

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2013 – 106A

**A RESOLUTION VACATING A PERMANENT PUBLIC UTILITY EASEMENT AND
AGREEMENT**

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City Council previously passed Resolution No. 2013-90A noting its interest in vacating pursuant to Minnesota Statute § 412.851 a Permanent Public Utility Easement and Agreement on the subject property legally described as:

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, according to the United States Government Survey thereof and situated in Washington County, Minnesota;

and

WHEREAS, that said public utility easement located in the City of Lake Elmo, County of Washington, State of Minnesota is described as follows, to-wit:

A perpetual easement for public utility purposes over, under and across the following described property:

Over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said perpetual easement lies northerly and easterly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 40.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.64 feet; thence South 87 degrees 08 minutes 18 seconds East a distance of 187.72 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 483.28 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 424.06 feet to the south line of said north 474,06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.

and setting a public hearing to consider the vacation of such street; and

WHEREAS, a public hearing to consider the vacation of such street was held on the third day of December, 2013, before the City Council in the City Hall located at 3800 Laverne Avenue North at 7:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the seventh day of November, 2013, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest by promoting disciplined and balanced market-driven growth; and

WHEREAS, four-fifths of all members of the City Council concur in this resolution;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON, MINNESOTA, that such petition for vacation is hereby granted and the easement described as follows is hereby vacated:

A perpetual easement for public utility purposes over, under and across the following described property:

Over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said perpetual easement lies northerly and easterly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 40.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.64 feet; thence South 87 degrees 08 minutes 18 seconds East a distance of 187.72 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 483.28 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 424.06 feet to the south line of said north 474,06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF DECEMBER, 2013.

EFFECTIVE DATE: _____

	AYES	NAYS
_____ Mike Pearson, Mayor	_____	_____
_____ Wally Nelson, Council Member	_____	_____
_____ Anne Smith, Council Member	_____	_____
_____ Justin Bloyer, Council Member	_____	_____
_____ Mike Reeves, Council Member	_____	_____

Approved:

CITY OF LAKE ELMO

By: _____

Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk