

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

RESOLUTION NO. 2015 – 43

A RESOLUTION VACATING A PERMANENT PUBLIC ROADWAY AND UTILITY EASEMENT

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

WHEREAS, the City Council previously passed Resolution No. 2015-32, noting its interest in vacating Permanent Public Roadway and Utility Easement pursuant to Minnesota Statute § 412.851 on the subject property legally described as:

Lots 1, 2, and 3, Block 2, Lots 1, 2, 3, and 4, Block 4, and Outlots D and E, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

and

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

That part of a 120.00 foot wide easement for public roadway and utility purposes created by document number 3967889, lying over, under, and across Lots 1, 2, and 3, Block 2, Lots 1, 2, 3, and 4, Block 4, and Outlots D and E, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of section 36, township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 41 4.09 feet to the point of beginning of said centerline; thence North 89 degrees 48 minutes 29 seconds East, a distance of 238.45 feet; thence southeasterly a distance of 176 .86 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet along a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

and setting a public hearing to consider the vacation of such portion of park land; and

WHEREAS, a public hearing to consider the vacation of such street was held on the 2nd day of June, 2015, 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 11th day of May, 2015, 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 allowing the final plat to be recorded, and the second addition final plat will include separate drainage and utility easements for each lot consistent with the City's Subdivision Ordinance.

WHEREAS, at least 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:

That part of a 120.00 foot wide easement for public roadway and utility purposes created by document number 3967889, lying over, under, and across Lots 1, 2, and 3, Block 2, Lots 1, 2, 3, and 4, Block 4, and Outlots D and E, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of section 36, township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 41 4.09 feet to the point of beginning of said centerline; thence North 89 degrees 48 minutes 29 seconds East, a distance of 238.45 feet; thence southeasterly a distance of 176 .86 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet along a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along

a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

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.

This Resolution shall become effective upon its passage and without publication.

ADOPTED THIS SECOND DAY OF JUNE 2015.

	AYES	NAYS
_____ Mike Pearson, Mayor	_____	_____
_____ Justin Bloyer, Council Member	_____	_____
_____ Julie Fliflet, Council Member	_____	_____
_____ Jill Lundgren, Council Member	_____	_____
_____ Anne Smith, Council Member	_____	_____

Approved:

CITY OF LAKE ELMO

(Seal)

By: _____

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk