



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Details (With Text)

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

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**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