

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

RESOLUTION NO. 2014-033

*A RESOLUTION VACATING A PORTION OF 12TH STREET WITHIN THE MYRON ELLMAN
SUBDIVISION*

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

WHEREAS, a request has been made to the Lake Elmo City Council pursuant to Minnesota Statutes §412.851 to vacate the existing road right-of-way south of Lot 9, Block 2 of the Myron Ellman Subdivision, described as follows:

That part of Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota which lies westerly of a line described as COMMENCING at the southeast corner of Lot 10, Block 1, said addition; thence westerly along the south line of said Lot 10 a distance of 15.00 feet to the point of BEGINNING of the line to be described; thence southwesterly to a point on the south line of said Twelfth Street as dedicated on said plat distant 30.00 feet westerly of the intersection of the south line of said Twelfth Street as dedicated on said plat and the southerly extension of the east line of said Lot 10 and said line there terminating. Containing 5,198 SQ.FT. more or less.

AND

That part of Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota described as lying easterly of a line which is 15.00 feet easterly and parallel with the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION. Containing 5,417 SQ.FT. more or less,

WHEREAS, an associated request has been made to the City Council to dedicate new drainage and utility easements in replacement of the proposed right-of-way dedication, described as follows:

An easement for drainage and utility purposes over, under and across that part of vacated Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota described as lying westerly of a line described as COMMENCING at the southeast corner of Lot 10, Block 1, said addition; thence westerly along the south line of said Lot 10 a distance of 15.00 feet to the point of BEGINNING of the line to be described; thence southwesterly to a point on the south line of said Twelfth Street as dedicated on said plat distant 30.00 feet westerly of the intersection of the south line of said Twelfth Street as dedicated on said plat and the southerly extension of the east line of said Lot 10 and said line there terminating.

AND

An easement for drainage and utility purposes over, under and across that part of vacated Twelfth Street described as lying easterly of a line which is 15.00 feet easterly and parallel with the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION

WHEREAS, the Community Development Director reviewed and examined the signatures on said request and determined that such signatures constituted the majority of the landowners abutting upon the portion of easement to be vacated and rededicated; and

WHEREAS, a public hearing to consider the vacation and rededication of drainage and utility easements was held on the 20th day of May 2014 before the City Council in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given, as well as personal mailed notice to all property owners within Myron Ellman Subdivision by the Community Development Director on the 9th of May 2014 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because the vacated right-of-way will not be needed for any future street connections to serve properties within or adjacent to the Myron Ellman Subdivision and because the vacation will allow the adjacent property owners an expanded use of their properties.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of existing right-of-way and the dedication of a new drainage and utility easements is hereby approved in accordance with the property descriptions provided above and provide the following condition is met:

- 1) The petitioners shall record with Washington County the drainage and utility easements to be retained by the City as described in the survey from Cornerstone Land Surveying, Inc. dated May 15, 2015.

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 Council this 20th day of May 2014.

Mike Pearson, Mayor

Attest:

Adam Bell, City Clerk