Citi”), and the City engaged in dialogue on the issue, with Larson/Citi ultimately applying to rezone the Property in September 2020. The City Council denied Larson/Citi’s application for rezoning in November 2020. Following denial of their rezoning application, Larson/Citi cargo sued the City, alleging outdoor storage constituted a legal, nonconforming use of the Property and the City unlawfully denied its rezoning application. The City counterclaimed, seeking an injunction to prohibit continued outdoor storage on the Property.

The parties engaged in litigation throughout 2021 and reached a resolution to the matter in November 2021. The resolution is memorialized in the attached Settlement Agreement. Pursuant to the Settlement Agreement, Larson/Citi cargo waive any claim that outdoor storage of semitrailers and shipping containers greater than the number of docks/bay doors on site constitutes a legal, nonconforming use of the Property. The City agrees to not engage in enforcement regarding the unlawful use for eight years, to allow Larson/Citi cargo time to adjust their business practices accordingly. By January 1, 2030, the Property must be in compliance with the outdoor storage requirements.

The parties consider the Settlement Agreement a fair and reasonable resolution of the litigation, and City staff recommends the City Council approve the Settlement Agreement as drafted by Counsel.

Strategic Plan Relationship

Not applicable.

Board/Commission Review

Not applicable.

Financial Impact

None.

Public Outreach/Input

Not applicable.

Staff Recommendation

By motion, approve the settlement agreement.

Attachment List

Final Settlement Agreement